



AGENDA

ORDINARY MEETING OF COUNCIL

Tuesday, 19 March 2019

To be held Swan Hill Town Hall,
Meeting Room 1
McCallum Street, Swan Hill
Commencing at 6:00 PM

COUNCIL:

Cr A Young – Mayor

Cr LT McPhee

Cr GW Norton

Cr C Jeffery

Cr L Johnson

Cr B Moar

SECTION A – PROCEDURAL MATTERS	3
SECTION B – REPORTS.....	7
B.19.16 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF	7
B.19.17 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER.....	50
B.19.18 TRAVEL BY COUNCILLORS POLICY AND PROCEDURE.....	59
B.19.19 INTERSTATE AND OVERSEAS TRAVEL	66
B.19.20 TYNTYNDER SOUTH – ROAD DISCONTINUANCES	68
B.19.21 PLANNING APPLICATION 2018/106 – USE AND DEVELOPMENT OF THE LAND FOR A LICENSED PREMISES (PACKAGE LIQUOR) IN PUBLIC USE ZONE 1 AND ALTER ACCESS TO A ROAD IN ROAD ZONE, CATEGORY 1.....	75
B.19.22 PLANNING APPLICATION 2018/147 – USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDING AND SUBDIVISION OF LAND (BOUNDARY REALIGNMENT) IN THE FARMING ZONE AFFECTED BY THE LAND SUBJECT TO INUNDATION OVERLAY.....	97
B.19.23 RECREATION IMPLEMENTATION PLAN 2019- 2028.....	127
B.19.24 ROBINVALE EUSTON FOOTBALL NETBALL CLUB REQUEST FOR FINANCIAL ASSISTANCE	151
B.19.25 ROBINVALE ARENA MOTO CROSS TRACK PROJECT.....	157
SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION	162
C.19.3 SIGN & SEAL REPORT	162
C.19.4 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS	164
SECTION D – NOTICES OF MOTION.....	168
SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA.....	168
SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS	168
SECTION G – IN CAMERA ITEMS	169
B.19.15 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT	169

SECTION A – PROCEDURAL MATTERS

- **Open**

- **Acknowledgement of Country**

- **Prayer**

- **Apologies**

- **Affirmation of Office and Declaration**

The Chief Executive Officer, John McLinden to conduct the signing of the Affirmation of Office and the Code of Conduct declaration.

Councillor elect Jade Benham to take the Affirmation of Office and declaration.



Swan Hill Rural City Council

Affirmation of Office

Jade Benham

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Swan Hill Rural City and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act, to the best of my skill and judgement.

_____/____/2019

Signed
Jade Benham

_____/____/2019

Witness
John McLinden, Chief Executive Officer
Swan Hill Rural City Council

COUNCILLOR CODE OF CONDUCT



Declaration by Councillor

I, Councillor Jade Benham hereby declare that I have read the Councillor Code of Conduct for Swan Hill Rural City Council, adopted on 21 February 2017, and declare that I will abide by this Code.

Signed (Cr)

Date

Witnessed by:

John McLinden, Chief Executive Officer

Signed (CEO)

Dated

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 19 February 2019
- 2) Extraordinary Council Meeting held on 13 March 2019

- **Declarations of Conflict of Interest**

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

- **Public Question Time**

SECTION B – REPORTS

B.19.16 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 19-12-18
2 S6 Delegation to Members of Staff

Declarations of Interest:

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

Summary

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

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

The vast majority of the delegations have not changed.

Some new Acts 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 authorisations 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 summarised 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.**



Maddocks

Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

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

DX 259 Melbourne

Email Letter

<p>From Bronte Wright</p> <p>Direct 03 9258 3832</p> <p>Partner Melanie Olynyk</p>	<p>Date 19 December 2018</p> <p>Email bronte.wright@maddocks.com.au</p>
---	---

Our Ref : MSB:BWW:628721

Dear subscriber

Delegations and Authorisations Service Update Second Full Update for 2018

We are pleased to provide you with our second full update to the Delegations and Authorisations Service for 2018. This update takes into account legislative changes which were assented to, or made, after 25 June 2018, which affect councils' powers, duties and functions.

The update is contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>.


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

Changes Made In This Update

This update amends our S6, S7, S11, S12, S13 and S14 Instruments. We have outlined *some* of the changes to each instrument below. We note that our update only includes Acts and Regulations which were assented to, or made, before 15 November 2018. This update also includes a new template, our S15 Instrument of Appointment and Authorisation of Council's Freedom of Information Officer.

1. **Introduction of the S15 Instrument of Appointment and Authorisation of Council's FOI Officer (S15)**
 - 1.1 Following feedback from a number of councils concerning their own practices, we have undertaken a review of the powers, duties and functions under the *Freedom of Information Act 1982 (Vic) (FOI Act)*. We have decided to introduce a new template specifically for FOI Officers. This authorises them to make decisions on requests made under ss 17 and 39 of the FOI Act, pursuant to ss 26 and 44 of the FOI Act. Separate to this, there are also powers of Council and of a council's chief executive officer (CEO) (as principal officer) that have been included in our S7 and S13 templates, respectively. These additional powers should also be delegated to FOI Officers.
2. **Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)**
 - 2.1 Our S6 template has changed in the following ways:

[628721:22934100_1]



Maddocks

- 2.1.1 part of the footnote relating to s 181H of the *Local Government Act 1989* (Vic) (**LGA**) has been removed. The reason for this is explained at paragraph 6.1.2 below; and
- 2.1.2 s 46AS of the *Planning and Environment Act 1987* (Vic) (**P&E Act**) was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (Vic). The new s 46AS does not contain a council power, duty or function and, therefore, has been removed from our S6 template.
- 3. Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff (S7)**
- 3.1 In relation to our S7 template, we note that:
- 3.1.1 s 138(5) of the *Building Act 1993* (Vic) (**Building Act**) has been inserted, as has sch 2 cl 4A(2)(b);
- 3.1.2 a number of powers, duties and functions have been included under the *Child Wellbeing and Safety Act 2005* (Vic) (**CWS Act**) because of the *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic) (**CWS Regulations**). Regulation 5 of the CWS Regulations prescribes 'a council to the extent that it provides maternal and child health programs' as being an information sharing entity under the CWS Act ;
- 3.1.3 s 108(1)(d)(ii) of the *Electoral Act 2002* (Vic) (**Electoral Act**) has been included because of an amendment to r 27(2) of the *Electoral Regulations 2012* (Vic) (**attached**), which now prescribes councils to be service providers for the purposes of s 108(1)(d)(ii) of the Electoral Act;
- 3.1.4 the *Family Violence Protection Act 2008* (Vic) (**FVP Act**) has been inserted because of the *Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018* (Vic) (**FVP Risk Management Regulations**). Regulation 9 of the FVP Risk Management Regulations amends r 5 of the *Family Violence Protection (Information Sharing) Regulations 2018* (Vic) (**FVP Info Sharing Regulations**) to prescribe 'a Council to the extent it provides maternal and child health programs' as an 'information sharing entity' under the FVP Act. The FVP Risk Management Regulations also insert a new r 17 into the FVP Info Sharing Regulations which prescribes 'a Council to the extent that it provides maternal and child health programs' as a 'framework organisation' under the FVP Act;
- 3.1.5 we have included powers of a council as an agency under the FOI Act. These relate to powers under Parts II, VI and VIA of the FOI Act;
- 3.1.6 some powers, duties and functions have been included under the LGA regarding cladding rectification agreements. We note that, under s 185L of the LGA, the duty to declare a cladding rectification charge can be delegated to a council's CEO. However, this has not been included in our S7 because it cannot be sub-delegated; and
- 3.1.7 some functions have been inserted under the *Marine and Coastal Act 2018* (Vic).
- 4. Changes to the S11 Instrument of Appointment and Authorisation (S11)**
- 4.1 Sections 147 and 148 of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**) were substituted by s 22 of the *Health and Child Wellbeing Legislation Amendment Act 2018* (Vic). As such, s 147(1)(b)(i) of the PHW Act has been removed from our S11 template to reflect this change.



Maddocks

Updating Your Instruments

As a final comment, we recommend that you re-make all of your Council delegations regularly to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation to The Chief Executive Officer.

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

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner

S6 Instrument of Delegation - Members of Staff

Preamble

Instrument of Delegation

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

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

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

Titles

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

- WM: Works Manager

3. declares that:

3.1 this Instrument of Delegation is authorised by Council passed on 19 March 2019 and

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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

Chief Executive Officer

John McLinden_____
(Print Name)

Councillor_____

Councillor_____

(Print Name)_____

(Print Name)_____

Delegation Sources

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	AO, DDP, PHRSC	Council may delegate this power to a Council authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	EHO, PHRSC	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	EHO, PHRSC	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EHO, PHRSC	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EHO, PHRSC	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EHO, PHRSC	Refusal must be ratified by Council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DDP, EHO, PHRSC	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DDP, EHO, PHRSC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DDP	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDP, EHO, PHRSC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, PHRSC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, PHRSC	If s 19(1) applies

Food Act 1984			
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DDP, EHO, PHRSC	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DDP, EHO, PHRSC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DDP, EHO, PHRSC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, PHRSC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, PHRSC	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, PHRSC	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DDP, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, PHRSC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHO, PHRSC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO, PHRSC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, PHRSC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DDP, EHO, PHRSC	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, PHRSC	Where Council is the registration authority
	Power to register, renew or transfer registration	DDP, EHO, PHRSC	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 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	EHO, PHRSC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	ND	Where Council is the registration authority

Food Act 1984			
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, PHRSC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, PHRSC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, PHRSC	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, PHRSC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, PHRSC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, PHRSC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, PHRSC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DDP, EHO, PHRSC	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, PHRSC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, PHRSC	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	DDP, EHO, PHRSC	Where Council is the registration authority Only if satisfied of matters in s 39A(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 Public Health and Wellbeing Act 2008	EHO, PHRSC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, PHRSC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	ND	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO, PHRSC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DDP, PHRSC	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO, PHRSC	Where Council is the registration authority
Heritage Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations

Heritage Act 2017			
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DDP, DM	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	ND	
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	ND	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DDP, DM, PO, PP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	DDP, DM, PO, PP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DDP, DM, PO, PP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DDP, DM, PP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	ND	
s 8A(5)	Function of receiving notice of the Minister's decision	DDP, DM, PP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DDP, DM	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DDP, DM, PP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DDP, DM, PO, PP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	ND	
s 12B(1)	Duty to review planning scheme	ND	

Planning and Environment Act 1987			
s 12B(2)	Duty to review planning scheme at direction of Minister	ND	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	ND	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	ND	
s 17(1)	Duty of giving copy amendment to the planning scheme	DDP, DM, PO, PP	
s 17(2)	Duty of giving copy s 173 agreement	DDP, DM, PO, PP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DDP, DM, PO, PP	
s 18	Duty to make amendment etc. available	DDP, DM, PO, PP	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 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 s 19	CEO, DDP, DM, PP	
s 21(2)	Duty to make submissions available	DDP, DM, PO, PP	
s 21A(4)	Duty to publish notice	DDP, DM, PO, PP	
s 22	Duty to consider all submissions	CEO, DDP	Except submissions which request a change to the items in s 22(5)(a) and (b)
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 s 96D)	DDP, DM, PO, PP	
s 26(1)	Power to make report available for inspection	DDP, DM, PP	
s 26(2)	Duty to keep report of panel available for inspection	DDP, DM, PO, PP	
s 27(2)	Power to apply for exemption if panel's report not received	DDP, DM, PP	
s 28	Duty to notify the Minister if abandoning an amendment	DDP, DM, PP	Note: the power to make a decision to abandon an amendment cannot be delegated

Planning and Environment Act 1987			
s 30(4)(a)	Duty to say if amendment has lapsed	DDP, DM, PO, PP	
s 30(4)(b)	Duty to provide information in writing upon request	DDP, DM, PO, PP	
s 32(2)	Duty to give more notice if required	DDP, DM, PO, PP	
s 33(1)	Duty to give more notice of changes to an amendment	DDP, DM, PO, PP	
s 36(2)	Duty to give notice of approval of amendment	DDP, DM, PO, PP	
s 38(5)	Duty to give notice of revocation of an amendment	DDP, DM, PP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	ND	
s 40(1)	Function of lodging copy of approved amendment	DDP, DM, PO, PP	
s 41	Duty to make approved amendment available	DDP, DM, PO, PP	
s 42	Duty to make copy of planning scheme available	DDP, DM, PM, PO	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	ND	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CEO, DDP	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DDP, DM	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DDP, DM, PO, PP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DDP, DM, PO, PP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DDP, DM	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDP, DM	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDP, DM	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DDP, DM	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDP, DM	
s 46GP	Function of receiving a notice under s 46GO	DDP, DM	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DDP, DM	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DDP, DM	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDP, DM	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	ND	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DDP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DDP	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DDP, PM	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DDP, PM	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DDP, PM	
s 46GV(3)	fFunction of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DDP, PM	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDP, PM	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDP, PM	Where Council is the development agency

Planning and Environment Act 1987			
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDP, PM	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DDP, DM	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DDP, DM	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DDP, DM	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DDP, DM	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DCS, DDP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	DCS, DDP	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DCS, DDP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DCS, DDP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	DDP, DM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council

Planning and Environment Act 1987			
			is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DDP, DI, FM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DDP, DI, FM	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DDP, DI, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DDP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DDP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is

Planning and Environment Act 1987			
			also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DDP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	DDP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DDP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DDP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DDP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DDP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DDP, DM	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is

Planning and Environment Act 1987			
			also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DDP, DM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DDP, DM	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DCS, DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DCS, DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DCS, DDP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DDP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DDP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DCS, DDP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DDP, DM, PO, PP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DDP, DM, PO, PP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure	DDP, DM, PP	

Planning and Environment Act 1987			
	levy		
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DDP, DM, PP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, PP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DDP, DM, PP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDP, DM, PP	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCS, DM, PO, PP, SRO	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DDP, DM, PP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DDP, DM, PP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DDP, DM, PP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	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	ND	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ND	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, PO, PP	
s 49(2)	Duty to make register available for inspection	DDP, DM, PO, PP	

Planning and Environment Act 1987			
s 50(4)	Duty to amend application	DDP, DM, PO, PP	
s 50(45)	Power to refuse to amend application	DDP, DM, PP	
s 50(6)	Duty to make note of amendment to application in register	DM, PO, PP	
s 50A(1)	Power to make amendment to application	DDP, DM, PO, PP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, PO, PP	
s 50A(4)	Duty to note amendment to application in register	DDP, DM, PO, PP	
s 51	Duty to make copy of application available for inspection	DDP, DM, PO, PP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DDP, DM, PO, PP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	DDP, DM, PO, PP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DDP, DM, PO, PP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DDP, DM, PO, PP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DDP, DM, PO, PP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DDP, DM, PO, PP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DDP, DM, PO, PP	
s 52(3)	Power to give any further notice of an application where appropriate	DDP, DM, PO, PP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DDP, DM, PO, PP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DDP, DM, PO, PP	
s 54(1)	Power to require the applicant to provide more information	DDP, DM, PO, PP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DDP, DM, PO, PP	
s 54(1B)	Duty to specify the lapse date for an application	DDP, DM, PO, PP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DDP, DM, PO, PP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DDP, DM, PO, PP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DDP, DM, PM, PO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DDP, DM, PP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DDP, DM, PO, PP	

Planning and Environment Act 1987			
s 57(5)	Duty to make available for inspection copy of all objections	DDP, DM, PO, PP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DDP, DM, PO, PP	
s 57A(5)	Power to refuse to amend application	DDP, DM, PP	
s 57A(6)	Duty to note amendments to application in register	DDP, DM, PO, PP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DDP, DM, PO, PP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DDP, DM, PO, PP	
s 57C(1)	Duty to give copy of amended application to referral authority	DDP, DM, PO, PP	
s 58	Duty to consider every application for a permit	DDP, DM, PO, PP	
s 58A	Power to request advice from the Planning Application Committee	DDP, DM, PO, PP	
s 60	Duty to consider certain matters	DDP, DM, PO, PP	
s 60(1A)	Duty to consider certain matters	DDP, DM, PO, PP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DDP, DM, PO, PP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DDP, DM, PP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DDP, DM, PP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, DDP, DM, PO, PP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DDP, DM, PO, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DDP, DM, PO, PP	
s 62(2)	Power to include other conditions	DDP, DM, PO, PP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, PM, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DDP, DM, PO, PP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DDP, DM, PO, PP	

Planning and Environment Act 1987			
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, PO, PP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DDP, DM, PO, PP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DDP, DM, PO, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, PO, PP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, PO, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DDP, DM, PO, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DDP, DM, PM, PO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DDP, DM, PP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PO, PP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DDP, DM, PO, PP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DDP, DM, PM, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DDP, DM, PP	

Planning and Environment Act 1987			
s 69(2)	Power to extend time	DDP, DM, PO, PP	
s 70	Duty to make copy permit available for inspection	DDP, DM, PP	
s 71(1)	Power to correct certain mistakes	DDP, DM, PP	
s 71(2)	Duty to note corrections in register	DDP, DM, PO, PP	
s 73	Power to decide to grant amendment subject to conditions	DDP, DM, PO, PP	
s 74	Duty to issue amended permit to applicant if no objectors	DDP, DM, PO, PP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, PP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DDP, DM, PP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DDP, DM, PO, PP	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, PM, 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(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DDP, DM, PO, 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
s 76D	Duty to comply with direction of Minister to issue amended permit	DDP, DM, PO, PP	
s 83	Function of being respondent to an appeal	DDP, DM, PP	
s 83B	Duty to give or publish notice of application for review	CEO, DDP, DM, PP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DDP, DM, PP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DDP, DM, PO, PP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its	DDP, DM, PP	

Planning and Environment Act 1987			
	failure to grant a permit		
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DDP, DM, PP	
s 84AB	Power to agree to confining a review by the Tribunal	DDP, DM, PO, PP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DDP, DM, PP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DDP, DM, PP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DDP, DM, PP	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DDP, DM, PP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DDP, DM, PP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DDP, DM, PO, PP	
s 93(2)	Duty to give notice of VCAT order to stop development	DDP, DM, PO, PP	
s 95(3)	Function of referring certain applications to the Minister	DDP, DM, PO, PP	
s 95(4)	Duty to comply with an order or direction	DDP, DM, PO, PP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DDP, DM, PO, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DDP, DM, PO, PP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DDP, DM, PO, PP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DDP, DM, PO, PP	
s 96F	Duty to consider the panel's report under s 96E	DDP, DM, PP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	DDP, DM, PP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DDP, ND	
s 96J	Power to issue permit as directed by the Minister	DDP, DM, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DDP, DM, PO, PP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DDP, DM, PO, PP	

Planning and Environment Act 1987			
s 97C	Power to request Minister to decide the application	CEO, ND	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DDP, DM, PP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DDP, DM, PP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CEO, DDP, DM, PP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DDP, DM, PP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DDP, DM, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DDP, DM, PP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DDP, DM, PP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DDP, DM, PP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DDP, DM, PP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DDP, DM, PP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DDP, DM, PP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DDP, DM, PP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DDP, DM, PP	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DDP, DM, PP	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DDP, DM, PP	
s.107(1)	function of receiving claim for compensation	CEO, DDP, DM, PP	
s 107(3)	Power to agree to extend time for making claim	CEO, DDP, DM, PP	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DDP, DM, PP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DDP, DM, PO, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DDP, DM, PO, PP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DDP, DM, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DDP, DM, PP	Except Crown Land
s 129	Function of recovering penalties	DDP, DM, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DDP, DM, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DDP	

Planning and Environment Act 1987			
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 s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DDP, DM, PP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DDP, ND	
s 171(2)(g)	Power to grant and reserve easements	CEO, DDP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DDP	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DDP	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DDP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DDP, DI, DM, EPAM, PP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DDP, DI, DM, EPAM, PP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, DDP, DM, ND	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DDP, DM, ND	
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	DDP, DM, ND	
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	

Planning and Environment Act 1987			
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DDP	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DDP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, PP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DDP, DM, PP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DDP, DM, PP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DDP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DDP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DDP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DDP	
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	

Planning and Environment Act 1987			
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DDP	
s 179(2)	Duty to make available for inspection copy agreement	DDP, DM, PO, PP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DDP, DM, PP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DDP, DM, PP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DDP, DM, PP	
s 182	Power to enforce an agreement	CEO, DDP, DM, PP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DDP, DM, PO, PP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DDP	
s 184F(2)	Duty not to amend or end the agreement or give 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	
s 184G(3)	Duty to give notice as directed by the Tribunal	DDP, DM, PP	
s 198(1)	Function to receive application for planning certificate	DDP, DM, PO, PP	
s 199(1)	Duty to give planning certificate to applicant	DDP, DM, PO, PP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DDP, DM, PO, PP	
s 201(3)	Duty to make declaration	DDP, DM, PP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DDP, DM, PO, PP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DDP, DM, PO, PP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DDP, DM, PO, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, PO, PP	
s	Function of providing the Victoria Planning Authority with information relating to any land within	DDP, DM, PO, PP	

Planning and Environment Act 1987			
201UAB(1)	municipal district		
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDP, DM, ND	

additional S6

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

Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 33	Duty to comply with a direction of the Safety Director under s 33	DI, EPAM	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	DI, EPAM	Duty of Council as a road authority under the Road Management Act 2004
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	DI, EPAM	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DI, EPAM	Where Council is the relevant road authority

Rail Safety (Local Operations) Act 2006			
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 s 34E(2)(a)-(c)	DI, EPAM	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DI, EPAM	Where Council is the relevant road authority
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 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 s 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 s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(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 s 34J(5)	EPAM, WM	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	EPAM, WM	Where Council is the relevant road authority
Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	DDP, PHRSC	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	DDP, MBS, PHRSC	
s 142G(2)	Power to enter certain information in the Rooming House Register	DDP, MBS, PHRSC	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DDP, MBS, PHRSC	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	DDP, MBS, PHRSC	Where Council is the landlord
s 262(1)	Power to give tenant a notice to vacate rented premises	DDP, MBS, PHRSC	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	DDP, MBS, PHRSC	

Residential Tenancies Act 1997			
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DDP, MBS, PHRSC	
s 522(1)	Power to give a compliance notice to a person	EHO, MBS, PHRSC	
s 525(2)	Power to authorise an officer to exercise powers in s 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 s 526	CEO	
s 526A(3)	Function of receiving report of inspection	EHO, MBS, PHRSC	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MBS, PHRSC	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	ND	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	ND	
s 11(9)(b)	Duty to advise Registrar	DI, EAM, EPAM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DI, EAM, EPAM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DI, EAM, EPAM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DI, EAM, EPAM	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	ND	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DI, EAM, EPAM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DI, EAM, EPAM	Function of coordinating road authority where it is the discontinuing body

Road Management Act 2004			
			Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DI, EAM, EPAM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DI, EAM, 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, EAM, EPAM	Power of coordinating road authority and obtain consent under s 13(3) and s 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, EAM, EPAM	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DI, EPAM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DI, EPAM	
s 15(2)	Duty to include details of arrangement in public roads register	DI, EAM, EPAM	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DI, EPAM	
s 16(8)	Duty to enter details of determination in public roads register	DI, EAM, EPAM	
s 17(2)	Duty to register public road in public roads register	DI, EAM, EPAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DI, EPAM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DI, EAM, EPAM	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	ND	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	EAM, EPAM	Where Council is the coordinating road

Road Management Act 2004			
			authority
s 18(1)	Power to designate ancillary area	DI, EAM, EPAM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DI, EAM, 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, EAM, EPAM	
s 19(4)	Duty to specify details of discontinuance in public roads register	DI, EAM, EPAM	
s 19(5)	Duty to ensure public roads register is available for public inspection	DI, EAM, EPAM	
s 21	Function of replying to request for information or advice	CEO, DI, EAM, EPAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DI, EAM, EPAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, DI, EAM, EPAM	
s 22(5)	Duty to give effect to a direction under s 22	DI, EPAM	
s 40(1)	Duty to inspect, maintain and repair a public road.	DI, EPAM, WM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DI, EPAM, WM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	EAM, EPAM	
s 42(1)	Power to declare a public road as a controlled access road	DI, EPAM	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DI, EPAM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DI, EAM, EPAM	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DI, EPAM	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure	DI, EAM, EPAM	Where Council is the responsible road

Road Management Act 2004			
	or rolling stock is located (and any relevant provider of public transport)		authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DI, EAM, EPAM	
s 49	Power to develop and publish a road management plan	DI, EAM, EPAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	DI, EAM, EPAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	ND	
s 54(2)	Duty to give notice of proposal to make a road management plan	DI, EAM, EPAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DI, EAM, EPAM	
s 54(6)	Power to amend road management plan	DI, EAM, EPAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	DI, EAM, EPAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DI, EAM, EPAM	
s 63(1)	Power to consent to conduct of works on road	DI, EPAM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DI, EPAM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DI, EPAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DI, EPAM	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DI, EAM, EPAM	Where Council is the coordinating road authority
s 67(3)	Power to request information	DI, EAM, EPAM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DI, EAM, EPAM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DI, EPAM	
s 72	Duty to issue an identity card to each authorised officer	CEO	
s 85	Function of receiving report from authorised officer	DI, EPAM	
s 86	Duty to keep register re s 85 matters	DI, EPAM	
s 87(1)	Function of receiving complaints	DI, EPAM	

Road Management Act 2004			
s 87(2)	Duty to investigate complaint and provide report	CEO, DI, EAM, EPAM	
s 112(2)	Power to recover damages in court	CEO, DI, EAM, EPAM	
s 116	Power to cause or carry out inspection	DI, EAM, EPAM	
s 119(2)	Function of consulting with VicRoads	DI, EAM, 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 s 120(1)	DI, EAM, EPAM	
s 121(1)	Power to enter into an agreement in respect of works	DI, EPAM	
s 122(1)	Power to charge and recover fees	DI, EPAM	
s 123(1)	Power to charge for any service	DI, EPAM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	ND	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	ND	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	ND	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	DI, EPAM	
sch 2 cl 5	Duty to publish notice of declaration	DI, EAM, EPAM	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DI, EPAM, WM	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DI, EPAM, WM	Where Council is the infrastructure manager or works manager
sch 7 cl 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, EAM, EPAM, WM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 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, EAM, EPAM	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DI, EPAM	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DI, EAM, EPAM, WM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DI, EAM, EPAM	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DI, EAM, EPAM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DI, EAM, EPAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DI, EAM, EPAM, SDE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DI, EAM, EPAM, SDE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DI, EAM, EPAM, SDE	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DI, EAM, EPAM, SDE	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DI, EPAM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DI, EAM, EPAM, SDE, WM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DI, EPAM, WM	Where Council is the coordinating road authority
sch 7 cl	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DI, EPAM, WM	Where Council is the coordinating road

Road Management Act 2004			
20(1)			authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DI, EPAM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DI, EPAM, SDE	Where Council is the responsible road authority
sch 7A cl 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, EAM, EPAM, SDE	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DI, EPAM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP, DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit 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

Planning and Environment Regulations 2015			
			acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item 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	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	DDP, PHRSC	
r 11	Function of receiving application for registration	EHO, PHRSC	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	DDP, EHO, PHRSC	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, PHRSC	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DDP, EHO, PHRSC	
r 13(4) & (5)	Duty to issue certificate of registration	EHO, PHRSC	
r 15(1)	Function of receiving notice of transfer of ownership	EHO, PHRSC	
r 15(3)	Power to determine where notice of transfer is displayed	EHO, PHRSC	
r 16(1)	Duty to transfer registration to new caravan park owner	EHO, PHRSC	
r 16(2)	Duty to issue a certificate of transfer of registration	EHO, PHRSC	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO, PHRSC	
r 18	Duty to keep register of caravan parks	EHO, PHRSC	
r 19(4)	Power to determine where the emergency contact person's details are displayed	DDP, EHO, PHRSC	
r 19(6)	Power to determine where certain information is displayed	DDP, EHO, PHRSC	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park,	CSRO, DDP,	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
	on the request of the caravan park owner	EHO, PHRSC	
r 22A(2)	Duty to consult with relevant emergency services agencies	DDP, MERO, MFPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	DDP, EHO, PHRSC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EHO, EPAM, PHRSC	
r 25(3)	Duty to consult with relevant floodplain management authority	DDP, EHO, PHRSC, PP	
r 26	Duty to have regard to any report of the relevant fire authority	DDP, EHO, EPAM, MBS, PHRSC	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DDP, EHO, PHRSC	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DDP, EHO, MBS, PHRSC	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DDP, EHO, MBS, PHRSC	
r 40(4)	Function of receiving installation certificate	DDP, EHO, PHRSC	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DDP, EHO, MBS, PHRSC	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DDP, EHO, MBS, PHRSC	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	DI, EAM, EPAM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DI, EAM, 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, EAM, 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 s 41 of the Act	DI, EAM, EPAM	
r 13(1)	Duty to publish notice of amendments to road management plan	DI, EAM, EPAM	where Council is the coordinating road

Road Management (General) Regulations 2016			
			authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DI, EAM, EPAM	
r 16(3)	Power to issue permit	DI, EAM, EPAM, SDE, WM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DI, EAM, EPAM, SDE	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DI, EPAM, WM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DI, EAM, EPAM, SDE, WM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DI, EPAM, WM	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, EPAM, WM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DDP, DI	
Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DI	Where Council is the coordinating road authority

B.19.17 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 19-12-18
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 19 December 2018 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 organisational 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.**



Maddocks

Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

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

DX 259 Melbourne

Email Letter

<p>From Bronte Wright</p> <p>Direct 03 9258 3832</p> <p>Partner Melanie Olynyk</p>	<p>Date 19 December 2018</p> <p>Email bronte.wright@maddocks.com.au</p>
---	---

Our Ref : MSB:BWW:628721

Dear subscriber

Delegations and Authorisations Service Update Second Full Update for 2018

We are pleased to provide you with our second full update to the Delegations and Authorisations Service for 2018. This update takes into account legislative changes which were assented to, or made, after 25 June 2018, which affect councils' powers, duties and functions.

The update is contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>.


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

Changes Made In This Update

This update amends our S6, S7, S11, S12, S13 and S14 Instruments. We have outlined *some* of the changes to each instrument below. We note that our update only includes Acts and Regulations which were assented to, or made, before 15 November 2018. This update also includes a new template, our S15 Instrument of Appointment and Authorisation of Council's Freedom of Information Officer.

1. **Introduction of the S15 Instrument of Appointment and Authorisation of Council's FOI Officer (S15)**
 - 1.1 Following feedback from a number of councils concerning their own practices, we have undertaken a review of the powers, duties and functions under the *Freedom of Information Act 1982 (Vic) (FOI Act)*. We have decided to introduce a new template specifically for FOI Officers. This authorises them to make decisions on requests made under ss 17 and 39 of the FOI Act, pursuant to ss 26 and 44 of the FOI Act. Separate to this, there are also powers of Council and of a council's chief executive officer (CEO) (as principal officer) that have been included in our S7 and S13 templates, respectively. These additional powers should also be delegated to FOI Officers.
2. **Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)**
 - 2.1 Our S6 template has changed in the following ways:

[628721:22934100_1]



Maddocks

- 2.1.1 part of the footnote relating to s 181H of the *Local Government Act 1989* (Vic) (**LGA**) has been removed. The reason for this is explained at paragraph 6.1.2 below; and
- 2.1.2 s 46AS of the *Planning and Environment Act 1987* (Vic) (**P&E Act**) was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (Vic). The new s 46AS does not contain a council power, duty or function and, therefore, has been removed from our S6 template.
- 3. Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff (S7)**
- 3.1 In relation to our S7 template, we note that:
- 3.1.1 s 138(5) of the *Building Act 1993* (Vic) (**Building Act**) has been inserted, as has sch 2 cl 4A(2)(b);
- 3.1.2 a number of powers, duties and functions have been included under the *Child Wellbeing and Safety Act 2005* (Vic) (**CWS Act**) because of the *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic) (**CWS Regulations**). Regulation 5 of the CWS Regulations prescribes 'a council to the extent that it provides maternal and child health programs' as being an information sharing entity under the CWS Act ;
- 3.1.3 s 108(1)(d)(ii) of the *Electoral Act 2002* (Vic) (**Electoral Act**) has been included because of an amendment to r 27(2) of the *Electoral Regulations 2012* (Vic) (**attached**), which now prescribes councils to be service providers for the purposes of s 108(1)(d)(ii) of the Electoral Act;
- 3.1.4 the *Family Violence Protection Act 2008* (Vic) (**FVP Act**) has been inserted because of the *Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018* (Vic) (**FVP Risk Management Regulations**). Regulation 9 of the FVP Risk Management Regulations amends r 5 of the *Family Violence Protection (Information Sharing) Regulations 2018* (Vic) (**FVP Info Sharing Regulations**) to prescribe 'a Council to the extent it provides maternal and child health programs' as an 'information sharing entity' under the FVP Act. The FVP Risk Management Regulations also insert a new r 17 into the FVP Info Sharing Regulations which prescribes 'a Council to the extent that it provides maternal and child health programs' as a 'framework organisation' under the FVP Act;
- 3.1.5 we have included powers of a council as an agency under the FOI Act. These relate to powers under Parts II, VI and VIA of the FOI Act;
- 3.1.6 some powers, duties and functions have been included under the LGA regarding cladding rectification agreements. We note that, under s 185L of the LGA, the duty to declare a cladding rectification charge can be delegated to a council's CEO. However, this has not been included in our S7 because it cannot be sub-delegated; and
- 3.1.7 some functions have been inserted under the *Marine and Coastal Act 2018* (Vic).
- 4. Changes to the S11 Instrument of Appointment and Authorisation (S11)**
- 4.1 Sections 147 and 148 of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**) were substituted by s 22 of the *Health and Child Wellbeing Legislation Amendment Act 2018* (Vic). As such, s 147(1)(b)(i) of the PHW Act has been removed from our S11 template to reflect this change.



Maddocks

- 5. Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor (S12)**
- 5.1 The changes to our S12 template include:
- 5.1.1 under the Building Act, the insertion of –
- (a) ss 21A(1), 30(1A), 103(2), 104(5), 111(2), 111(9), 119, 188AA(3) and 234E(2); and
 - (b) s 25AA(1), and new s 228B(1) (to replace the current s 228B(1)) which will commence on 1 July 2019, unless proclaimed earlier; and
- 5.1.2 under the *Building Regulations 2018* (Vic), the insertion of rr 25(3), 26(2), 111(1), 118(2), 128(2)(d), 129(3), 131, 198(1), 214(b) and 218(3).
- 6. Changes to the 13 Instrument of Delegation of CEO powers, duties and functions to Members of Council Staff (S13)**
- 6.1 In relation to our S13 template, we note the following in particular:
- 6.1.1 we have included powers of the CEO as 'principal officers' under the FOI Act; and
- 6.1.2 s 181H of the LGA is a power that can only be delegated to council's CEO. Therefore, it is accurately reflected in our S6 template (see the footnote which relates to s 181H). The reference to s 181H of the LGA in our S13 template was included in error in our previous update, and has now been removed.
- 7. Changes to the S14 Instrument of Delegation from CEO to Members of Council Staff (Vicsmart)**
- 7.1 There have been changes to our S14 template to reflect Amendment VC148, which was gazetted on 31 July 2018. Amendment VC148 has implemented changes to the Victoria Planning Provisions and planning schemes.

Other Relevant Legislation Changes

Many of you will be aware that the *Environment Protection Act 2017* (Vic) was assented to on 24 October 2017. The *Environment Protection Amendment Act 2018* (Vic) (**Amendment Act**) was then assented to on 28 August 2018. The Amendment Act will repeal the *Environment Protection Act 1970* (Vic) and have a direct impact on councils (and on some of our instruments). However, the majority of the changes for councils will not commence until 1 December 2020, unless proclaimed earlier. As such, amendments to reflect these changes have not been included in this update. We will, however, continue to update our templates as the relevant provisions of the Amendment Act commence.

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.



Maddocks

Updating Your Instruments

As a final comment, we recommend that you re-make all of your Council delegations regularly to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation to The Chief Executive Officer.

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

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner

S5 Instrument of Delegation to The Chief Executive Officer

Preamble

Instrument of Delegation

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

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 19 March 2019;
- 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

John McLinden.....
 (Print Name)

.....
 Councillor

.....
 (Print Name)

.....
 Councillor

.....
 (Print Name)

S5 Instrument of Delegation to The Chief Executive Officer

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
98(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 4. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 4.1 awarding a contract exceeding the value of \$1,000,000; 4.2 making a local law under Part 5 of the Act; 4.3 approval of the Council Plan under s.125 of the Act; 4.4 adoption of the Strategic Resource Plan under s.126 of the Act; 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act; 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act; 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled; 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act; 4.9 appointment of councillor or community delegates or representatives to external organisations; or 4.10 the return of the general valuation and any supplementary valuations; 5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution; 6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; 7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a <ol style="list-style-type: none"> 7.1 policy; or 7.2 strategy adopted by Council; or 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or 9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

B.19.18 TRAVEL BY COUNCILLORS POLICY AND PROCEDURE

Responsible Officer: Chief Executive Officer
File Number: S16-S25-02-013
Attachments: 1 Travel by Councillors Policy

Declarations of Interest:

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

Summary

The Council policy and procedures concerning travel by Councillors has been reviewed. There have been no major changes to the intent of the document.

Discussion

Council has a range of policies that guide how the Council operate to deliver services and its dealings with the community. These policies are periodically reviewed to ensure they are still applicable.

After review, no major changes were made to the Travel by Councillors policy or procedure.

Consultation

The Chief Executive Officer completed the initial review of the Travel by Councillors Policy, and the document was presented to the Executive Leadership Team on Monday, 18 February 2019.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Travel by Councillors is monitored and a register is maintained as per the *Local Government Act (General) Regulations 2015* to ensure compliance.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Council may choose to adopt or make further changes to the Travel by Councillors Policy and Procedure.

Recommendation

That Council adopt the Travel by Councillors Policy and Procedure as presented.

POLICY TITLE TRAVEL BY COUNCILLORS**POLICY NUMBER CPOL/GOV013****1. PURPOSE**

The purpose of this policy is:

- To identify the conditions under which Council resources may be used for travel by Councillors;
- To ensure that Council complies with its statutory obligations.

2. SCOPE

- 2.1 This policy applies to all Councillors of Swan Hill Rural City Council.
- 2.2 This policy only applies if the Councillor uses Council resources for travel (including, but not limited to, a Council car, reimbursement of private car expenses, overnight accommodation, taxi fares, and airfares).
- 2.3 This policy applies where overnight accommodation is required, or private car expenses are claimed, irrespective of the total distance travelled.
- 2.4 Subject to (3) above, this policy does not apply if the total distance travelled is less than 500km.

3. POLICY

- 3.1 Travel by Councillors within the above-mentioned scope can only be undertaken if:
 - The travel has been approved in advance by the Mayor or CEO; or
 - A Councillor has made every reasonable effort to obtain prior approval but has not been able to do so.
- 3.2 The Mayor and CEO must not unreasonably withhold approval of travel by a Councillor.
- 3.3 Overseas travel by Councillors must be approved in advance by resolution of Council.
- 3.4 Overseas travel will only be by economy class unless the Councillor can demonstrate exceptional circumstances to justify business class travel.
- 3.5 In considering a request for travel by a Councillor, the Mayor and CEO must have regard to:
 - The purpose of the travel;
 - Other Council representatives that may be attending the same event;
 - Council's objectives as laid out in the Council Plan;
 - How the travel will benefit Council or the municipality;
 - The estimated cost of the travel, and any budget implications; and
 - The implications to Council of the Councillor not travelling.
- 3.6 If a Councillor's request for travel is not approved by the Mayor or CEO, then the Councillor may appeal the decision at the next Ordinary Meeting or Assembly of Council.

- 3.7 Councillors' private cars will be used as a last resort. Councillors and the CEO must make every endeavour to obtain a Council vehicle for travel. Reimbursement to a Councillor for the private use of a vehicle will only be approved by the CEO after all reasonable attempts to obtain a Council vehicle have failed.
- 3.8 Councillors must comply with the Travel by Councillors Procedure PRO/GOV013.
- 3.9 Councillors are encouraged to report their travel to Council either verbally or in writing, but this is not mandatory.
- 3.10 In the case of overseas or interstate travel, Councillors must provide all of the necessary information to the CEO to enable compliance with the Local Government Act and associated regulations.

4. RELATED POLICIES

Councillor Expense Reimbursement and Support – POL/GOV004
Travel by Councillors Procedure PRO/GOV013

5. RELATED LEGISLATION

Local Government Act 1989 (VIC)

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

PROCEDURE TITLE TRAVEL BY COUNCILLORS

PROCEDURE NUMBER PRO/GOV013

1. ENABLING POLICY

Travel by Councillors – CPOL/GOV013

2. ENABLING LEGISLATION

Local Government Act 1989 (VIC)

Local Government (General) Regulations 2015 (VIC)

3. PURPOSE

The purpose of this procedure is to provide guidelines for Councillors when travelling at Swan Hill Rural City Council's (Council) expense.

4. SCOPE

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

5. PROCEDURE

5.1 Approval in Advance

Requests for travel approval must be made on the Travel Form (Appendix 1) and submitted to the Chief Executive Officer (CEO).

The form must contain the following information:

- Intended dates of travel;
- Intended destination;
- Purpose of the travel;
- How the travel meets Council's objectives as outlined in the Council Plan;
- How the travel will benefit Council or the municipality;
- Estimated costs of the travel (including airfares, accommodation, conference fees, meals, taxis, private car reimbursement, etc).

5.2 Petty Cash Advance

Councillors may request a cash advance prior to travelling. Requests should be made in writing to the CEO.

5.3 Reimbursement of Expenses

Reimbursement for reasonable out of pocket expenses by the CEO will be made after substantiation of expenditure including tax invoices and receipts in accordance with the Councillors' Expense Reimbursement and Support Policy POL/GOV004.

Details of all expenses and receipts should be listed on the Councillors' Expense and Allowance Form, for reimbursement at the conclusion of the period of travel.

Statutory Register of Interstate and Overseas Travel

In accordance with regulation 12(a) of the *Local Government (General) Regulations 2015*, a Statutory Register of Overseas or Interstate Travel must be maintained and made available

for public inspection. Councillors must provide all of the necessary information to ensure compliance with the Local Government Act 1989 and with regulation 12(a) of the Local Government (General) Regulations 2015.

RELATED POLICIES/DOCUMENTS

Councillor Expense Reimbursement and Support POL/GOV004

Travel by Councillors Procedure PRO/GOV013

Travel Form

Councillors' Expense and Allowance Form

Signed: _____

CEO

Date: _____

TRAVEL FORM

Name: _____

Intended dates of travel: From: _____
To: _____

Destination: _____

Reason for Travel: _____

How the travel will meet Council’s objectives: _____

Benefits to Council or the municipality : _____

Estimated Costs:	Airfares	\$	_____
	Accommodation	\$	_____
	Car Hire / Taxis	\$	_____
	Conference Fees	\$	_____
	Meals and Incidentals	\$	_____
	Reimbursement for Private Car use	\$	_____
	Other	\$	_____
	Total Cost	\$	_____
	Less Employee or Councillor contribution	-\$	_____
	Net Cost to Council	\$	_____

Signature: _____

Date: _____

Approved: Not Approved: Signed: _____ Mayor

Approved: Not Approved: Signed: _____ CEO

Approved: Not Approved: Signed: _____ Director/Manager

Please note: If overseas travel, attach a copy of the Council resolution if required.

B.19.19 INTERSTATE AND OVERSEAS TRAVEL

Responsible Officer: Chief Executive Officer
File Number: S16-04-05
Attachments: Nil.

Declarations of Interest:

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

Summary

This report proposes that Council be represented at the ALGA Conference in Canberra by the Mayor, Councillor Ann Young, Councillor Les McPhee and the Chief Executive Officer Mr John McLinden.

Discussion

The annual ALGA Conference in Canberra is the only opportunity that Local Government has to bring all Mayors; CEO's and key decision makers together at the one event.

At previous events Swan Hill Rural City Council has taken the opportunity to meet with Federal Ministers and Shadow Ministers to communicate the major projects and issues that are affecting the people of the municipality. Joint advocacy meetings with the Murray River Group of Councils have been extremely effective on topics such as the Basin Plan.

It is suggested that Council send Councillors Young and McPhee and the Chief Executive Officer Mr John McLinden as its delegation to ensure that maximum benefit can be gained from the 3 days.

This delegation of the Mayor, another Councillor and the Chief Executive Officer will provide for effective representation of Swan Hill Rural City Council at the conference.

Financial Implications

Accommodation and travel costs are associated with attending this conference.

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

Council can choose to change the number of representatives attending the conference.

Recommendations

That Council:

- 1. Authorise the travel of the Mayor – Cr Ann Young, Cr Les McPhee and the Chief Executive Officer Mr John McLinden to represent Council at the ALGA Conference in Canberra from 16 June 2016 to 19 June 2019.**
- 2. Request all participants to submit reports to Council upon return from the conference.**

B.19.20 TYNTYNDER SOUTH – ROAD DISCONTINUANCES

Responsible Officer: Director Infrastructure
File Number: AST-RD-34245, 34234-03
Attachments: 1 Survey plan

Declarations of Interest:

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

Summary

A request has been received from the Department of Environment, Land, Water & Planning (DELWP) for the discontinuance of government roads under Council's management in Tyntynder South.

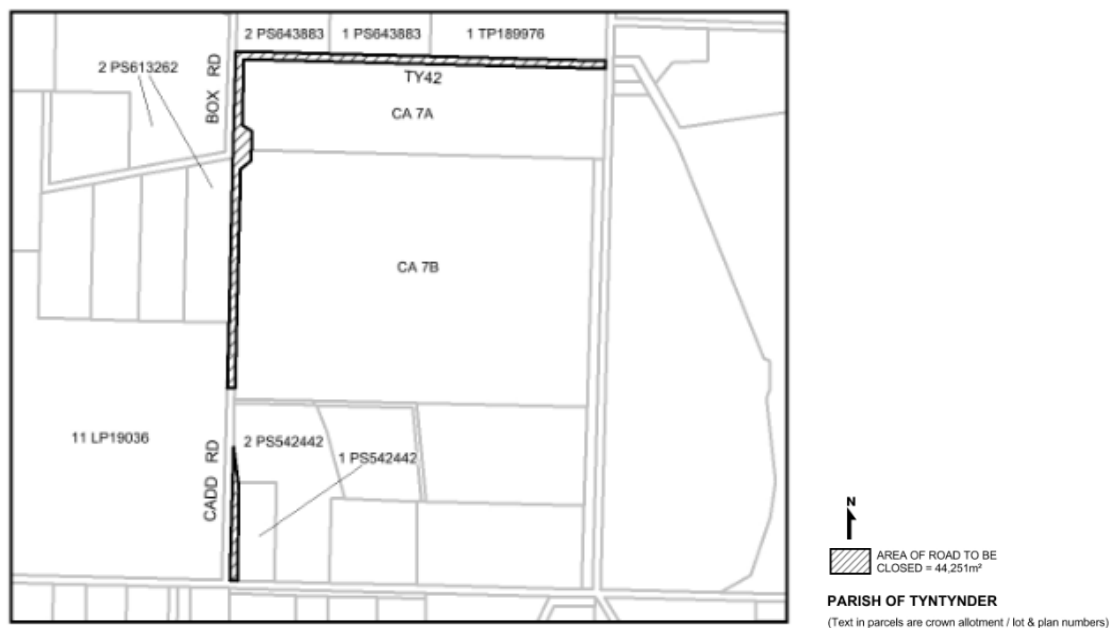
This report provides Council with a recommendation to discontinue the roads under Section 206 and Schedule 10 Clause 3 of the Local Government Act, 1989 (Act). If discontinued, the land from the roads will be returned to the Crown.

Discussion

DELWP have advised that they propose to sell surplus government property under the GMW Connections Project.

As part of the project, GMW (Goulburn Murray Water) have recently constructed a compound with pumps etc at the eastern end of the government road known as TY42 Tyntynder South, near McKenzie Road. Above ground water infrastructure was also installed within the road reserves of Cadd Road and TY42.

In respect to the disposal of the Crown Land, DELWP are requesting Council discontinue parts of Cadd Road as well as TY42, in its entirety. The sections of road proposed to be discontinued are 4.42 ha of unformed natural surface. See plan.



DELWP have advised that the proposed sale of land has been negotiated with GMW and confirmed as follows. With reference to the attached plans (attachment1), the subject land coloured yellow (about 1.75 ha), blue (about 0.42 ha) and red (about 0.35 ha) is to be offered for sale to adjacent landowners.

Easements as required by GMW will be arranged and subject to consultation, DELWP will arrange for the reservation of the land coloured green and brown under s4 Crown Land (Reserves) Act 1978.

Further investigations revealed that there are no Section 173 agreements or easements attached to the title. On inspection, it has been determined that this road is “not reasonably required as a road for public use”.

The statutory procedures require that consultation must be undertaken prior to a final decision by Council.

Consultation

Council will consult with the community through a ‘Public Notice’ published in the Guardian newspaper inviting submissions in accordance with Section 223 of the Local Government Act 1989.

Financial Implications

Since the portion of land to be consolidated has not been constructed as part of the road reserve, Council and the public will not be disadvantaged in anyway.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

1. Council use its power:

Acting under Clause 3 of Schedule 10 of the Local Government Act 1989; to

- 1.1. Commence the statutory procedures to discontinue part of Cadd Road and the full length of TY42 Tyntynder being a road which is shown on the plan attached to this report and labelled as Attachment 1;
- 1.2. Publish a public notice of the proposed discontinuance under sections 207A and 223 of the Local Government Act 1989;
- 1.3. Authorise John McLinden, Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989, and
- 1.4. Hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council meeting.

OR

2. Retain the roads.

Recommendations

That Council being of the opinion that the roads shown hatched on the plan are not reasonably required as roads for public use,

- 1. Discontinue the roads under Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989; and**
- 2. Return the land from the road to the Crown.**



Department of Environment,
Land, Water & Planning

File: L6-11982

SURVEY REPORT
Crown Allotment 2151 (Government Road);
Parish of Tyntynder.

TO: Stephanie Rowe; Connections Project; L&BE, Bendigo.

1 Purpose & Background

- 1.1 Proposed sale of Crown land as negotiated by Goulburn Murray Water (GMW).
1.2 The proposed purchasers of the subject land are **1. Nosatti, 2. O'Connell and 3. Forster & Hickman.**

2 References

- 2.1 Plans T/2-2-18B and T/2-2-18C that show the subject land coloured yellow, blue, red, green and brown.
2.2 Field inspection was made on February 2nd, 2018.

3 Status

- 3.1 Government Road.

4 Map Reference

- 4.1 VicRoads Country Directory map reference is 14A6.

5 Planning & Land Use Considerations

- 5.1 The subject land and adjoining freehold land are both zoned FZ (farming zone) in the Shire of Swan Hill.
5.2 There are no overlays.

6 Encumbrances/Easement Requirements

- 6.1 To be advised by GMW.
6.2 A Powercor overhead powerline crosses the subject land colored yellow. An easement, 7.5 metres from the centre line, is required and can be created during survey.

7 Remarks

- 7.1 The subject land abuts the respective prospective purchaser's freehold land and is to be split as shown on Plan T/2-2-18B.
7.2 As the whole of CA 2151 is government road, road closure will be required.
7.3 GMW has recently constructed a compound with pumps etc at the eastern end of CA 2151, near McKenzie Road. They should be consulted to confirm that the land containing this asset is to be sold.
7.4 GMW has also requested that the land shown colored green and brown become reserved in their favour. Consultation with the Shire of Swan Hill would be required prior to closure of the road.
7.5 GMW has not advised if they are to arrange consolidation of the subject land with the freehold property or if the owners are to arrange it.

8 Survey/Plan Requirements

- 8.1 Survey of the land colored yellow, red, blue and green is required and can be arranged by GMW. The land colored red and blue is to be 15 metres wide.
8.2 The powerline crossing the land colored yellow should be located during survey.
8.3 GMW are to advise of their easement requirements.

9 Fees

- 9.1 Survey Report \$1222.99 (inc. GST).
9.2 Plan fees can be obtained from the Office of Surveyor General.



Department of Environment,
Land, Water & Planning

File: L6-11982

10 RECOMMENDED ACTIONS

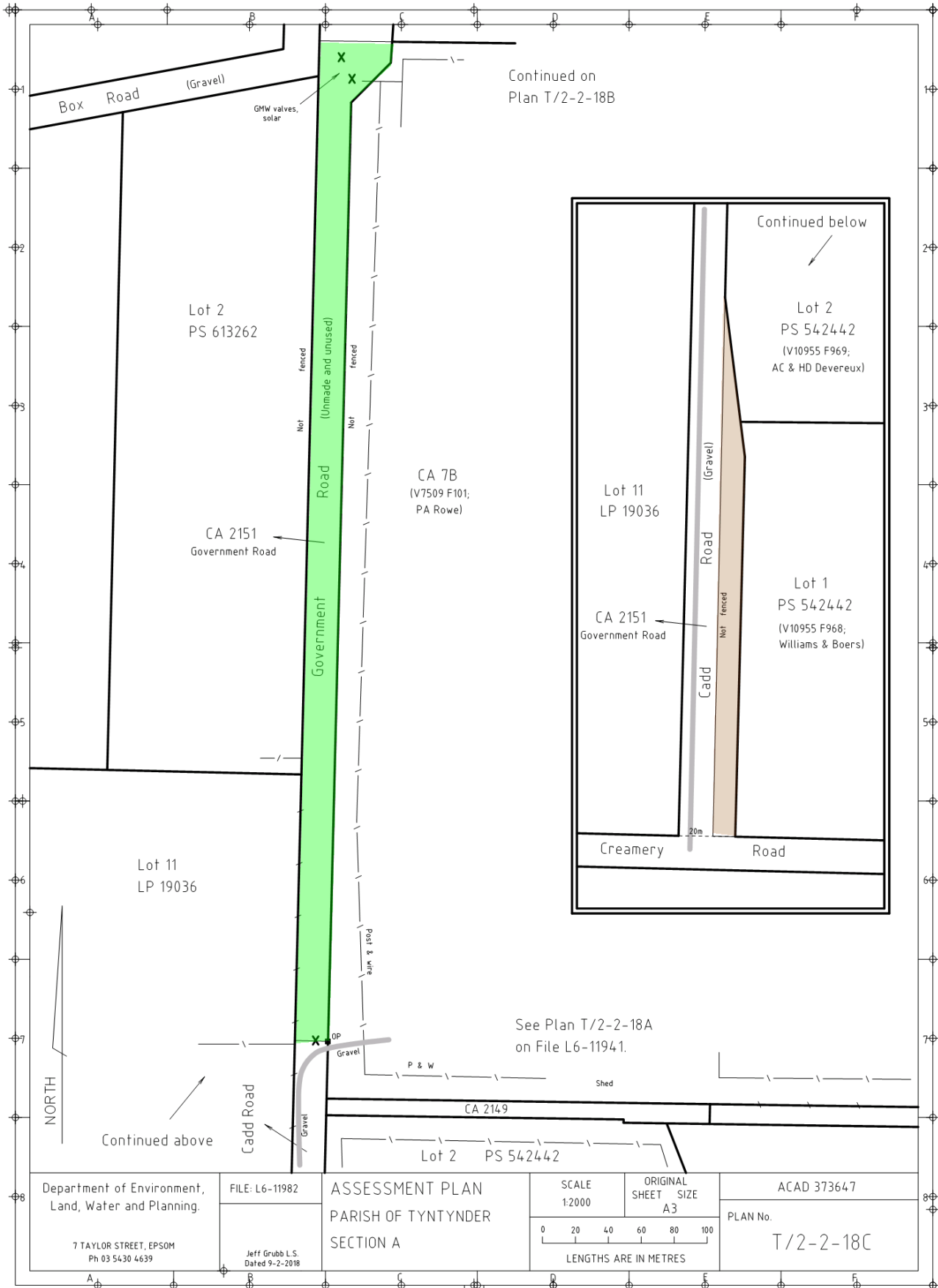
- 10.1 Confirm with GMW that all the land colored yellow, blue and red is to be offered for sale and any easement requirements that they have.
- 10.2 Subject to consultation with the Shire of Swan Hill, arrange the closure of the road coloured yellow, red and blue and possibly green and brown under section 349 Land Act 1958.
- 10.3 Request GMW to arrange survey.
- 10.4 Subject to the above consultation, arrange for the reservation of the land colored green and brown under s4 Crown Land (Reserves) Act 1978.
- 10.5 Offer the land colored yellow (about 1.75 ha), blue (about 0.42 ha) and red (about 0.35 ha) for sale to the proposed purchasers under section 209 Land Act 1958.
- 10.6 Arrange for the Office of Surveyor General to prepare a gazettal diagram for the land colored brown from existing information, for the land colored green from the new survey and for TP's of the land to be sold.
- 10.7 Include a subsidence indemnity clause on the Crown Grants to issue.

Jeff Grubb LS

Program Manager Survey Services
February 9, 2018



Photo 1 shows the compound near McKenzie Road.



B.19.21 PLANNING APPLICATION 2018/106 – USE AND DEVELOPMENT OF THE LAND FOR A LICENSED PREMISES (PACKAGE LIQUOR) IN PUBLIC USE ZONE 1 AND ALTER ACCESS TO A ROAD IN ROAD ZONE, CATEGORY 1

Responsible Officer: Director Development and Planning
File Number: 2018/106
Attachments: 1 Permit Conditions
2 Proposed Plans

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse the application for the use and development of the land for a licensed premises (packaged liquor) in Public Use Zone 1 and to alter access to a road in a Road Zone, Category 1.

Discussion

Location and existing conditions

The subject site is comprised of 5 small parcels located at the corner of Campbell Street and Whittaker Street in Swan Hill. The site is located approximately 1 kilometre to the south of what could be considered as the beginning of the Swan Hill Central Business District.

The separate parcels form a slightly irregular rectangle with an approximate 60m frontage to Whittaker Street and 55m frontage to Campbell Street. The site is currently enclosed by a chain link fence and contains an older corrugated iron warehouse with a width of 12.7m, a length of 33.76m and a height of 6.1m, as shown in figure 1. The majority of the site is surfaced with concrete. Access is currently provided via a crossover from Whittaker Street.



Figure 1. Existing condition of the subject site.

The subject site is zoned Public Use Zone 1 (PUZ1) and is not affected by any overlays, as shown in figure 2. The majority of the subject site is within an area of Aboriginal Cultural Sensitivity. Land to the immediate north is zoned General Residential and land to the west is zoned Road Zone, Category 1. Land to the east and south is similarly zoned Public Use and is bordered by further land zoned General Residential.

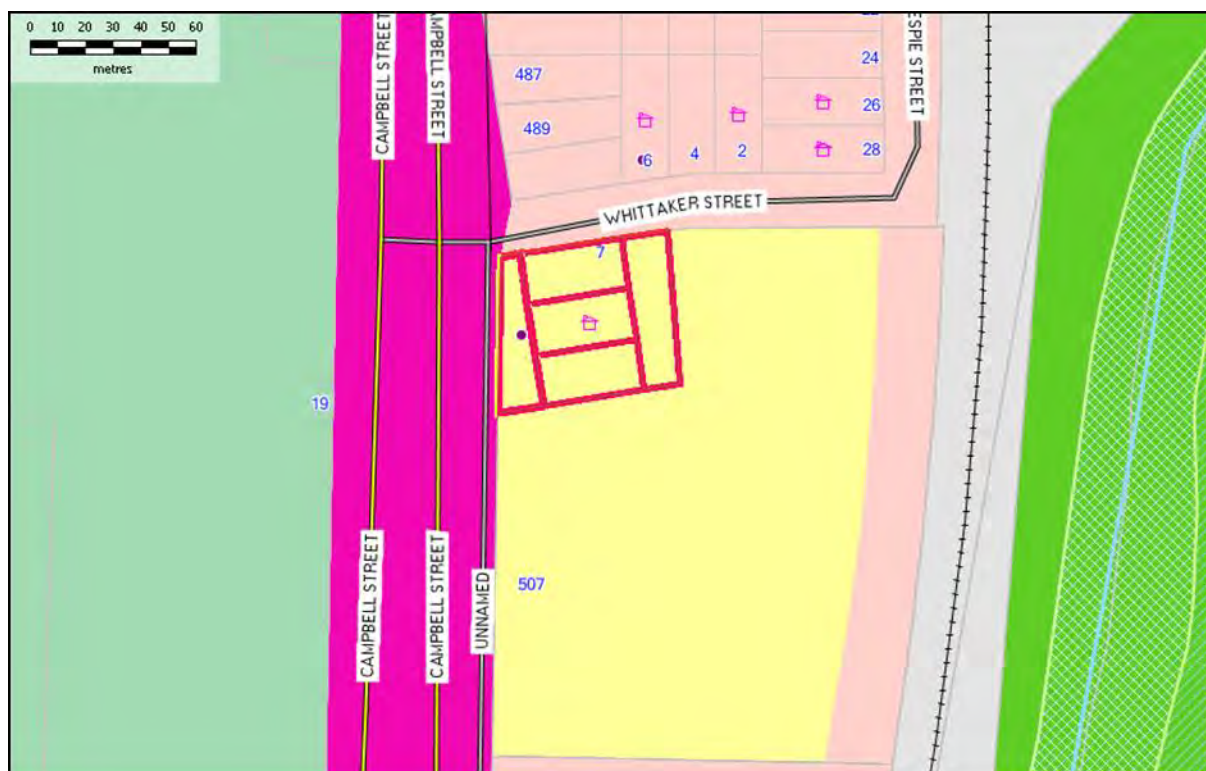


Figure 2 Zoning of the subject site and surrounds.

The site is located along the southern entrance to the Swan Hill township that is characterised by some commercial sites, residential areas, emergency services and accommodation facilities.

The Swan Hill Police Station is located approximately 63m to the south of the subject site with vacant land separating the two. The Sun Centre Motel is located across Whittaker Street to the north, with dwellings lining the remainder of Whittaker Street to east. Vacant land lies to the east of the subject site and public park land to the west across the dual carriageway of Campbell Street, as shown in figure 3.



Figure 3. Aerial image of the subject site and surrounds.

Proposal

The proposed development involves the refitting of the existing building to accommodate the use of land for a drive-through packaged liquor outlet.

The proposed development includes the addition of a second crossover onto Whittaker Street and an additional crossover onto the Campbell Street service road to provide exits for vehicles leaving the drive-through packaged liquor outlet. Entry is proposed via the existing crossover located centrally at the northern border of the site. The provision of 9 car parking spaces, inclusive of one accessible park is included in the design of the proposed development. Landscaping is proposed near

the western boundary of the subject site to improve the appearance from Campbell Street.

The proposed development will include internal alterations to accommodate the drive-through passage, a cool room, display areas, an office, lunch room and staff amenities.

While advertising signage was initially proposed for the all facades, as the zone prohibits any signage greater than 3 sqm, the applicant will limit signage to the western facade above the drive-through passage to be in accordance with the requirements.

The packaged liquor outlet proposes the following trading hours:

Sunday 10am – 11pm

Good Friday 10am-9pm

Anzac day 12pm – 11pm

Christmas day 10am – 3pm

Any other day 9am – 11pm

If a permit were to be issued, the consolidation of the five separate parcels of land would be conditioned.

Assessment against the Planning Scheme

The primary planning concern regarding the proposal is whether the location and the zone is appropriate for the proposed use and development. The key questions to consider are:

- Is the proposal appropriate for the zone?
- Is the location appropriate for the proposed development?
- Is the proposed development in accordance with the policies and provisions of the Swan Hill Planning Scheme?
- Will the proposed development have a detrimental effect on the amenity of the area?

Zoning

The proposed development is located within the Public Use Zone 1 – Service and Utility (PUZ1). In addition to implementing the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF), the purpose of the zone is to recognise public land use for public utility and community services.

The proposed use is not prohibited and must be considered a Section 2 use requiring a planning permit under Clause 36.01-1 for the use of the land for a packaged liquor outlet and Clause 36.01-2 to construct or carry out works for a use in Section 2.

The subject site is the previous site of the Powercor lineman's depot and the current zoning of PUZ1 is reflective of this. In this unusual circumstance where the land zoned Public Use is now privately owned, it is difficult to apply the application requirements and decision guidelines.

Application requirements include the written consent of the public land manager, as there is no longer a public land manager, this requirement cannot be met.

In addition to the consideration of the MPS and the PPF, the decision guidelines relevant to the proposed use and development include whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines. As the use is not in accordance with the purpose of the zone, it is not considered to be appropriate.

In summary, while the proposed use and development is considered inappropriate in the zone it is not prohibited and Council must consider the application under the broader provisions of the Planning Scheme. In the longer term the land should be rezoned to an appropriate zone as determined by Council.

Planning Policy Framework

Clause 11.03-1S Activity centres

The purpose of Clause 11.03-1S is to encourage the concentration of major retail, residential, commercial administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. The Swan Hill CBD could be considered the town's only activity centre. The proposed use and development is located outside of this area. The location is not well connected to other commercial areas and there are minimal other commercial facilities in the area. The location is not likely to become a future area of commercial development and the proposal will therefore be a stand-alone commercial use.

Clause 17.02-2S Out-of-centre development

Clause 17.02-2S addresses out-of-centre development and discourages proposals for expansion of single use retail, commercial and recreational facilities outside of activity centres. The preferred location of these facilities is within or on the border of activity centres. Out-of-centre proposals are only to be considered where the

proposed use or development is of a net benefit to the community in the region. As the proposed will be single use retail outside of an activity centre, the location is not considered appropriate under this Clause. The proposed is also not considered to provide a net community benefit or meet the needs of local residents as a packaged liquor outlet is a facility utilised by only parts of the community.

Clause 13.07-1S Land use compatibility

Clause 13.07 considers land use compatibility with the objective of safeguarding community amenity by facilitating appropriate commercial uses with potential side effects. As the proposed development is adjacent to an area zoned General Residential, the potential side effects of an increase in vehicular traffic, illumination, noise, and possible social issues resulting from the proposed commercial development should be considered. Potential impacts of these factors have been addressed in responses to objector submissions.

Clause 15 Built environment and heritage

Clause 15 focuses on the built environment and heritage. Planning is to recognise the role of urban design and building design in delivering liveable and sustainable towns and neighbourhoods and land use should respond to surrounding landscape and character. It is considered that by refitting the existing warehouse, which has not been well maintained, the proposed development is unlikely to enhance the character of the area and will not contribute to liveable and sustainable communities through design.

The interface between private and public realms in relation to the protection of personal safety is addressed in Clause 15.01-1S. The proposed use and development has the potential to result in an increase in vehicular traffic which may impact on current and future residents. While any development is likely to increase traffic, the potential volume and nature of the traffic should be considered. A drive-through facility located outside of the CBD would generally involve short and continuous, single use trips and the impacts on nearby residents need to be considered. Other potential impacts to safety as a result of the nature of the proposal are also addressed below. Additional Clauses at 15.01-2S and 15.01-5S consider building design outcomes and the protection of neighbourhood character. The refitting of the existing building is unlikely to provide a positive contribution to or enhance the public realm.

In relation to neighbourhood character, areas of land zoned General Residential adjoin the proposed location. Among the strategies of the Clause is to ensure development responds to its context and reinforces a sense of place and the valued

features and characteristics of the local environment. The proposed development is located in an area with minimal commercial developments with the exception of Motels. It is considered that the proposed use does not reflect the accommodation, residential and emergency services character of the area.

Clause 17.02-1S Business

Among the strategies of the Clause are to ensure commercial facilities are aggregated and provide net community benefit. Commercial facilities should also be located in existing or planned activity centres. As mentioned above, the proposed use and development will be an isolated use and will not contribute to an aggregation of commercial facilities in a planned activity area.

Local Planning Policy Framework

Clause 21.07 -1 High standard of urban design

The Clause overview states that the design of buildings and works should demonstrate that the visual character and appearance of towns have been considered. While the plans do not reveal in detail the visual appearance of the proposed development, the internal refitting is unlikely to improve the appearance of the current structure and unlikely to contribute to improving the character and visual amenity of the town.

Clause 21.07-2 Highway development

The Clause discusses the importance of highway entrances to the regional centre image of Swan Hill. Siting and design of buildings and landscaping along frontages to private and public land need to enhance the visual and streetscape character of city and town entrances. While some landscaping will assist in obscuring the proposed development, by utilising the existing structure, the proposed development is unlikely to enhance the appearance or presentation of the southern highway entrance.

Among the strategies of Objective 2 is to discourage traditional retail uses that could undermine the role of the CBD. While it is appropriate for drive-through facilities to be located on the periphery of the CBD, the proposed location of the drive-through packaged liquor outlet is well removed from the CBD. The area is not considered appropriate for the reasons addressed above, namely that the single use retail is isolated and does not contribute to aggregating commercial facilities that are accessible and provide net benefit to the local community.

Clause 21.08-1 Business

One of the key issues recognised in the Clause is to provide for highway commercial development that does not compete with the role of the Swan Hill CBD. While there are commercial facilities to the south of the highway entrance, these facilities are within a Commercial 1 Zone and are better defined as restricted retail premises and include the sale of camping, outdoor and recreation goods, and office equipment and supplies. The preferred location for a packaged liquor outlet is within or on the border of the CBD and the proposed location is likely to compete with the role of the CBD.

Particular Provisions

Clause 52.06 Carparking

The appropriate provision of carparking is required before a new use commences. The use is an unlisted use and therefore parking provisions are at the discretion of the Responsible Authority. Based on the floor area of the proposed development, operational characteristics (drive-through facility) and locational characteristics, the provision of 8 car parking spaces is considered adequate.

Clause 52.27 Licensed Premises

The purpose of the Clause is to ensure that licensed premises are situated in appropriate locations and that the impact on the amenity of the surrounding area is considered.

The relevant decision guidelines include the consideration of amenity on the surrounding area, impact of the hours of operation, impact of number of patrons and cumulative impact of existing licensed premises on the amenity of the surrounding area.

Consideration of the amenity of the surrounding area and the hours of operation have been addressed above. Consideration of the number of patrons is not considered relevant as the proposal is for a packaged liquor outlet with no on-site patron consumption.

Cumulative impact is a product of the number and type of venues present in a land use cluster. Planning practice note 61 Licensed premises: Assessing cumulative impact, suggests a cluster to be three or more licensed premises within a radius of 100m from the subject land. With the exception of Sun Centre Motel, there are no licensed premises in proximity and it is therefore considered that the proposal will not increase or create a cumulative impact.

While the Clause is relevant, it should be noted that the nature of a packaged liquor licence is that the sale by retail of liquor is for consumption off the licensed premises

Objections

A total of 26 submissions were received with various key issues identified. The primary concerns raised by the objection submissions include:

- Is the proposed use and development appropriate for the zone;
- Carparking provisions
- Signage provisions
- Cumulative impacts
- The potential for negative impacts to the amenity of the area;
- Concerns regarding increased traffic, noise, and lights
- Antisocial behaviour associated with alcohol consumption and reduced safety within the neighbourhood;
- Inappropriate location for commercial development, in particular packaged liquor outlet;
- Sufficient amount of bottle shops in Swan Hill and need to limit community exposure to alcohol;
- Potential property devaluation.
- Emergency Services Precinct

Whether or not the proposed use and development is appropriate for the location and the zone has been addressed above. Similarly, carparking, signage, cumulative impacts and negative impacts to the amenity of the area have also been addressed above.

Traffic, Illumination and noise

Submissions included negative impacts to the amenity of the area caused by increased traffic, illumination and noise. The proposed use and development is likely to result in increased traffic, however as the entrance and two exits are toward the western end of Whittaker Street, with one exit onto the Campbell Street service road, the impacts of increased traffic are unlikely to extend beyond the street frontages of the site. Neither the applicant nor the submitters have provided detailed traffic counts or traffic expert advice and therefore potential impacts from increased traffic can only be estimated.

While it is also likely that increased illumination and noise will result from the proposed development it is anticipated that this will also only affect the western end of Whittaker Street with the effects being limited to the Sun Centre Motel and the dwelling at 6 Whittaker Street.

The late trading hours may cause sleep disturbance from traffic, illumination and noise. A condition on the permit could act to reduce trading hours to negate the effects into the later evening hours.

Potential for antisocial behaviour

The concerns relating to antisocial behaviour and reduced safety as a result of alcohol consumption have little planning merit and should not be exaggerated. This is supported by the VCAT hearing, McDonald's Australia Pty Ltd v Yarra Ranges SC [2012] where a similar issue regarding patron behaviour and resulting adverse social impacts was addressed. The report discussed the matter stating that:

'A large number of submissions opposing a development do not constitute evidence of adverse social or economic impacts. Such impacts would need to be identified through independent empirical study(s) using credible social scientific methodologies. They would need to identify adverse impacts on particular groups in the community and show that the impacts clearly arise from the development'.

The hearing of Hunt Club Commercial Pty Ltd v Casey CC [2013] also considers amenity impacts and social harm stating that:

'...as a matter of general principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant consideration in the exercise of discretion for a particular licensed premises under Clause 52.27'.

A Police Station is also in proximity and is manned 24 hours.

Sufficient supply of packaged liquor outlets

Regarding the numerous submissions suggesting that there are already enough packaged liquor outlets in Swan Hill, reference is made to VCAT hearing Barkersgrove Pty Ltd v Greater Bendigo CC [2006]:

'It is a long established planning principle that the lack of need for a proposal will rarely if ever be a reason for refusing the grant of a permit'.

Additionally, Lakes Central Hotel-Motel Pty Ltd v Shire of East Gippsland [1998]:

'...it is difficult to see how the addition of a new retail liquor facility can significantly contribute to a social problem in a township where there is already ready access to alcohol through existing premises'

As it is not considered to be a planning matter, the alleged saturation of packaged liquor outlets will not be addressed further.

Property values

Property valuation is not a matter dealt with by the Swan Hill Planning Scheme and is therefore not a consideration in determining whether or not to grant a permit.

In response to the key issues raised by objection submissions, while it is necessary to consider local resident, business owner and community concerns, many of the objections are not of a planning nature and lack any supporting evidence or documentation.

Emergency Services Precinct

During the consultation period, a comment was raised regarding Council's intention for the area to accommodate an Emergency Services Precinct. The land at 507 Campbell Street, adjacent to the subject site, contains a large expanse of vacant land to the north of the lot with the current Police Station situated to the south of the lot, see figure 4. While also zoned Public Use, this land is Public Use Zone 7 and is listed in the Swan Hill Planning Scheme as to be used for the purpose of 'other public use'. As the subject site is zoned PUZ1 – Service and Utility, the site was not included in discussions regarding the potential Emergency Services Precinct.



Consultation

The offer of a mediation meeting was rejected by many of the objectors and it was requested that the objections be considered 'as they stand'.

A response to the objectors was provided by the applicant and a counter-response was received by an objector on behalf of the Sun Centre Motel. The issues raised in objector submissions have been addressed above.

On the 25 February, a Council Assembly was held at which both the objectors and the applicant were given the opportunity to voice their concerns regarding the proposal. No new information was presented at this time.

Financial Implications

As the proposed use and development is of a private nature on private land, no financial implications to Council are foreseen.

Social Implications

While the number of liquor outlets may not be a direct planning matter, a study by VicHealth in 2011 revealed that in rural and regional Victoria, disadvantaged areas house six times as many packaged liquor outlets and lower socio-economic areas have more liquor licences of all types.

Economic Implications

While any commercial development has the potential to provide economic stimulation, an additional packaged liquor outlet is unlikely to increase tourism or economic activity beyond its current level.

Environmental Implications

As no vegetation will be removed to accommodate the proposed use and development, no environmental implications are foreseen.

Risk Management Implications

The applicant has advised that the use and development of the site would meet required liquor licensing regulations and standards.

Council Plan Strategy Addressed

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

It is considered that the proposed use and development is not reflective of the Council Plan Strategy.

Options

1. Issue a Notice of Decision to Grant a Planning Permit with conditions (attachment 1 contains a list of conditions that would be appropriate should Council choose this option); or
2. Issue a Notice of Refusal for the planning application

Recommendations

That Council issue a Notice of Refusal for the application for use and development of the land for a licensed premises (packaged liquor) in the PUZ1 and alter access to a road in RZC1 on the following grounds:

- 1. The application is not consistent with State and Local planning policy, in particular:**
 - Clause 17.02-2S Out-of-centre – the Clause discourages single use retail outside of activity centres.**
 - Clause 13.07-1S Land use compatibility – the proposal is not compatible with the adjacent residential area.**
 - Clause 17.02-1S Business – commercial facilities should be aggregated and provide a net community benefit.**
 - Clause 21.07-2 Highway development – traditional retail uses that could undermine the role of the CBD are discouraged.**
- 2. The application is not consistent with the purpose of the Public Use Zone 1 at Clause 36.01, which is to provide for public use – service and utility.**

Attachment 1**PERMIT CONDITIONS**

If a permit was to be issued, the following conditions would be recommended:

1. Prior to the commencement of the development, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plans must be generally in accordance with the plans received on 15 November 2018 but modified to show:
 - a. Reduced signage to a maximum of 3 square metres as per the permitted signage under the Public Use Zone.
 - b. Location of VicRoad signage as outlined in conditions 12 a. and 12 b.
2. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operated between the following hours:
 - a. Good Friday: 10am – 9pm
 - b. Anzac Day: 12pm – 10pm
 - c. Christmas Day: 10am – 3pm
 - d. Any other day: 10am-10pm
3. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site must only take place between the hours of 7am to 8pm.

Engineering Department

4. Lot 1 TP742132, Lots 18, 19, 20 and 41 of LP26798 must be consolidated prior to the commencement of the use.
5. Prior to the commencement of the use or development, a soil report prepared by a suitably qualified geotechnical engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The soil report must include data collected from test bores on the land detailing fill depths and contaminates and include a recommendation as to whether or not the land is suitable for the use authorised by the permit (in terms of contamination), and if so, under what conditions.
6. Prior to the use commencing, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Constructed;

- b. Properly formed to such levels that they can be used in accordance with the plans;
- c. Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d. Drained and maintained;
- e. Line marked to indicate each car space and all access lanes;
- f. Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

7. All car parking spaces must be designed to allow vehicles to enter and exit the land in a forward direction.
8. Prior to the commencement of the use, vehicular crossings shall be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:
 - a. Be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
 - b. Be setback a minimum of 3 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree;
 - c. Be at least 9 metres apart;
 - d. Be constructed in accordance with IDM standard drawing SD240 except for driveways to be used by delivery trucks that shall be constructed to SD250.
9. The existing vehicle crossing must be upgraded in accordance with the Infrastructure Design Manual (IDM) standards.
10. Prior to the commencement of the use, the internal access driveway must be constructed, formed, finished and drained to the satisfaction of the Responsible Authority.
11. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the use, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted for approval by the Responsible Authority. When approved, the plan will be endorsed and will be the form part of the permit. Three copies of the plan must be submitted. The plan must include:

- a. The location of all areas on and/or off the land to be used for staff and patron parking;
 - b. The drainage and maintenance of car parking areas;
 - c. Show how delivery vehicles will enter and leave the property in a forward direction only and how they will be manoeuvred within the property and loading/unloading area.
13. That storm water runoff from all buildings, tanks and paved areas must be connected into the existing drainage system.

VicRoads

14. The Campbell Street crossover must be designed and constructed to prevent right-turn movements on to Campbell Street service road. This must include the provision of:
- a. 'All Traffic Turn Left' signage in accordance with clauses 2.8.7 VicRoads Supplement to AS 1742.2:2009 – Edition 1.
 - b. 2 x 'No Entry' signs facing the service road (located inside the property).
15. Prior to the commencement of the use hereby permitted, the works mentioned as per Condition 12 above must be completed to the satisfaction of and at no cost to the Responsible Authority (or the Roads Corporation).

NOTES

From the Engineering Department

1. A works within the road reserve permit will be required from Council for Whittaker Street and from VicRoads for the Murray Valley Highway prior to commencement of any works within the road reserve (crossovers).

From the Building Department

2. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.
3. A building permit will be required for the building work associated with this development.

From the Health Department

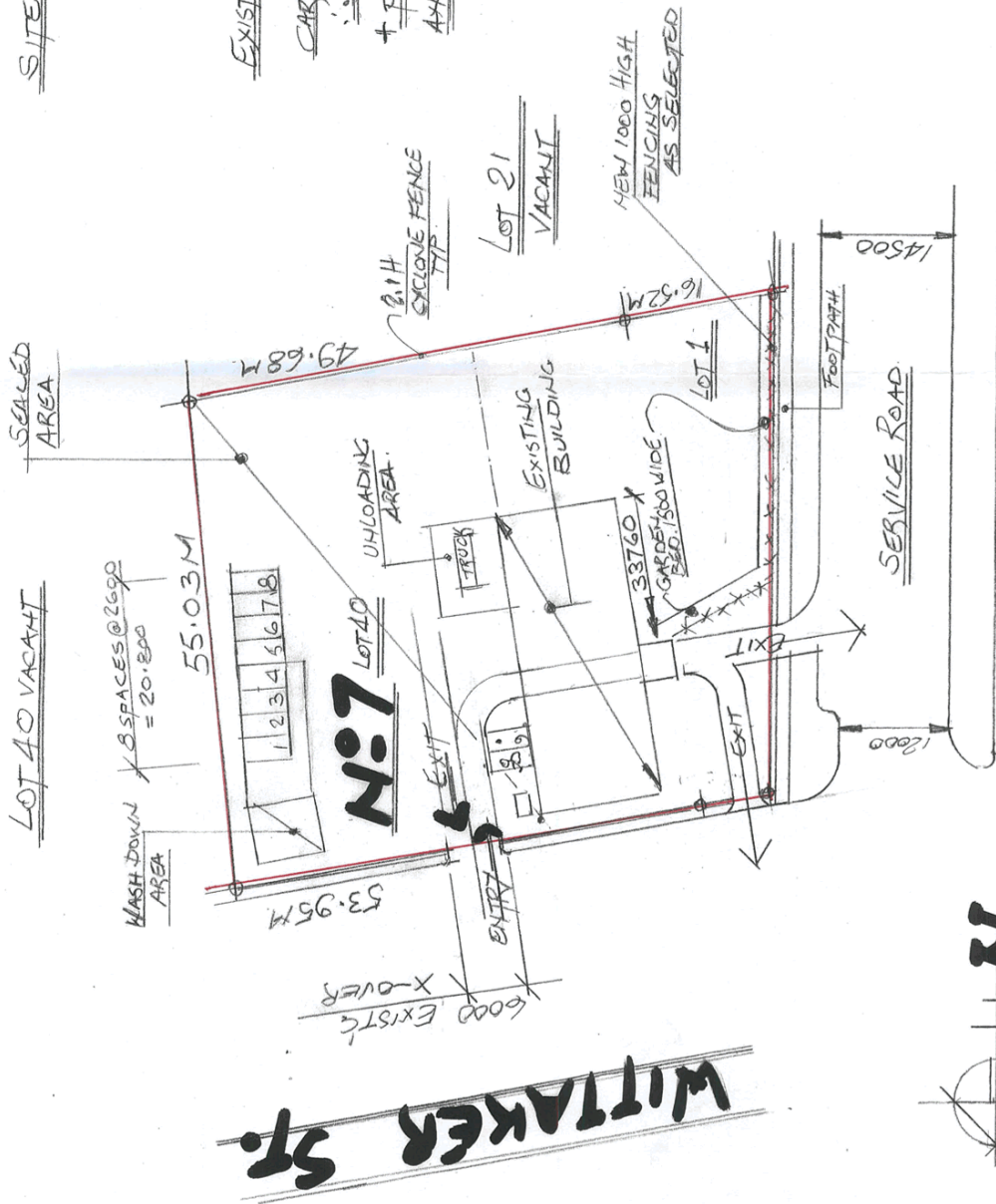
4. The premises is required to be notified with Council's Public Health Services Department and comply with the Food Act 1984.

Vic Roads

5. The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads.

SITE AREA:
 LOT 40 = 2846.97 M²
 + LOT 1 = 643.63 M²
TOTAL = 3490.6 M².

EXISTING BUILDING = 428.75 M²
CAR PARKING; 1100 M²
∴ 1 TO 4 SPACES PROVIDED
+ PROVIDED 5 TO 8 SPACES FOR STAFF.
AND - N^o 9 FOR DISABLE 1 SPACE

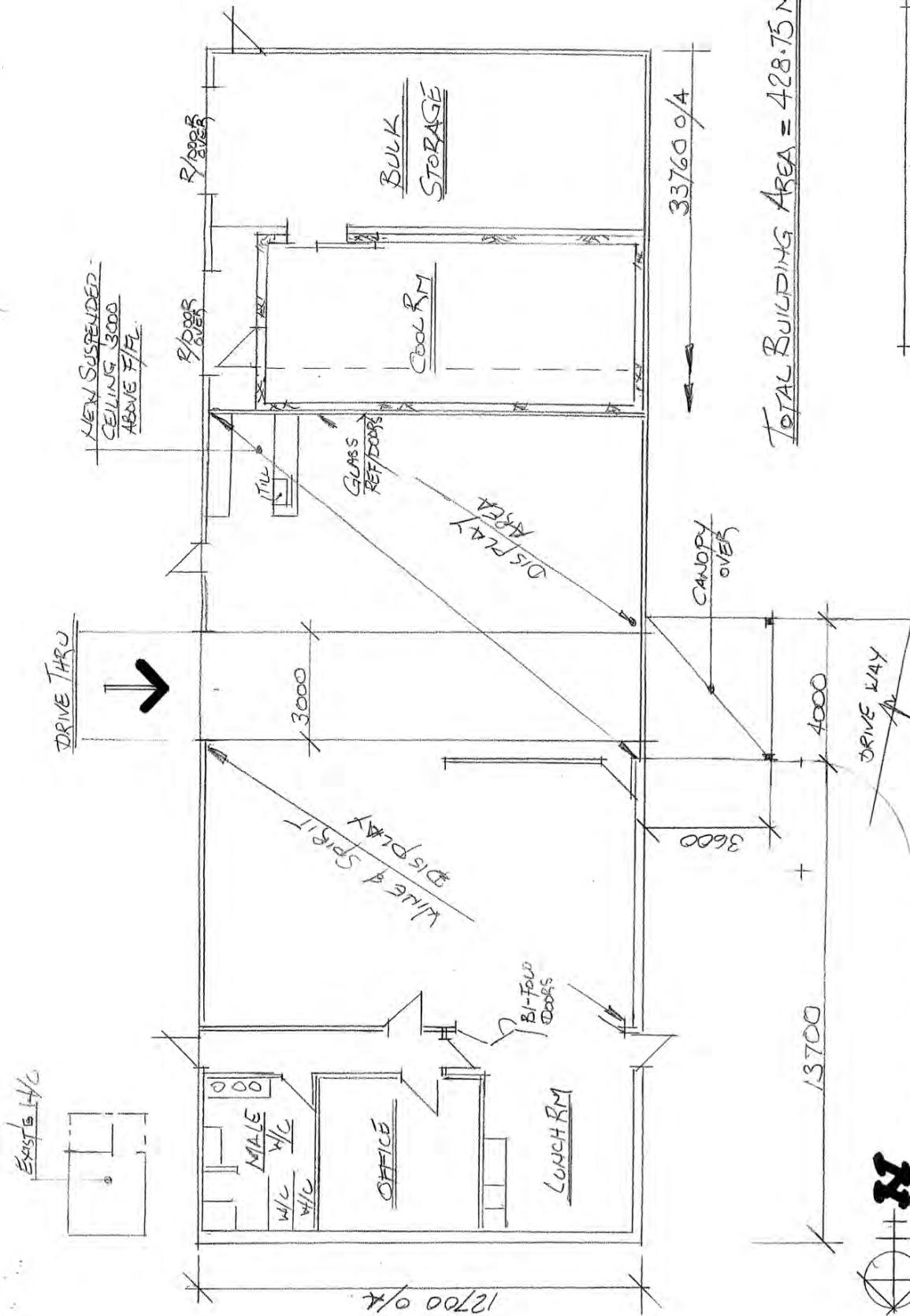


CAMPBELL STREET.

WITTAKER ST.

SCALE: 1:500

DATE: 15/11/18
 SHEET
 PROPOSED DRIVE THRU LIQUOR SALES
 AT N^o 7 WITTAKER STREET
 SWAN HILL, VIC: D.S. SWAN HILL PTY LTD
P-1

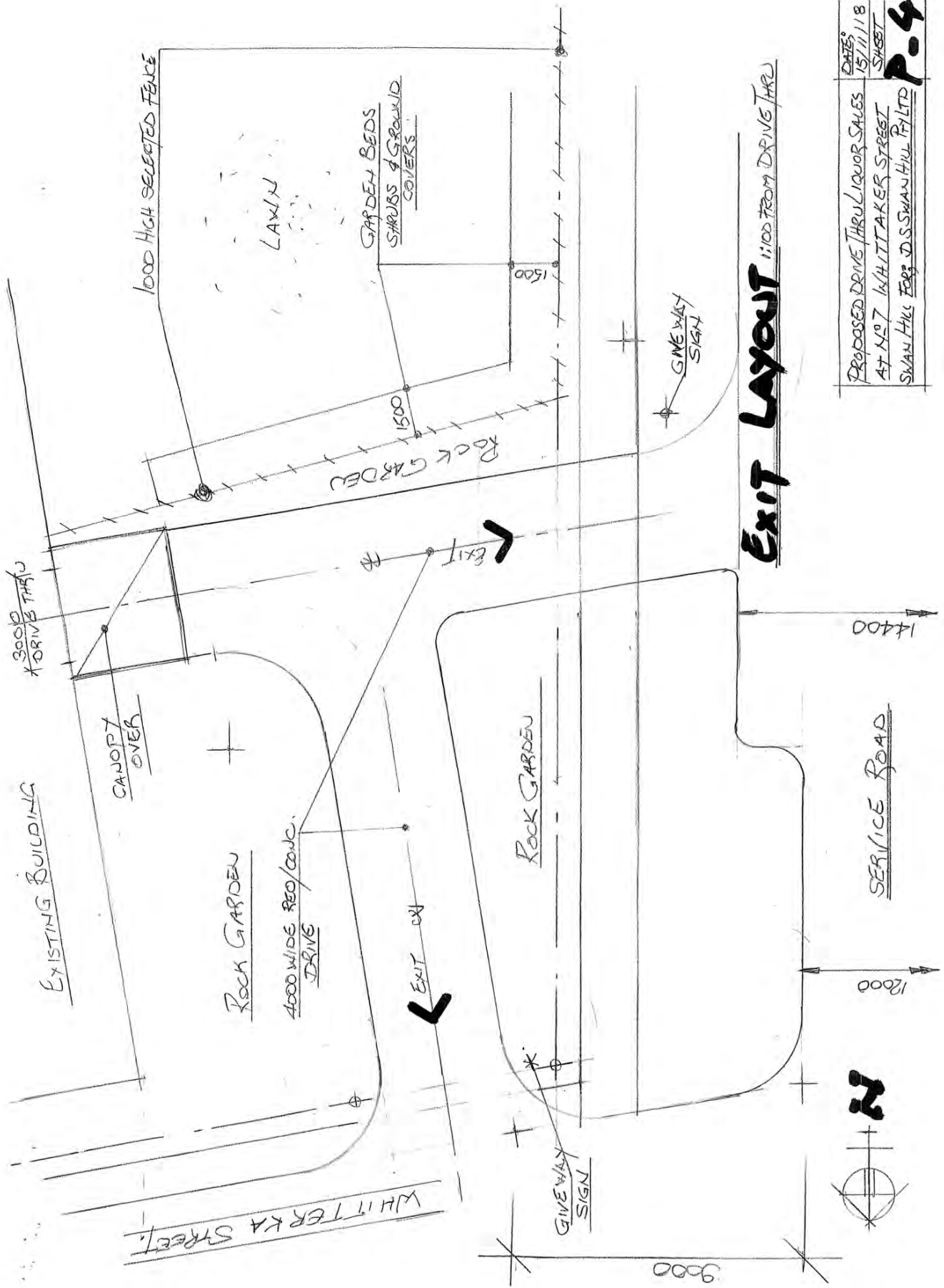


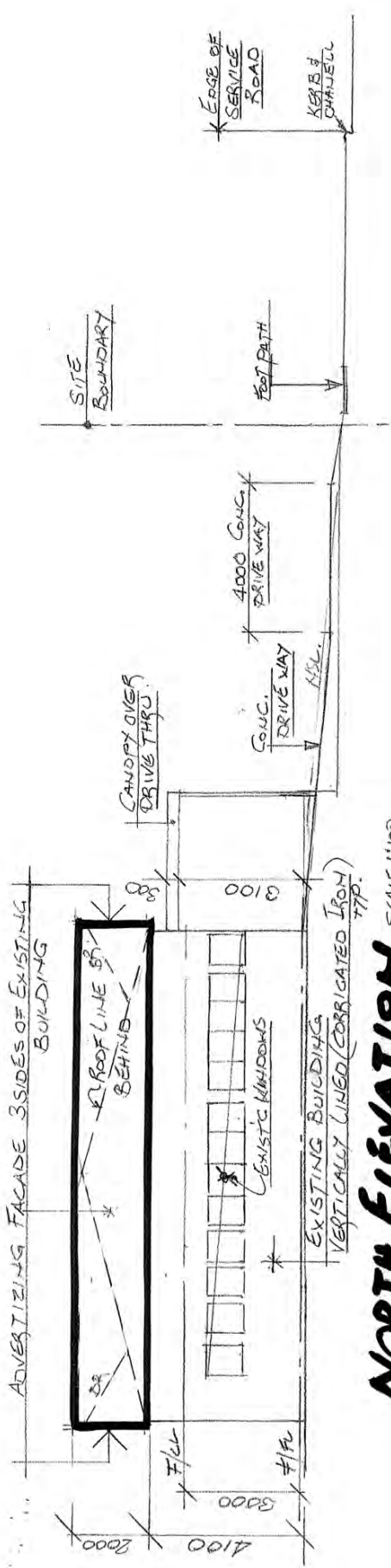
TOTAL BUILDING AREA = 428.75 M²

SCALE 1:100

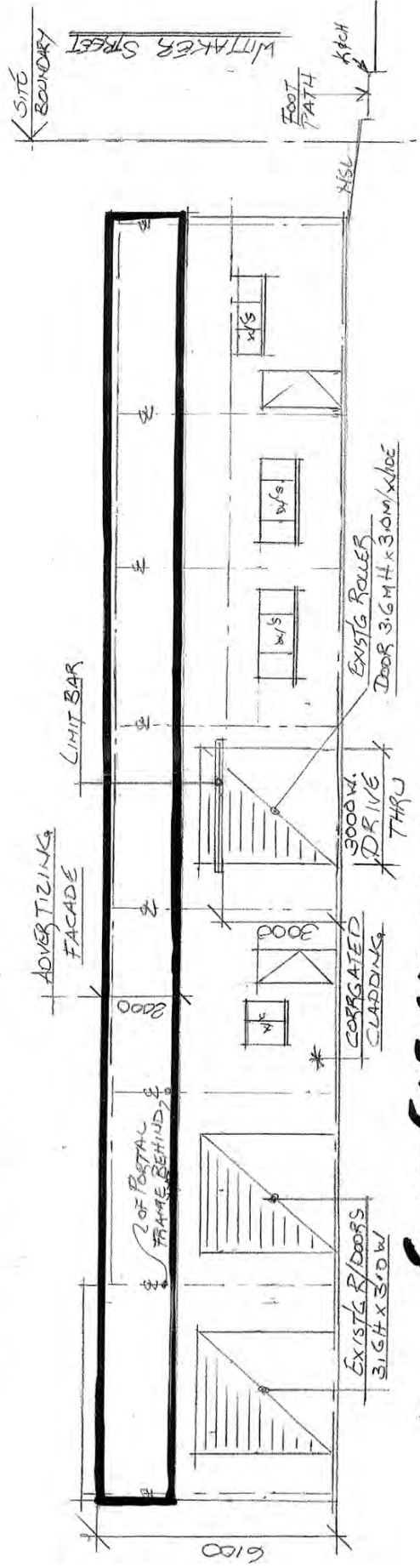
DRIVE THRU FLOOR PLAN

DATE: 15/11/18	P-3
SHEET	
PROPOSED DRIVE THRU LIQUOR SALES	
AT NO 7 WHITTAKER STREET	
SWAN HILL TERN; D.S. SWAN HILL CITY	



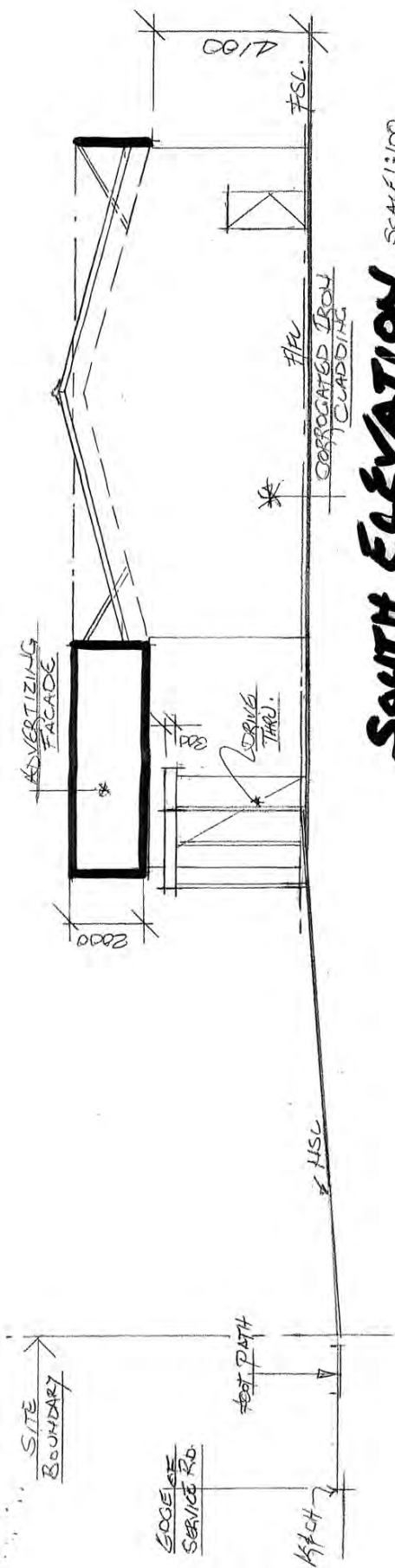


NORTH ELEVATION SCALE 1:100
 SHOWING NEW FACADE + CANOPY OVER DRIVE

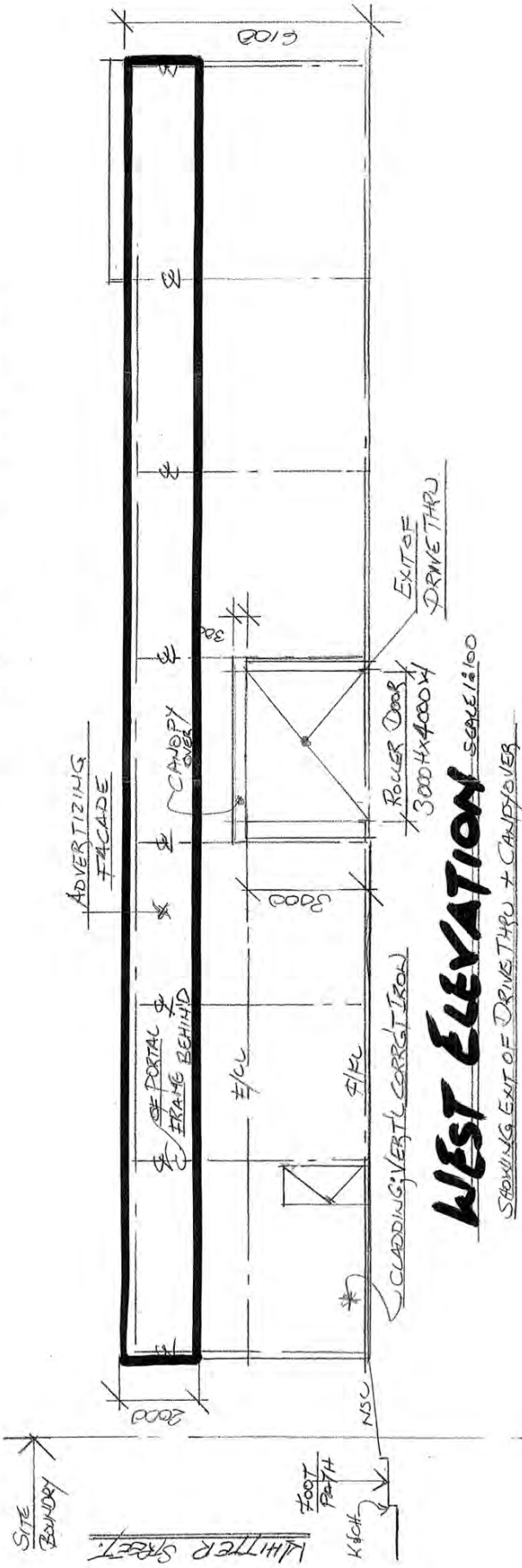


EAST ELEVATION SCALE 1:100
 SHOWING NEW FACADE + DRIVE THRU LIMIT BAR

DATE: 15/11/18
 SHEET: P.5
 PROPOSED DRIVE THRU LIQUOR SALES
 AT N°7 WITTAKER STREET
 SWAN HILL FOR; D.S.S.WAN HILL PT LTD.



SOUTH ELEVATION SCALE: 1/100



WEST ELEVATION SCALE: 1/100
SHOWING EXIT OF DRIVE THRU + CAMPY OVER

DATE	15/11/18
SHEET	P-6
PROJECT	PROPOSED DRIVE THRU LIQUOR SALES
ADDRESS	ATX-07 WHITTAKER STREET
CLIENT	SWAN HILL POS & BUSINESS HILL PT LTD

B.19.22 PLANNING APPLICATION 2018/147 – USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND ASSOCIATED OUTBUILDING AND SUBDIVISION OF LAND (BOUNDARY REALIGNMENT) IN THE FARMING ZONE AFFECTED BY THE LAND SUBJECT TO INUNDATION OVERLAY

Responsible Officer: Director Development and Planning
File Number: 2018/147
Attachments: 1 Permit Conditions
2 Proposed Plans

Declarations of Interest:

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

Summary

This report seeks a Council resolution to refuse the application for the use and development of the land for a dwelling and associated outbuilding and subdivision (boundary realignment) of land in the Farming Zone affected by the Land Subject to Inundation Overlay.

Discussion

Location and existing conditions

The subject site is located at 62 River Road in Swan Hill. The site is approximately 2 kilometres to the north of the Swan Hill Central Business District and approximately 43 metres to the west of the Murray River with an open irrigation channel on land owned by Goulburn-Murray Water separating the two.

The subject site is comprised of two existing lots with areas of approximately 2260m² and 1.58 hectares. The two lots are in the same ownership with the larger lot currently containing a dwelling with land to the north of the dwelling being unused and relatively free from vegetation, as shown in figures 1 and 2. The smaller lot contains outbuildings associated with the dwelling on the larger lot.



Figure 1. Existing condition of the subject site.



Figure 2. Aerial image of the subject site and surrounds.

The land is zoned Farming and affected by the Land Subject to Inundation Overlay (LSIO), as shown in figure 3. The subject site is within an area of Aboriginal Cultural Sensitivity however the proposed use and development is exempt from requiring a Cultural Heritage Management Plan as the activity is exempt under the Aboriginal

Heritage Regulations 2018. The majority of land surrounding the subject site is similarly zoned Farming with land bordering the Murray River zoned Public Park and Recreation land.

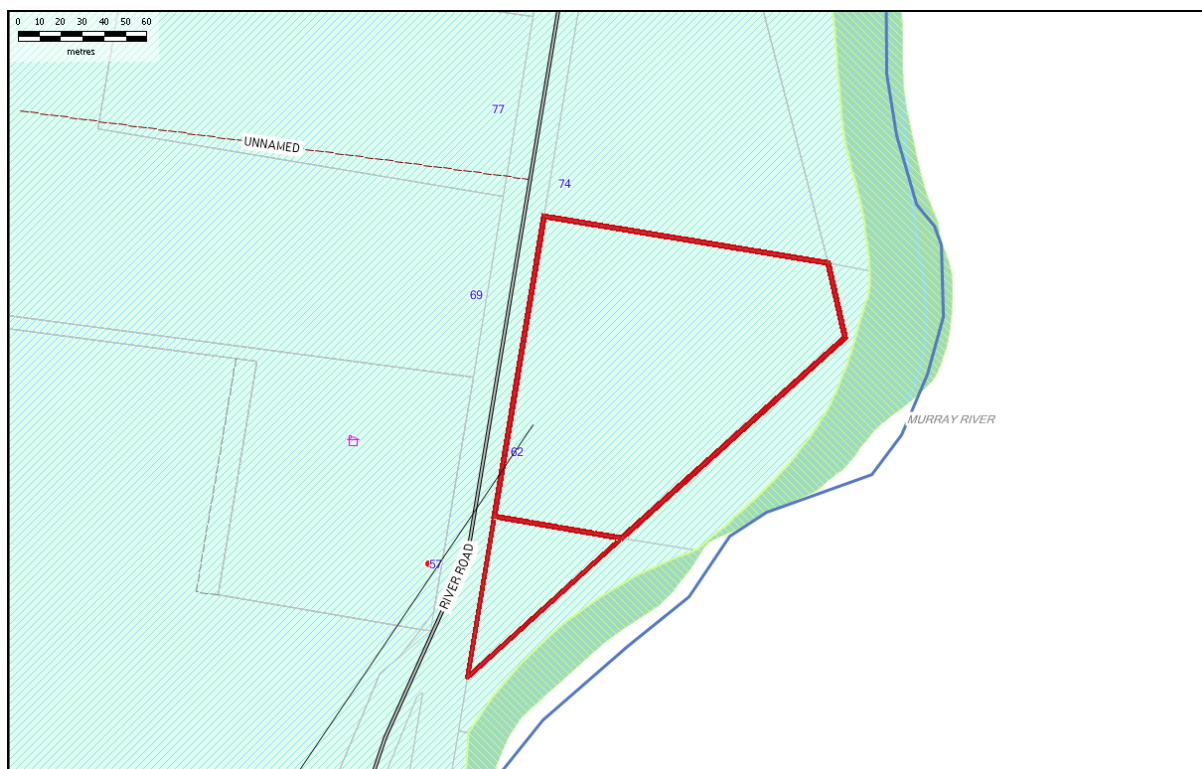


Figure 3. Zoning of the subject site and surrounds.

Proposal

The proposed development includes a subdivision via a boundary realignment that will shift the existing boundary from the south of the existing dwelling to the north of the existing dwelling thereby creating a vacant lot on the unused land.

The development of a large dwelling and associated outbuilding is proposed for the resulting vacant lot.

The existing access will be utilised for the existing dwelling with an additional access from River Road required for the proposed dwelling.

The proposed dwelling is to be comprised of 7 bedrooms, 5 bathrooms, a study, school room, toy room, laundry, kitchen, various formal and informal living spaces, various storage spaces, an attic, garage and a large alfresco area. The total floor area of the proposed dwelling is 1006.57m², with the ground floor area being 900.46m².

The dimensions of the proposed outbuilding have not been provided but the floor area is approximately 240m².

Assessment against the Planning Scheme

The primary planning concern is the facilitation of development in an area prone to flood. The purpose of the flood overlay (LSIO) is to both protect residents and property from the damaging effects of flood and also to maintain the natural flow of floodwaters by minimising potential obstruction.

The nominated flood level for the subject site is 67.9 metres AHD as advised by North Central Catchment Management Authority. The ground level at the location of the proposed dwelling and also of River Road is 67 metres indicating a potential flood depth of 900 mm, as shown in figure 4. A flood level of this depth not only puts occupants and property at direct risk but also creates the potential for occupants to be stranded during flood events as River Road would be inundated and impassable.



Figure 4. Contours of the subject site and River Road.

Additional concerns include the zoning of the land and the potential to set a precedent for land zoned Farming.

The decision to be made is whether it is appropriate to permit the use and development given the applicable planning policies, decision guidelines and controls

that apply to the land, in particular those about flooding and the management of risks.

The key questions to consider are:

- Is the proposal appropriate for the zone?
- Is the proposal appropriate under the overlay?
- Is the proposed development in accordance with the policies and provisions of the Swan Hill Planning Scheme?
- Will the proposal result in a proliferation of inappropriate development within a flood prone area?

Zoning

The proposed development is located within the Farming Zone. In addition to implementing the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF), the purpose of the zone as relevant to the proposal is to:

- provide for the use of land for agriculture;
- encourage the retention of productive agricultural land;
- ensure that non-agricultural uses, including dwellings, do not adversely affect the land for agriculture;
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed use of land for a dwelling is a Section 1 – permit not required use, providing the proposal satisfies the conditions in the schedule to the zone. Subsequent to the boundary realignment, the resulting lot will be 1.098 hectares and therefore will not meet the minimum area of 20 hectares required for a dwelling. As such, the use of land for a dwelling is a Section 2 use and requires a permit.

A permit is also required to subdivide land. As the subdivision is a boundary realignment that will not increase the number of lots, the minimum area of resulting lots specified in a schedule to the zone is not binding.

A permit is also required to construct or carry out a building or works associated with a use in Section 2.

The Farming zone provides specific purposes in relation to agriculture, included among these is the use of land for agriculture. There is no requirement for agricultural use to be profitable. While agricultural pursuits on the existing lot may not be profitable, the land retains the potential to be used for agricultural purposes as shown in the images below from 2017.



Figure 5 and 6. The subject site being used for agricultural purposes in 2017.

In the images, the lot appears to be sustaining a crop of lucerne. Lucerne can be used for animal feed and lucerne crops also dry the soil and thereby increase the capacity of soil to store water in times of excess, which reduces groundwater discharge. Small crops of lucerne play a role in and contribute to the productivity of the wider agricultural industry.

Within the decision guideline regarding general issue, the capability of the land to accommodate the proposed use and development, including the disposal of effluent, is to be considered. While the resulting lots will be 10928m² and 7112.5m² and may be capable of supporting the development including effluent disposal, no land capability assessment has been supplied and therefore the land capability for both the existing and the proposed dwelling cannot be determined.

The decision guidelines regarding the use of land for a dwelling refer to whether or not the dwelling will result in the loss or fragmentation of productive farmland. As outlined above, while the agricultural use may not be solely profitable, the fact remains that the dwelling will result in a loss of agricultural land.

Other decision guidelines include whether the dwelling would be adversely affected by or adversely affect agricultural activities on adjacent land and whether 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 land for agriculture.

The image below is an indication of the number of vacant lots in the general area also zoned farming and subject to inundation.

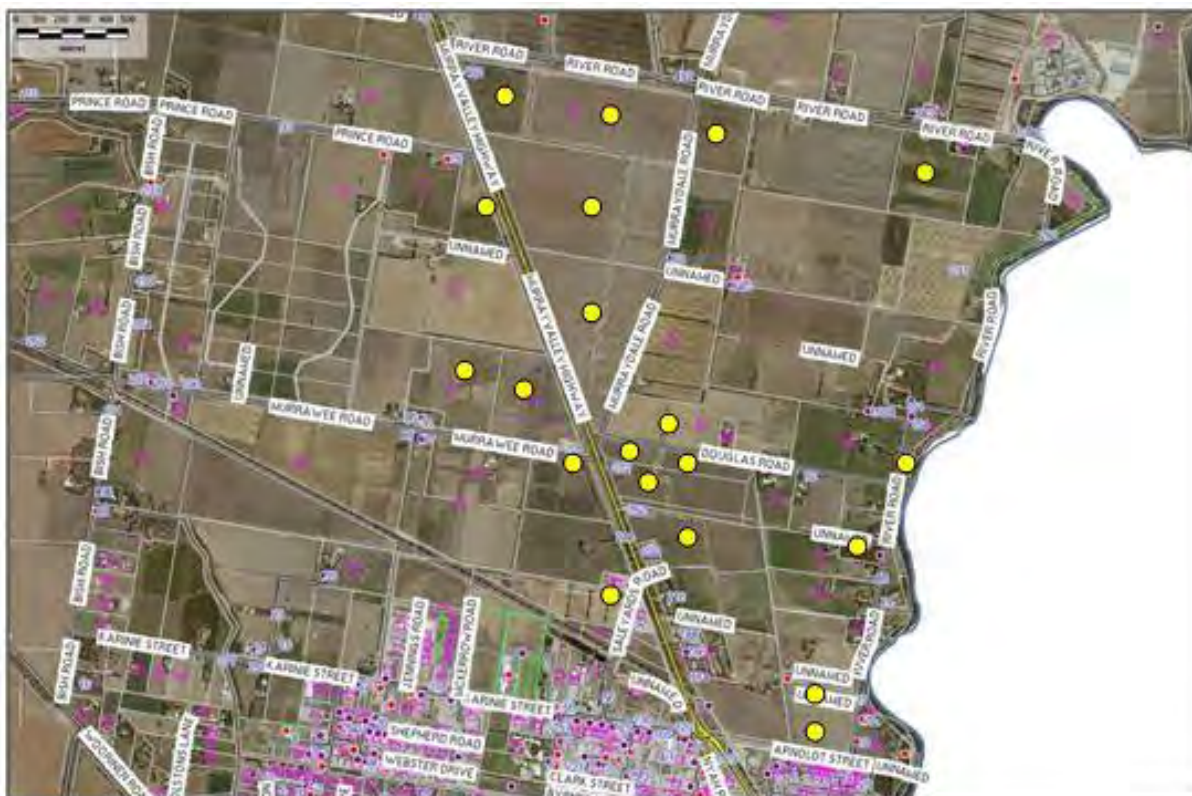


Figure 7. Vacant lots that may be further developed.

Due to the surrounding land uses, it is unlikely that a dwelling in the proposed location would be affected by or has an effect on agricultural activities on adjacent land. The granting of a permit for a dwelling does however, have the potential to lead to a proliferation of new dwellings in the area that would impact the remaining productive agricultural land.

Regarding the decision guidelines that relate to design and siting, while the proposed development is quite large, the materials, colours and style of the dwelling are appropriate for the area.

While the land is currently bare, the proposed dwelling will impact the natural scene from the road side by obstructing the view to the Murray River Reserve, as shown in figure 8.



Figure 8. View of subject land from River Road.

Overlays

The subject site is entirely covered by the Land Subject to Inundation Overlay (LSIO). In addition to implementing the MPS and the PPF, the purpose of the overlay as relevant to the proposal 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;
- 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 flood level or flow velocity;
- Protect water quality; and
- Ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A permit is required to construct a building or to construct or carry out works.

The decision guidelines of the overlay include any comments from the relevant floodplain management authority. The application was referred to North Central Catchment Management Authority (NCCMA). While the catchment authority has no objections to the application, they also advise that in the event of a 1% AEP flood

event, it is possible that the property may be subject to inundation from the Murray River.

The catchment authority also notes that they do not support the subdivision of lots in Tyntynder Flats to create new lots and facilitate the intensification of development in this area. The authority states that Tyntynder Flats is protected by an unmanaged rural levee system of unknown quality and that there is potential for this levee system to breach and/or overtop in future flood events. NCCMA has supported the development on the basis that the subdivision is a boundary realignment and no new lots have been created.

While the boundary realignment has not created a new lot, it has created a vacant lot that will result in further development. It is the further development that may result in lives and property being at risk and the obstruction of the natural flow of flood waters.

The catchment authority also requires the dwelling to be relocated to achieve the necessary setbacks.

Other decision guidelines include whether the proposed use or development could be located in flood-free land or land with lesser flood hazard outside the overlay. As there is ample land within Swan Hill to build on, there is no necessity to develop in this area.

The location of the proposed development has the potential to cause flood risk to life, health and safety and has the potential to prevent egress in the event of flooding. The large size of the dwelling may redirect or obstruct floodwater, stormwater or drainage water and may reduce flood storage and increase flood levels and flow velocities.

The proposed use and development is not in accordance with the purpose of the overlay or the decision guidelines intended on directing appropriate development.

Planning Policy Framework

Clause 11.02-1S Supply of urban land

Among the strategies of the Clause is to consider the limits of land capability and natural hazards and environmental quality. Strategies also include the restriction of rural residential development that would compromise future development at higher densities.

The application has not provided details on the location of waste water treatment system for the existing dwelling or the waste water treatment system for the proposed dwelling, therefore no assessment of the capability of the land is possible. The proposed development will be susceptible to natural hazards as outlined above and may impact environmental quality by obstructing flood waters.

As alternative residential land is available within Swan Hill, encouraging rural residential development, particularly in a zone that does not support it, will compromise future development at higher densities that support sustainable urban development.

Clause 13.01-1S Natural hazards and climate change

The objective of the Clause is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. Strategies include directing population growth and development to low risk locations and siting and designing development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.

The proposal is not in accordance with the Clause as the area cannot be considered a low risk location and the potential risk to life, property and the natural environment by the flood prone location cannot be overlooked.

Clause 13.03-1S Floodplain management

The objectives of the Clause are to assist the protection of:

- Life, property and community infrastructure from flood hazard;
- The natural flood carrying capacity of rivers, streams and floodways;
- The flood storage function of floodplains and waterways;
- Floodplain areas of environmental significance or of importance to river health.

Among the strategies to achieve this is to avoid intensifying the impact of flooding through inappropriately located use and development.

The proposed use and development is located within the LSIO which serves to ensure that development maintains the free passage and temporary storage of floodwaters and minimises flood damage. A development of this nature located within the LSIO has the potential to intensify the impact of flooding causing risk to both the occupying residents and nearby residents.

Local Planning Policy Framework

Clause 21.05-4 Flooding

The objective of the Clause is to protect the floodplain from inappropriate development. Strategies to achieve this include to discourage development that could adversely inhibit the flow of flood waters and to maintain the function of the flood plain development.

The proposed development has a floor area of over 1000m² and has the potential to inhibit the flow of flood waters.

Clause 22.01 Flooding

Objectives of the Clause include to maintain the unobstructed passage of floodwaters and to provide suitable flood plain management which will ensure that any new development is suitably designed and compatible with the identified flood hazard and local drainage characteristics.

It is policy to permit the construction of a dwelling on land designated as liable to flooding where:

- This will not adversely affect the function of the floodplain.
- The floor level height of the dwelling is not less than 300mm above the designated 1% flood probability level.
- The construction standards for all works comply with relevant Building Codes and have regard to soil base and local drainage considerations.
- An effective disposal system is provided to the satisfaction of the responsible authority, where a septic tank system or similar suitable waste disposal connected to a dwelling is installed below the designated 1% flood probability level.

It is difficult to determine the effect the dwelling may have on the function of the floodplain. The floor level height can be conditioned to meet the required standards. The construction standards will be addressed by the Building Department. No information was provided regarding the effluent disposal system.

Referral Authorities

Department of Environment, Water, Land and Planning

The subject site abuts Crown Allotment 39A, Parish of Castle Donnington. The referral response makes reference to Clause 21.05-1 Murray River Corridor and the need to ensure that all land use activities and development adjacent to the Murray River Reserve protects environmental, visual and landscape values of the river and environs. The Department seeks to discourage built structure encroachments of Crown river frontage and requires a minimum setback of 30m from the shared Crown land – freehold boundary. The Department also requires the construction of a fence that is stock and domestic pet proof, 1.5m high and without gates or openings.

Goulburn-Murray Water

GMW requires that development does not impact detrimentally on Goulburn-Murray Water's infrastructure and the flow and quality of surface water and groundwater. GMW has noted that the proposed dwelling is located less than 30m from the No 10 channel and requires the proposed dwelling to be relocated to ensure it is:

- 30m from any GMW surface infrastructure (open irrigation channels and drains)
- 10m from any other structure (culverts, drainage inlets, subways, syphons)
- 5m from any below surface infrastructure (pipelines)

located on any Goulburn Murray Water freehold, easements or reserves.

Other conditions include the level of wastewater treatment, disposal and the disposal area location being at least 60m from GMW irrigation drains and channels.

GMW also notes that no information regarding wastewater treatment for both the proposed and the existing dwelling has not been provided and requires this information prior to the issue of statement of compliance.

North Central Catchment Management Authority

The catchment management authority has no objections subject to:

- the finished floor level being a minimum of 0.3m above the 1% AEP flood level of 67.9m (i.e. no lower than 68.2m to Australian Height Datum).
- All buildings must be set back a minimum of 50m from the flood protection levee along the Murray River.
- Any earthen land fill to achieve the minimum floor level requirement must not exceed 1000m² in area.

While NCCMA have not objected to the proposal, they have advised that they do not support subdivisions that create additional lots to facilitate development. As the catchment management authority are a recommending referral authority, only consideration of the advice is required and a permit may still be granted.

While the catchment management authority has not objected to the proposal, one of the concerns regarding the development is that the approval of the proposal has the potential to set a precedent that may compromise planning decisions in the future.

Summary

The proposed subdivision and dwelling is located within the Land Subject to Inundation Overlay and has the potential to set a precedent for further development. It is necessary to apply the precautionary principle when assessing development in hazardous areas.

In relation to the safety issues when developing in flood prone areas, reference is made to Cook v Alpine SC [2011]:

'There are important safety issues associated with developing in areas that are prone to flooding. These safety issues not only relate to the occupants of the development, but also to emergency services personnel who are called upon to assist those trapped by floodwaters...that the road will experience significant flooding to a depth of between 500mm to 2.2 metres. Occupants of the dwelling have no alternate means of escape. Emergency services similarly have no way of getting to the property in the event that occupants require evacuation, supplies or medical aid. Within such context, I can only reasonably conclude that the proposal is not an acceptable planning outcome.'

The VCAT case reveals a similar situation where the main road to access the property is likely to be impassable in a flood event.

The VCAT case Stella v Maribyrnong CC and ors [2001] states the following in relation to applications in flood prone areas:

"There are many considerations associated with the development of land within a floodplain including the risk to life, health and safety, damage to

property, the extent to which the burden on emergency services is increased and the impact on the capacity and function of the floodplain itself. These are not trivial matters and accordingly, it is imperative that the extent to which the land is flood prone be carefully considered”

As recently as February of 2011, Swan Hill was bracing for floodwaters and the reality of this age is that the frequency of extreme weather events and natural disasters is unpredictable.

The proposal is also located within the Farming Zone and while the land may not be considered a suitable size for profitable agricultural productivity, the land is still subject to the regulations of the zone. The proposed dwelling is not required to support agricultural operations as no agricultural operations currently occur or are proposed on the land.

While the development could be approved, the repercussions could include the setting of a precedent for further inappropriate development on land subject to inundation. The combination of flood risks with little policy support for further development in the area weighs against granting a planning a permit.

While the area has seen incremental development in the past, past development is no justification to continue allowing inappropriate development. The VCAT case *Lourey v Yarra CC* [2011] includes the following comments in relation to past development in flood prone areas:

“The site context and the characteristics of development on surrounding lots, is not sufficient to persuade me that a permit should issue for this proposal. The policies and controls relating to development within flood plains have undergone significant change.....I am required to consider this application having regard to the policies and controls that apply now, and a continuation of existing development patterns is not justification for the grant of a permit in this case”.

If the land was appropriate for development, it is likely that rezoning would be supported. As the land is within a flood zone and there is not currently a demand for residential land in Swan Hill, it is unlikely that rezoning would be supported.

Objections

There were no objections to the application.

Consultation

No consultation has occurred as there were no objections to the application.

Financial Implications

As the proposed use and development is of a private nature on private land, no financial implications to Council are foreseen with the exception of potential emergency service requirements in the event of flooding.

Social Implications

It is unlikely that social implication would result from the proposed use and development with the exception of risk to life and property for the owner/occupier and nearby residents.

Economic Implications

Economic implications could occur in the event of a natural disaster and the emergency services efforts that may be required.

Environmental Implications

As minimal vegetation will be removed to accommodate the proposed use and development, no environmental implications are foreseen.

Risk Management Implications

The proposed use and development is located within an area at risk of flooding. The precautionary principle should be applied when considering the application.

Council Plan Strategy Addressed

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

It is considered that the proposed use and development is not reflective of this Council Plan Strategy.

Suggested Options

Council has three options when considering this application:

1. Issue a Notice of Refusal for the planning application; or
2. Issue a Notice of Decision to Grant a Planning Permit with conditions (attachment 1 contains a list of conditions that would be appropriate should Council choose this option); or
3. If Council decides to issue a Notice of Decision to Grant a Planning Permit, that the decision be deferred until a Land Capability Assessment for the effluent disposal system is submitted and approved by the Responsible Authority.

Recommendations

That Council issue a Notice of Refusal for the application for use and development of the land for a dwelling and associated outbuilding and subdivision (boundary realignment) of land in Farming zone affected by the Land Subject to Inundation Overlay on the following grounds:

1. **The application is not consistent with State and local planning policy, in particular:**
 - **Clause 11.02-1S Supply of urban land – the proposed use and development is not in accordance with the Clause as it is subject to natural hazards, does not consider land capability and compromises future development at higher densities.**
 - **Clause 13.01-1S Natural hazards and climate change – the proposal is not in accordance with the Clause as the area cannot be considered a low risk location and the potential risk to life, property and the natural environment by the flood prone location cannot be overlooked.**
 - **Clause 13.03-1S Floodplain management – the proposed use and development is subject to risk to life, property and the natural environment.**
2. **The application is not consistent with the purpose of the Farming Zone at Clause 35.07, which is to protect agricultural land.**
3. **The application is not consistent with the purpose of the Land Subject to Inundation Overlay at Clause 44.04, which is to ensure that development maintains the free passage and temporary storage of floodwaters and minimises flood damage.**

Attachment 1.**Permit conditions**

If a permit was to be issued, the following conditions would be recommended:

1. Prior to the commencement of the development, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plans must be generally in accordance with the plans received on 4 December 2018 and prepared by Penno Drafting and Design but modified to show:
 - a. The dwelling relocated to comply with conditions 9, 11 and 14.
 - b. The dimensions and exact location of the proposed outbuilding.
2. Prior to the commencement of the dwelling on proposed Lot 1, the proposed subdivision must be completed and registered at the titles office with copies of the new titles submitted to the Responsible Authority.
3. Prior to the commencement of the development of the dwelling on proposed Lot 1, a Land Capability Assessment is required to be submitted and approved by Council's Environmental Health Officer.

Such report must be accompanied with a copy of the author's current public liability insurance certificate.

Engineering Department

4. Prior to the commencement of the use and occupation of the building, vehicular crossing shall be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must:
 - a. Be constructed at right angles to the road, and any redundant crossing shall be removed.
 - b. Be setback a minimum of 3m from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree.
5. Prior to the commencement of the use and occupation of the building, the internal access driveway must be constructed to all weather sealed or gravel, formed, finished and drained to the satisfaction of the Responsible Authority.

6. The applicant/owner must restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
7. Prior to the occupation of the building, 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.

Health Department

8. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates, or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of Council's Environmental Health Officer.

North Central Catchment Management Authority

9. The finished floor level of the proposed dwelling must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 67.9 metres AHD, i.e. no lower than 68.2 metres to Australian Height Datum.
10. All buildings must be set back a minimum of 50 metres from the flood protection levee along the Murray River.
11. Any earthen land fill to achieve the minimum floor level requirement must not exceed 1000m².

Department of Environment, Land, Water and Planning

12. All buildings and structures must be located a minimum 30 metres from the shared Crown land – Freehold boundary.
13. Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Sustainability and Environment at the applicant's expense. Fence must be erected:
 - a. On the boundaries of the land;
 - b. Be stock and domestic pet proof and 1.5m high; and
 - c. Without gates or openings on to adjoining Crown land

Goulburn-Murray Water

14. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
15. No buildings or works may be erected or carried out within 30 metres of any Goulburn Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any Goulburn Murray Water freehold, easements or reserves.
16. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
17. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
18. The wastewater disposal area must be free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
19. The wastewater disposal area must be located a minimum of 60 metres from Goulburn-Murray Water irrigations drains and channels, and from any dams, and at least 20 metres from any bores.
20. Prior to the issue of Statement of Compliance, the following information is required in relation to the existing dwelling on proposed lot 2:
 - a. A description of the dwelling in terms of number of bedrooms.
 - b. A site plan showing the location of the existing septic tank system and its associated disposal trenches, as well as a full reserve field at least 60 metres from Goulburn-Murray Water irrigations drains and channels, from any dams, and at least 20 metres from any bores.
 - c. A description of proposed wastewater management and an assessment of the existing septic tank system by a suitably qualified professional to determine whether it is suitable for continuous use for the dwelling. This must include an assessment of its operational status to determine whether it is performing in a satisfactory manner on the site and whether it meets the requirements of the current EPA *Code of Practice – Onsite Wastewater*

Management. If the system is inadequate, a detailed description of any works required must be provided.

- d. In the event that the existing system is unsuitable for use, the system must be upgraded in accordance with the EPA Code of Practice – On-site Wastewater Management, Publication no. 891.4, July 2016. The new wastewater disposal field must be located at least 60 metres from Goulburn-Murray Water irrigations drains and channels, from any dams, and at least 20 metres from any bores.

21. For subdivision of property holding delivery shares, the applicant must either:

- a. Make an application to Goulburn-Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively
- b. Demonstrate to Goulburn-Murray Water reasonable satisfaction the means by which a Goulburn-Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

Expiry

22. 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.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

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

Notes

From the Building Department

- a. All building works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2018 and the Building Code of Australia.

- b. A building permit will be required for the building work associated with this development.

From the Engineering Department

- c. A works within the road reserve permit will be required from Council prior to commencement of any works within the road reserve area (crossovers).

From the Health Department

- d. A separate permit must be obtained from Council's Public Health Services Department prior to installation of the septic tank system.

From North Central Catchment Management Authority

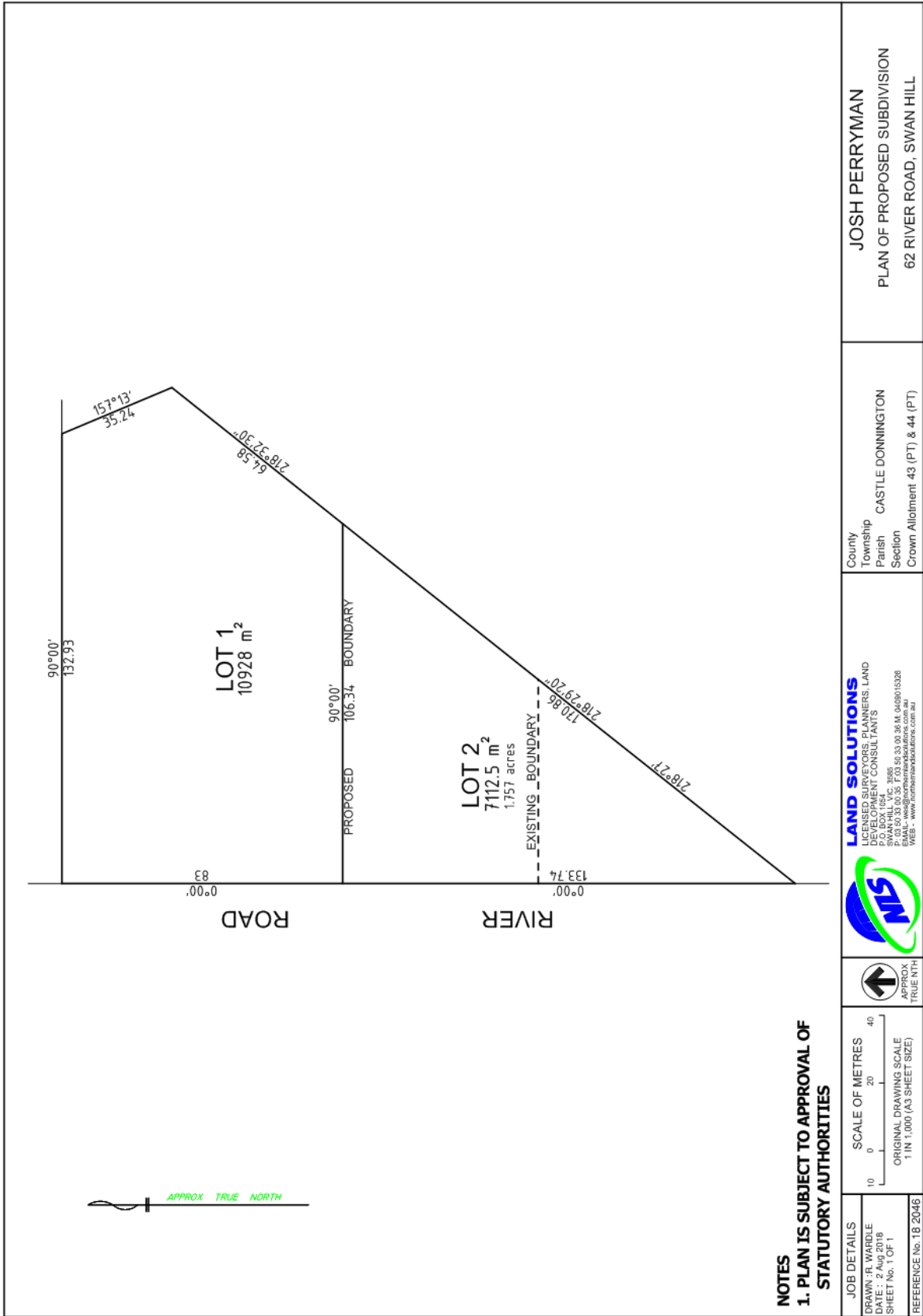
- e. Flood levels for the 1% AEP (100 year ARI) flood event have been declared for this area under provisions of the *Water Act 1989*. The declared 1% AEP flood level for the location described above is 67.9 metres AHD.
- f. North Central CMA advises that in the event of a 1% AEP flood event it is possible that the property may be subject to inundation from the Murray River. However it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the property.
- g. Please note that the location of the proposed buildings do not achieve condition 9 as recommended by North Central CMA above. To achieve this condition any new buildings and works should be setback approximately 50 metres from the property boundary.
- h. North Central CMA does not support the subdivision of lots in Tyntynder Flats to create new lots and facilitate the intensification of development in this area. Tyntynder Flats is protected by an unmanaged rural levee system of unknown quality. There is potential for this levee system to breach and/or overtop in future flood events. North Central CMA has supported this development on the basis that the subdivision is a boundary realignment and no new lots have been created.

From Department of Environment, Land, Water and Planning

- i. The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Sustainability and Environment.
- j. Fire protection works to a higher level of protection will not be undertaken on the Crown land as a result of the residential development.

From Goulburn-Murray Water

- k. Any enquiries or applications regarding access to water for the proposal should be made to Goulburn-Murray Water, Water Administration Area. The procurement of water for the proposal is the responsibility of the applicant and not addressed through the planning permit referrals process.

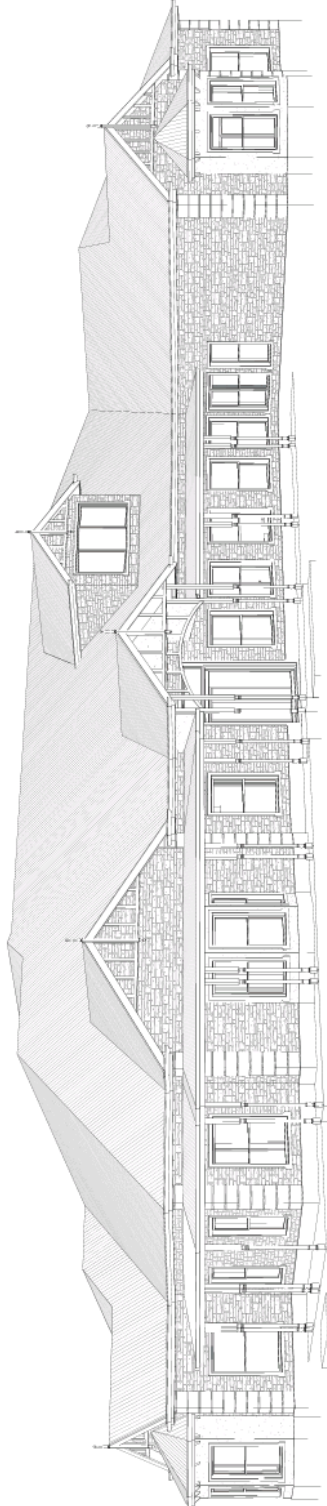


PENNO DRAFTING & DESIGN

SPECIALISING IN: BUILDING DESIGN - NEW HOMES, RENOVATIONS, QUALITY PLANNING & DESIGN
 ADDRESS: 33 BREEN STREET BENDIGO, PHONE: (03)5444 3315 - 0417 033 606
 E-MAIL: plans@pennodrafting.com.au, REGISTRATION No.: CDP-AD-57597



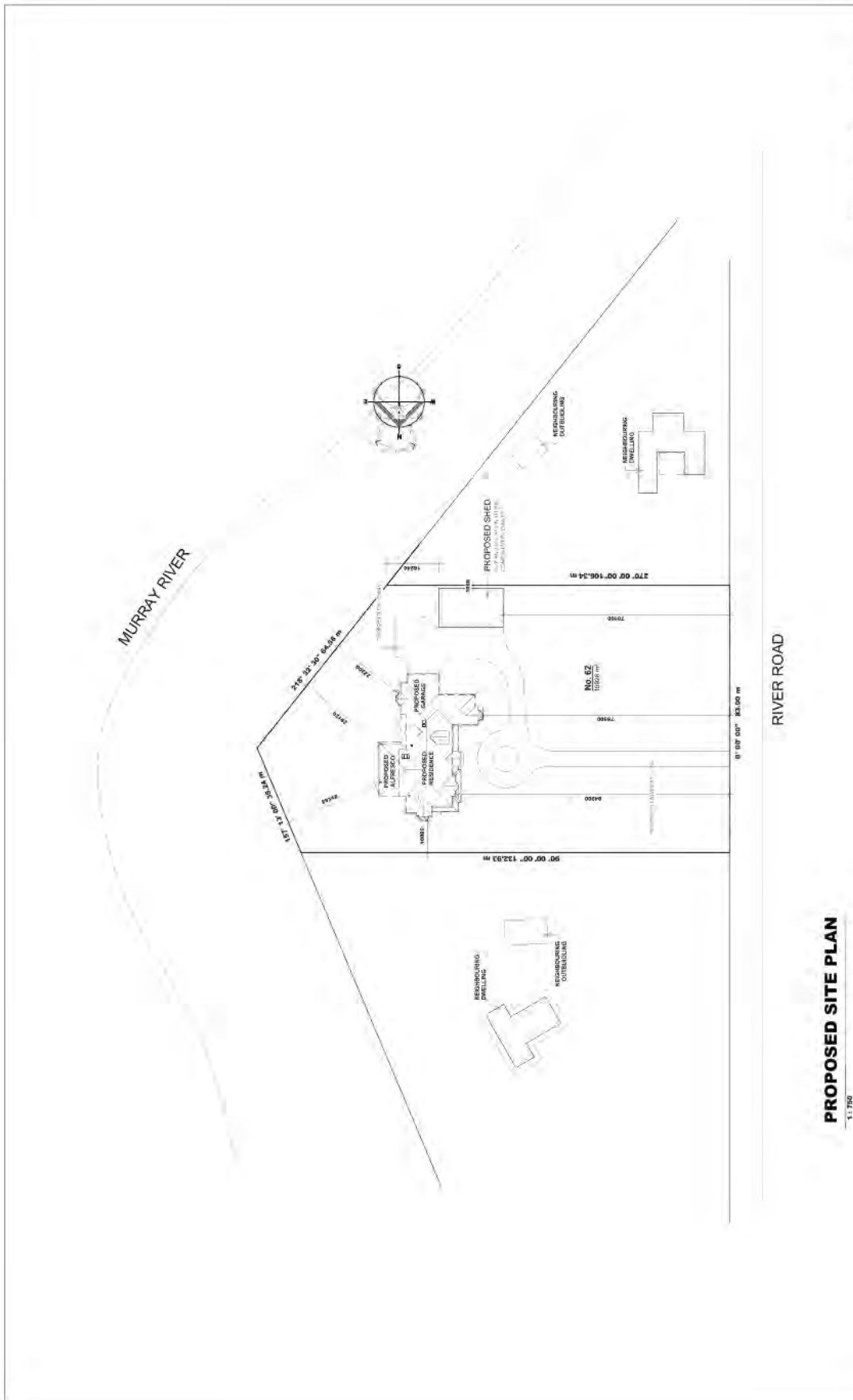
REVISIONS		
ISSUE NO.	DATE	COMMENTS
001	16/01/18	FOR APPROVAL
002	16/01/18	FOR APPROVAL



PROJECT INFORMATION
 CLIENT: JOSH PERRYMAN
 ADDRESS: 62 RIVER RD, SWAN HILL
 REF No.: R18-181
 DATE: 16/01/18

DRAWING LIST	
SHEET No.	SHEET NAME
001	PROJECT: 2017-18-18
002	FLOOR PLANS
003	SECTION A-A
004	ELEVATIONS
005	EXTERIOR
006	INTERIOR
007	3D-VIEWS

PRELIMINARY PLANS
 NOT TO BE USED FOR CONSTRUCTION PURPOSES

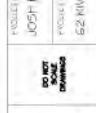


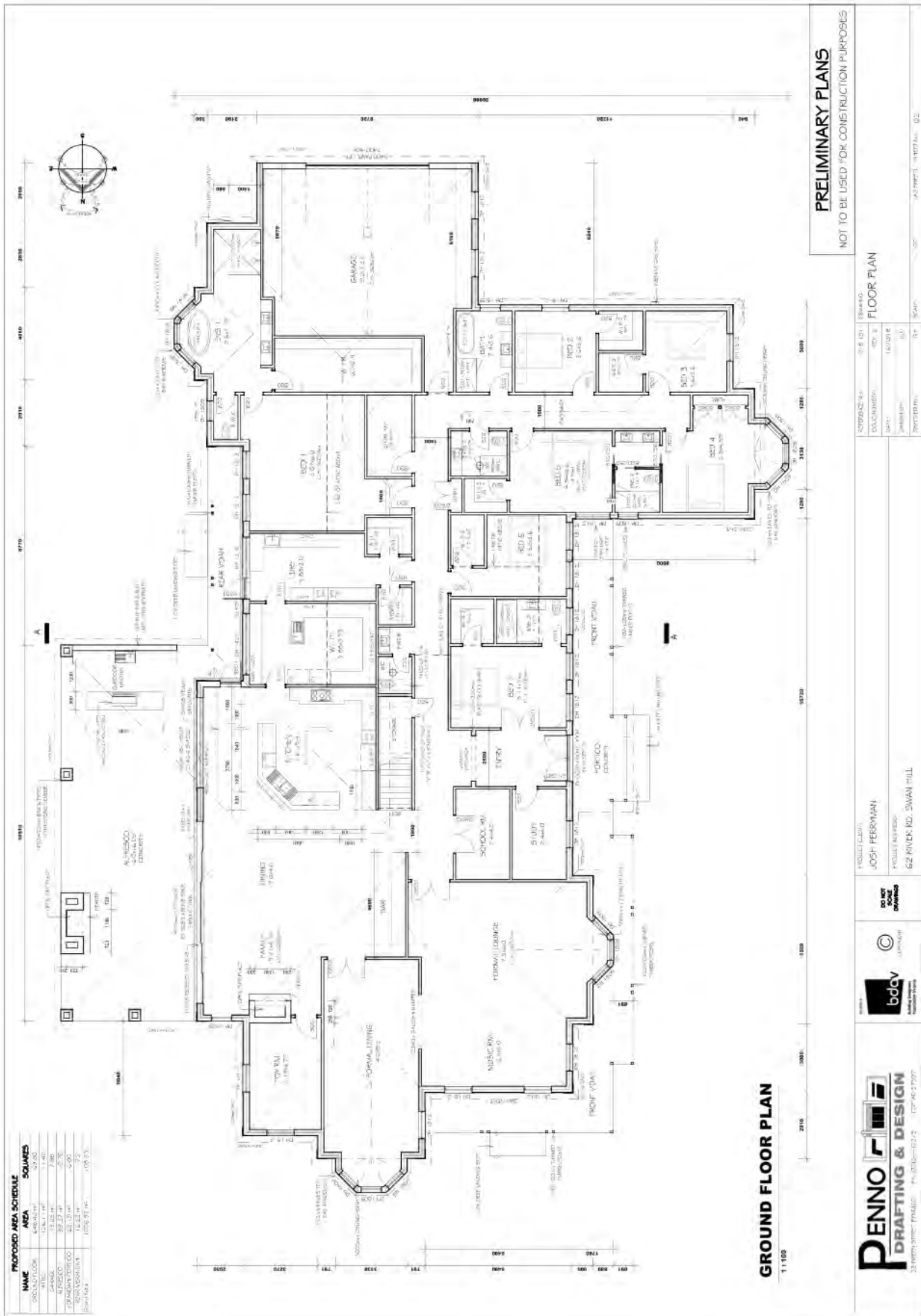
PROPOSED SITE PLAN
1:1750

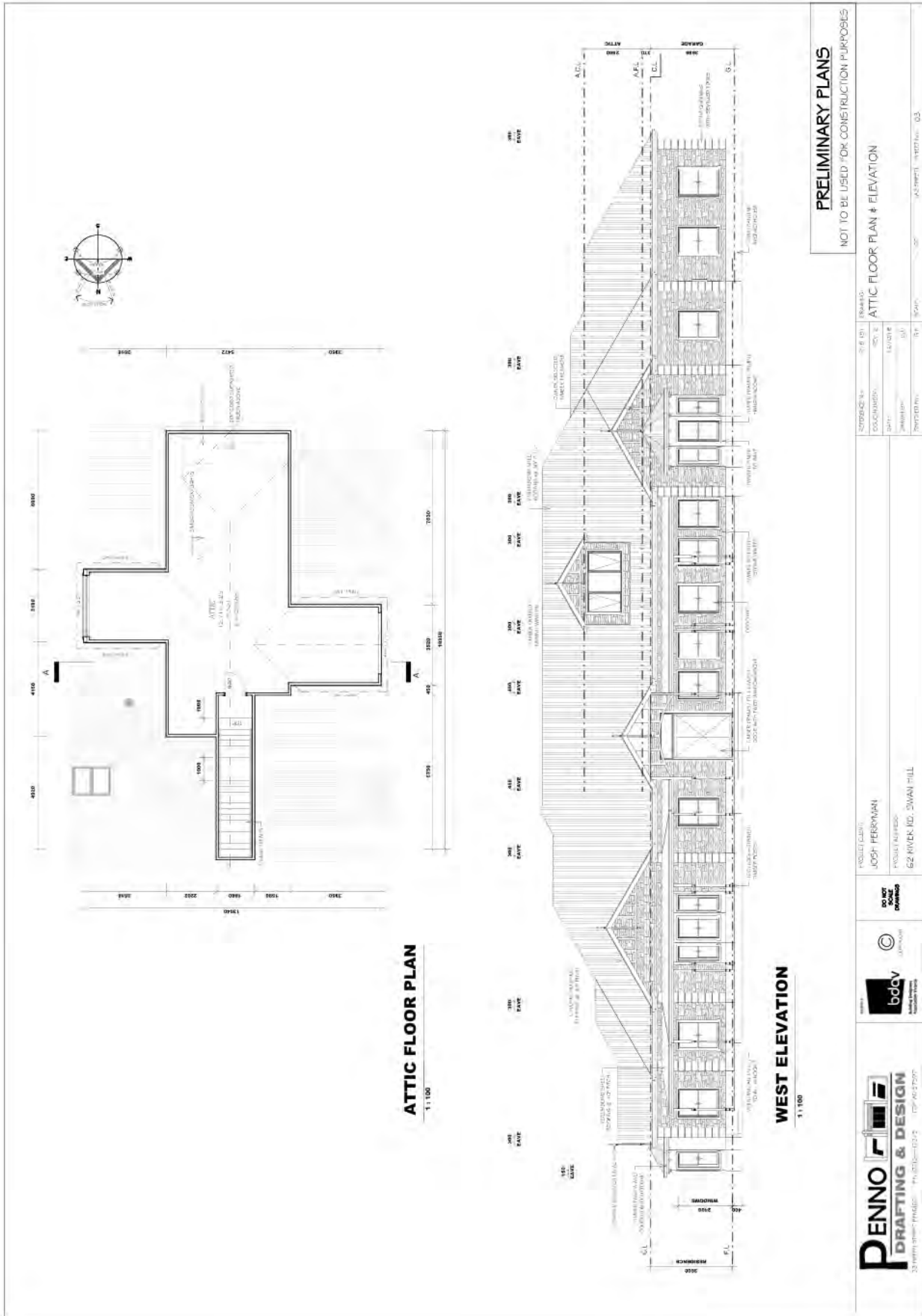
PRELIMINARY PLANS
NOT TO BE USED FOR CONSTRUCTION PURPOSES

DATE: 08/07/2023	SCALE: 1:1750	PROJECT: PROPOSED SITE PLAN
DESIGNER: JOSH FERRELLI	DATE: 08/07/2023	PROJECT: PROPOSED SITE PLAN
PROJECT: PROPOSED SITE PLAN	DATE: 08/07/2023	PROJECT: PROPOSED SITE PLAN
PROJECT: PROPOSED SITE PLAN	DATE: 08/07/2023	PROJECT: PROPOSED SITE PLAN
PROJECT: PROPOSED SITE PLAN	DATE: 08/07/2023	PROJECT: PROPOSED SITE PLAN

PROJECT CLIENT:
JOSH FERRELLI
PROJECT ADDRESS:
62 RIVER RD, SHAW HILL







ATTIC FLOOR PLAN
1:1,100

WEST ELEVATION
1:1,100

PRELIMINARY PLANS
NOT TO BE USED FOR CONSTRUCTION PURPOSES

 PENNO DRAFTING & DESIGN 33 WILSON STREET PHAGEE • PH: 202-200-0222 • FAX: 404-472-0077	 bdav BUILDING DESIGN ARCHITECTURE VISUALIZATION	 DO NOT SCALE ARCHITECTS	PROJECT CLIENT: JOSEF FERRELLMAN PROJECT ADDRESS: 62 RIVER RD, SWAN HILL	SHEET NO.: 03
			PROJECT NO.: 101016	DATE: 10/10/2017

EAST ELEVATION
1:1/100

NORTH ELEVATION
1:1/100

SOUTH ELEVATION
1:1/100

PRELIMINARY PLANS
NOT TO BE USED FOR CONSTRUCTION PURPOSES

PROJECT INFORMATION

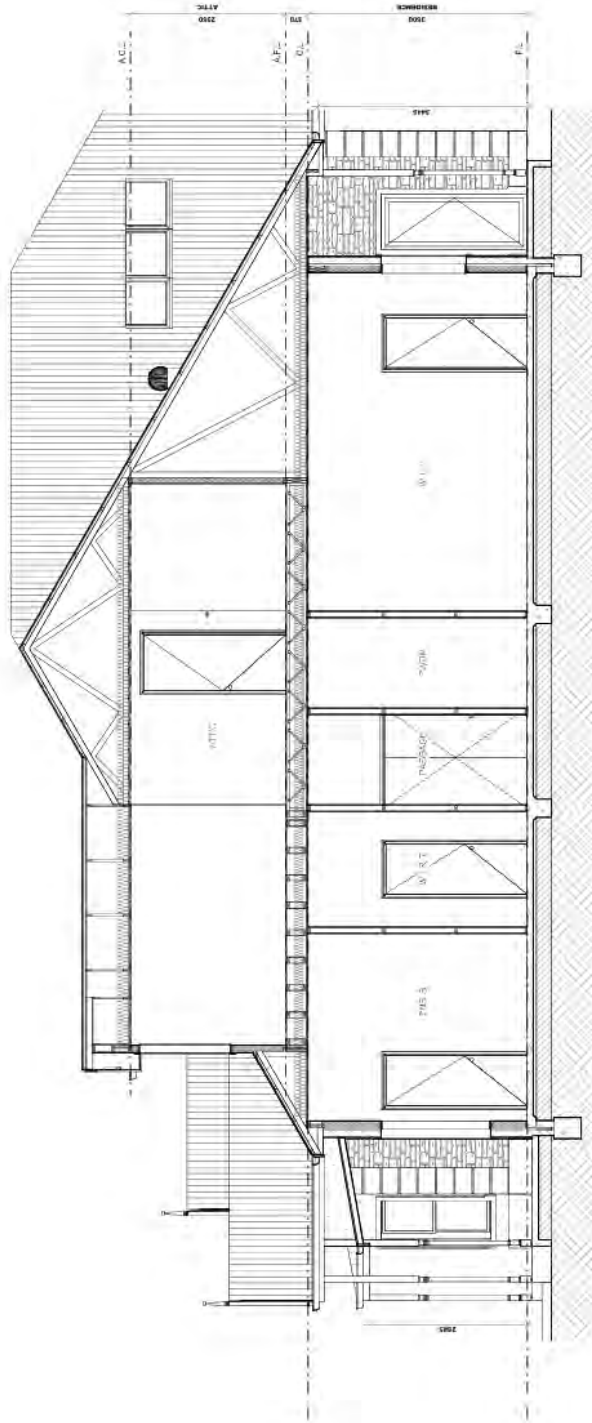
OWNER: 62211 BIRKBECK	DATE: 10/20/16
ARCHITECT: PENNINO DRAFTING & DESIGN	PROJECT NO.: 16-010
PROJECT NAME: 622 RIVER RD., SHAW HILL	SCALE: AS SHOWN
PROJECT NO.: 16-010	DATE: 10/20/16

DO NOT SCALE DRAWINGS

bdav
BIRKBECK DESIGN ARCHITECTS

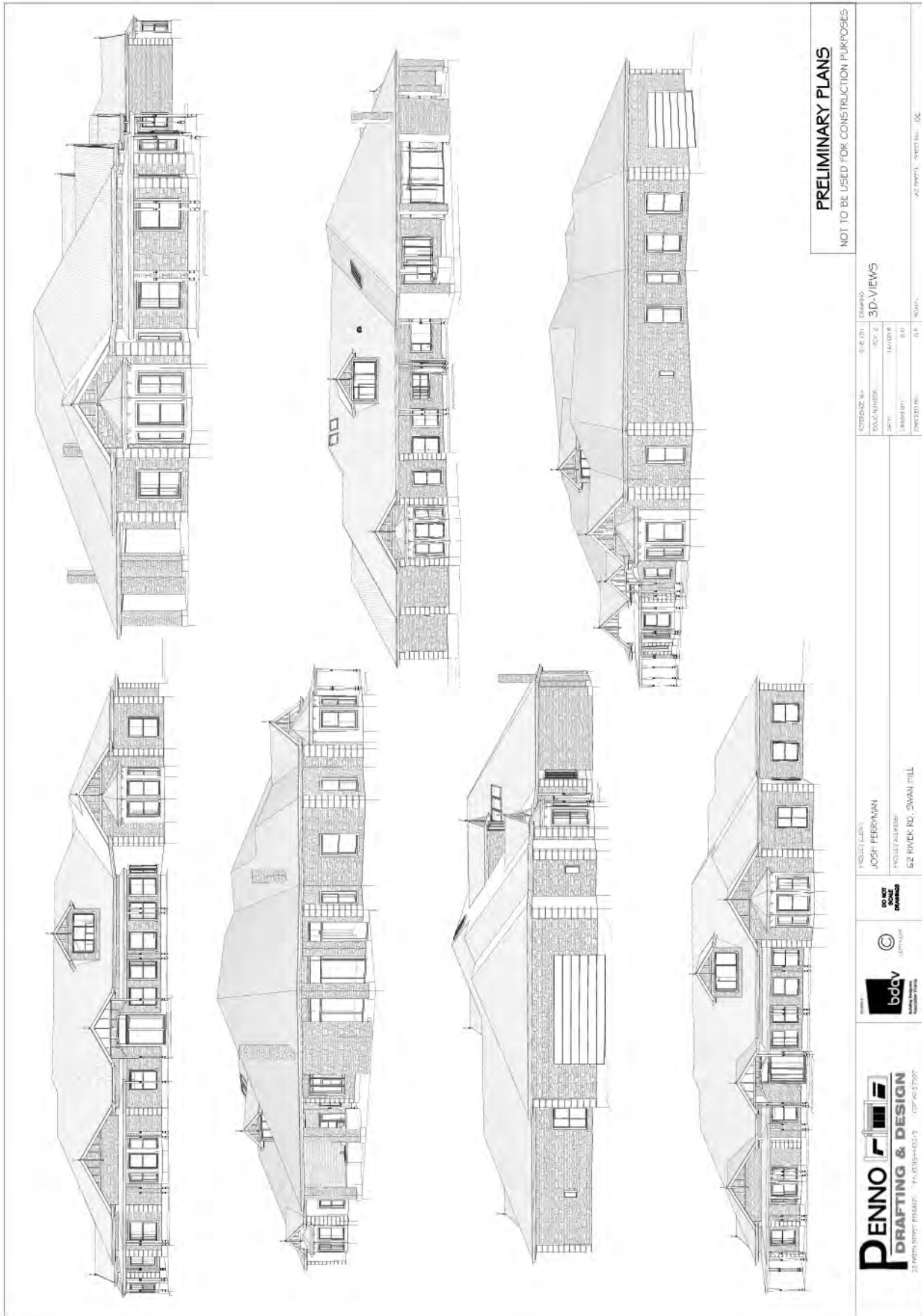
PENNINGTON
PENNINGTON ARCHITECTS

PENNO DRAFTING & DESIGN
33 NORTH GREEN POND RD. • PH. 203-266-0222 • FAX 203-266-3707



SECTION A-A
1:1/30

PRELIMINARY PLANS NOT TO BE USED FOR CONSTRUCTION PURPOSES	
<p>PROJECT NO.: 22-0111 (SHEET 1)</p> <p>DATE: 10/20/22</p> <p>PROJECT NAME: 62 RIVERSIDE SHAW HILL</p>	<p>PROJECT CLASS: JOSE FERRELLI</p> <p>PROJECT ADDRESS: 62 RIVERSIDE SHAW HILL</p>
SECTION A-A	



PRELIMINARY PLANS
 NOT TO BE USED FOR CONSTRUCTION PURPOSES

PROJECT NO.	2024-011	DATE	08/20/2024
PROJECT NAME	3D-VIEWS	SCALE	AS SHOWN
DATE		BY	NSA/PL
PROJECT ADDRESS		PROJECT NO.	2024-011
PROJECT NAME		DATE	08/20/2024
PROJECT ADDRESS		SCALE	AS SHOWN
PROJECT NAME		BY	NSA/PL
PROJECT ADDRESS		PROJECT NO.	2024-011

PROJECT CLIENT:
 JOSEF FERRELLI
 PROJECT ADDRESS:
 62 RIVER RD, SWAN HILL



PENNO DRAFTING & DESIGN
 23 PENNO STREET, PHILADELPHIA, PA 19106
 TEL: 215-593-4312 FAX: 215-593-7297

B.19.23 RECREATION IMPLEMENTATION PLAN 2019- 2028

Responsible Officer:	Director Development and Planning
File Number:	S11-20-05
Attachments:	1 RIP Key Projects 2019-2028 2 Budget Allocation-Summarised Table 3 Recreation Implementation Plan 2019-2028 4 Nine Recreation Reserve Master Plans

Declarations of Interest:

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

Summary

This report seeks approval regarding the strategic direction outlined in the Recreation Implementation Plan (RIP) 2019-2028 (attached). The RIP provides a framework for planning and investment in sport and recreation for the municipality during the next 10 years.

Supporting the RIP is the Recreation Reserve Master Plan 2018 (attached). This master plan involved extensive community and stakeholder engagement, research into trends and analysis of existing facilities, and issues affecting user groups.

A key element of the RIP is 'Game On' Swan Hill & Robinvale; an election advocacy strategy.

The RIP is a working document and will evolve and change over time as funding opportunities arise and as projects progress.

Discussion

A Recreation Reserve Master Plan was undertaken for the Swan Hill region in 2018. This master plan aligns with the Swan Hill Rural City Council Plan 2017-21, in particular providing and maintaining public infrastructure that meets the needs of the community in an effective and efficient manner. The Recreation Reserve Master Plan project, conducted by ASR Research Pty Ltd, involved the development of master plans for the following recreation reserves.

- Showgrounds Recreation Reserve
- Alan Garden Reserve
- Robinvale Riverside Park
- Lake Boga Recreation Reserve
- Ultima Recreation Reserve
- Manangatang Recreation Reserve
- Ken Harrison Sporting Complex
- Gurnett Oval
- Nyah Recreation Reserve

Following extensive consultation with user groups and the community, more than 150 projects were identified for action (see attached Recreation Reserve Master Plans). These projects were further broken down and prioritised by each user group in accordance with their level of importance (Key Project, High, Medium or Low). This resulted in 34 Key Projects being identified across nine recreation reserves.

Recreation Implementation Plan 2019-2028

Further to the study, Council has developed a Recreation Implementation Plan 2019-2028 (RIP). This Plan will provide a road map of actions, cost estimates, funding opportunities and timelines to enable strategic planning and delivery of key recreation projects within the municipality.

The RIP has been developed around the following strategic goals:

- **A shared vision for recreation and sport:** Through clear direction and priority actions.
- **Collaborative approach:** Encourages user groups, the community, Council and funding bodies to work together.
- **Target resources more effectively:** The Plan aims to focus on actions where effort is most needed. This allows Council and user groups to allocate resources in a timely manner (forward planning).
- **Make better decisions:** Improve overall management of future planning and investments in recreation and sport infrastructure.
- **Communication and advocacy:** To align projects with potential external funding opportunities.

The RIP includes:

- Key Projects identified in the Recreation Reserves Master Plan study.
- Woorinen Recreation Reserve key priorities. These priorities were identified in a separate consultation process from the Recreation Reserves Master Plan study.
- Key Projects for Council's five aquatic facilities – Swan Hill Leisure Centre, Swan Hill Outdoor Pool, Robinvale Leisure Centre, Nyah Pool, Manangatang Pool. (To be updated upon the endorsement of the Swan Hill Rural City Council Aquatics Strategic Plan).
- Key Projects for Chisholm Reserve Motorsports Complex. (To be refined in consultation with Chisholm Reserve Complex Incorporated Body).

There is also scope in the future to include Key Projects for equestrian activities, such as at EF Butler Reserve, Nyah Pony Club and the new future site of the Swan Hill Pony Club.

The 10-year plan sets out the strategic direction with actions to guide future planning and delivery of recreation and sporting opportunities in the municipality. It will enable Council to coordinate for future service provision, as well as be able to consider opportunities as they arise in a strategic, regional and holistic manner.

While the RIP will provide the direction to achieve recreational development, it will be a working document and flexible in its approach as funding opportunities arises. The plan will be reviewed and updated on an ongoing basis - at least annually. As such, there will be opportunities to add, remove or change identified actions.

The key projects completed or currently in progress in 2018/19 are:

Completed Projects:

- Robinvale Playground
- Cricket practice nets at Showgrounds
- Electronic Scoreboard at Showgrounds

In Progress:

- Cricket practice nets at Robinvale and Gurnett Oval. Project scope and budgets being reviewed. Due for completion 30/6/2019.
- Playground at Lake Boga Recreation Reserve.
- Indoor Recreation Facilities Feasibility Study. Project brief in progress.
- Investigate options to provide new club facilities for soccer in Swan Hill. Power investigation by external contractor is underway.

Key projects for implementation:

The following is an overview of the key projects for each reserve/centre and their pending implementation timeline. Areas highlighted in yellow indicate that a Council contribution has been identified in the Major Projects Budget (Appendix 1). A more comprehensive report is provided in the RIP 2019-2028 (attached):

Other

Woorinen Recreation Reserve

- New netball courts – unallocated

Swan Hill Outdoor Pool

- Business case and design 2019/20 (location is pending Aquatic Strategic Plan).

Robinvale Pool

- Shade structure over swimming pool – scope and design 2021/22 Manangatang and Nyah Pools
- To be determined upon completion of Aquatics Strategic Plan Swan Hill Leisure Centre
- Develop new fitness facility 2024/25 – delayed pending decision on aquatic facilities.

Robinvale Leisure Centre

- Construction of an additional high ball court gym - unallocated

Swan Hill Indoor Sport and Recreation Centre

- Refurbishment works between 2019-2021 and 2022-2024 Chisholm Reserve
- Native vegetation assessment and removal for entrance improvements 2019/20
- Upgrade shared multi-purpose building, toilet facilities and car park between 2025-2028.

Lighting and signage

- Undertake a lighting strategy for all recreation reserve (9) and implement new reserve signage - unallocated

While no Council financial contribution has been identified for the Manangatang Recreation Reserve in the RIP, Council may wish to reconsider this in 2019/20. Please note that the Manangatang recreation Reserve is crown land and not owned or managed by Council. Council does contribute \$10,000 ex GST each year towards maintenance and may wish to consider some capital expenditure in the interest of equity between small towns.

In addition, it has been realised that some projects lack the identification of design funding. However, it has been noted in the RIP (notes column) that funds for design should be considered in a future version of the document.

‘Game On’ Swan Hill and Robinvale

‘Game On’ Swan Hill and Robinvale involves bundling key projects in Swan Hill (sporting precinct) and Riverside Park Robinvale to ensure Council is shovel ready to advocate for funding at the next State and Federal Elections in 2022 and 2023. Therefore, the focus will be on consultation, planning and design work over the next four years to better position Council to advocate for higher levels of funding for large scale projects.

The projects identified for ‘Game On’ are listed below.

Game On Swan Hill

Key Projects

1. New regional sporting hub at Showgrounds
2. Implementation of amalgamation of Alan Garden and Showgrounds
3. Expansion of Swan Hill Leisure Centre
4. New outdoor pool (potentially)

Game On Robinvale

Key Projects

1. New netball change facilities
2. Upgrade main pavilion change facilities for AFL, cricket and rugby
3. Expand Leisure Centre gymnasium
4. Construct additional high ball court at the Leisure Centre (to be determined as part of the Indoor Recreation Feasibility Study).

Consultation

Community consultation and user group consultation sessions were held as part of the Recreation Reserve Master Plan process. User groups were engaged to determine project priorities for each Reserve.

Financial Implications

The RIP will enable Council to coordinate its expenditure allocation for recreation reserves into the Major Projects budget.

Within Council's 10 year Major Project Plan there is approximately \$5.7M of funding allocated for the implementation of identified key projects. It is expected this will support further external funding opportunities in the order of \$12M over this timeframe. This is summarised in the table attached. (appendix 2).

Social Implications

The continued upgrade and development of sporting and recreational facilities will provide opportunities for community members to connect socially and become more physically active.

Economic Implications

Upgrading sporting and recreational facilities will lead to the attraction of sporting events to the region resulting in increased economic development benefits, such as overnight stays, repeated visitation, retail and hospitality spend.

Environmental Implications

Environmentally sustainable principles, Universal Design and Access for All will be considered as part of any new development or upgrade of sporting facility.

Risk Management Implications

Not all projects are fully costed.

Council Plan Strategy Addressed

Community enrichment - Help all people to find a place in our community.

Options

1. Adopt the Recreation Implementation Plan 2019-2028 as a working document.
2. Do not adopt the Recreation Implementation Plan 2019-2028 as a working document.

Recommendations

That Council :

1. **Adopt the Recreation Implementation Plan 2019-2028 as a working document.**
2. **Review the Recreation Implementation Plan on an annual basis in conjunction with the 10 year Major Project Plan.**

APPENDIX 1.

Swan Hill Showgrounds

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Umpire change rooms	Construct										
Renew /upgrade public toilets						Construct					Construct
New multi-use sporting hub				Design							Construct
Relocate Show Pavilions					Construct						

Alan Garden Recreation Reserve

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Upgrade oval surface							Construct				
New netball shelters	Construct										
Electronic scoreboard						Construct					
Renovate football cricket pavilion						Design					Construct
Renew Netball Courts											Plan, Design & Construct

Amalgamation Showgrounds & Alan Garden Recreation Reserve (Swan Hill Sporting Precinct)

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Business Case/ Development Plan	Plan										
Road works											Construct

Ken Harrison Sporting Complex

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Power upgrade			Plan								
Cricket pavilion upgrade											Construct
Upgrade Little Athletic facilities											Construct
Irrigation and traffic control											Construct
Sporting complex – tennis & soccer			Construct								

Nyah Recreation Reserve

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
New netball courts	Construct										
New netball court lights	Construct										
Entrance enhancement											Design Construct
Pavilion design and change room upgrade								Design	Construct		
Signage upgrade	Construct										

Gurnett Oval

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Pavilion design and upgrade						Design	Construct				
Reconstruct cricket wicket											Construct
Renew/upgrade public toilets											Construct
Landscaping improvements											Design Construct

Lake Boga Recreation Reserve

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Design and renovate pavilion (change, kitchen)	Design	Construct	Construct								

Riverside Park Robinvale

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	UN-ALLOCATED
Design and upgrade main pavilion change rooms			Design		Construct						
New netball courts and lighting	Design	Construct									
New netball change rooms											Design
Improve entrance and access											Construct

Ultima Recreation Reserve

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Design and upgrade change rooms/kitchen							Design	Construct			
Netball court and shelter											Construct

Manangatang Recreation Reserve

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Un-Allocated
Upgrade pavilion - change rooms/ social rooms											Construct
Upgrade judges tower											Construct

Appendix 2 Council's budget allocation 2019/2020 to 2028/2029

	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$	2023/24 \$	2024/25 \$	2025/26 \$	2026/27 \$	2027/28 \$	2028/29 \$	TOTAL PER REC FACILITY \$	UN ALLOCATED \$	OVERALL TOTAL \$
Showgrounds	55,000			100,000	150,000	220,000					525,000	1,070,000	1,595,000
Alan Garden						70,000	400,000				470,000	5,000	475,000
Amalgamation											0	1,450,000	1,450,000
Gurnett Oval						30,000	75,000				105,000	190,000	295,000
Ken Harrison			550,000								550,000	85,000	635,000
Manangatang											0	0	0
Nyah	123,000							50,000	250,000		423,000	30,000	453,000
Robinvale	60,000	200,000	50,000		100,000						410,000	335,000	745,000
Lake Boga	10,000	70,000	350,000								430,000	0	430,000
Ultima							30,000	100,000			130,000	0	130,000
Swan Hill Outdoor Pool	75,000				800,000	150,000					1,025,000	0	1,025,000
Nyah & Manang Pool											0	150,000	150,000
Robinvale Pool			20,000								20,000	200,000	220,000
Swan Hill Leisure Centre						200,000					200,000	0	200,000
Robinvale Leisure Centre											0	750,000	750,000
Swan Hill Stadium	100,000	100,000		120,000	70,000						390,000	630,000	1,020,000
Chisholm Reserve	40,000				100,000		205,000	205,000	410,000	100,000	1,060,000	0	1,060,000
Lighting Strategy											0	20,000	20,000
Reserve Signage	6,000										6,000	144,000	150,000
	469,000	370,000	970,000	220,000	1,220,000	670,000	710,000	355,000	660,000	100,000	5,744,000	5,059,000	10,803,000



Recreation Implementation Plan 2019-2028



PROJECT	PRIORITY	TYPE	ACTION ID	STAGE	STATUS	ACTIONS	INDICATIVE COSTS - SUBJECT TO EXTERNAL FUNDING																
							1920	2021	2123	2124	2125	2126	2127	2128	2129	Unallocated							
							YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10							
Ultara Recreation Reserve																							
1	Ultara Reserve and Improvements Works to the site. This includes upgrading the playground for 100 children, installing a new play structure and installing a new play structure.	Strategic MP Key Project	Change from Upgrade	UL1.1	Consult	Consult with stakeholders regarding the scope of proposed infrastructure works.																	
				UL1.1	Design	Design work to upgrade the existing park.																	
				UL1.1	Contract	Upgrade the main sporting pavilion and provide family furniture, family parklands, access for all and environmental sustainability principles.																	
				UL1.2	Contract	Reinstatement of court-tennis.																	
				UL1.3	Contract	Contract for new rubber courts to install Victorian standards.																	
Other																							
1	Recreation Reserve Master Plan Study		Planning Study	OT1.1	Planning	Engage a consultant to complete a study of this recreation reserve in the municipality.																	
Swan Hill Indoor Sport and Recreation Centre (The Stadium)																							
1	Swan Hill Indoor Sport and Recreation Centre Operations Report		Stadium	SH1E1.1	Planning	Consult an Operations Report Investigator on the Stadium.																	
2	Complete a feasibility study on the Stadium. (Include assessment of Recreation Centre and Swan Hill Leisure Centre as part of the study)		Stadium	SH1E1.2	Planning	Assess the feasibility of a sub-section of the stadium which will provide for 2000 to 2500 seats for use as a community centre. This will include a study of the stadium and the surrounding area to determine the best location for the stadium and the surrounding area to determine the best location for the stadium.																	
3	Rebuild Swan Hill Indoor Sport and Recreation Centre	Peak MP Project B19	Stadium	SH1E1.3	Design	Design Stadium Upgrade																	
				SH1E1.3.1	Contract	Upgrade existing site, including services and upgrade seating																	
				SH1E1.3.2	Contract	Upgrade the Main Pavilion with COM and consultation with Club members.																	
				SH1E1.3.3	Contract	Upgrade the Main Pavilion with COM and consultation with Club members.																	
				SH1E1.3.4	Contract	Upgrade the Main Pavilion with COM and consultation with Club members.																	
				SH1E1.3.5	Contract	Upgrade																	
Swan Hill Leisure Centre																							
1	Leisure Centre to provide fitness court, outdoor storage and children's play equipment	Strategic MP Key Project	Aquatics	SH1L1.1	Consult	Consult with stakeholders before designing the extension to ensure all services are covered.																	
				SH1L1.1	Design	Design Leisure Centre fitness storage and swimming pool.																	
				SH1L1.2	Contract	Contract extension of Leisure Centre fitness court and swimming pool.																	
Swan Hill Outdoor Pool																							
1	Contract tender for the Swan Hill Outdoor Pool		Aquatics	SH1OP1.1	Contract	Contract tender for the Swan Hill Outdoor Pool																	
2	Rebuild the Swan Hill Outdoor Pool		Aquatics	SH1OP1.2	Contract	Contract tender for the Swan Hill Outdoor Pool																	
				SH1OP1.2.1	Design	Design of Swan Hill Outdoor Pool																	
				SH1OP1.2.2	Contract	Contract tender to upgrade existing Swan Hill Outdoor Pool																	
Roburville Leisure Centre																							
1	Upgrade Pool and Equipment at Roburville Swimming Pool	Strategic MP Key Project	Aquatics	RL1L1	Contract	To be confirmed upon completion of Aquatics Strategic Plan																	
2	Upgrade structure for Roburville Swimming Pool		Aquatics	RL1L2	Design	Design pool structure over swimming pool																	
				RL1L2.1	Contract	Contract for pool structure over swimming pool																	
3	Expansion of Roburville Leisure Centre Gymnasium	Strategic MP Key Project	Gymnasium	RL1L3	Design	Design to extend gymnasium																	
				RL1L3.1	Contract	Expand the Leisure Centre to provide a larger gymnasium.																	
4	Addition of Bad Court for Roburville Leisure Centre	Strategic MP Key Project	Stadium	RL1L4	Planning	Assess the feasibility of adding a bad court to the Leisure Centre. Complete the feasibility study with Swan Hill Leisure Centre and Roburville Leisure Centre.																	
				RL1L4.1	Design	Design to construct an additional bad court and storage of recreational facility (Recreation Facility Study)																	
				RL1L4.2	Contract	Contract a second bad court for the Roburville Leisure Centre (Recommended in Roburville Recreation Facility Study)																	

PROJECT	PRIORITY	TYPE	ACTION ID	STAGE	STATUS	ACTIONS	INDICATIVE COSTS - SUBJECT TO EXTERNAL FUNDING																				
							1920 YEAR 1	2021 YEAR 2	2123 YEAR 3	2223 YEAR 4	2324 YEAR 5	2425 YEAR 6	2526 YEAR 7	2627 YEAR 8	2728 YEAR 9	2829 YEAR 10	Unallocated										
Maintaining Pool																											
1	Swan Hill Aquatics Strategic Plan	Acquatics	MMP1.1	Concept	In Progress	To be confirmed, also completion of Aquatics Strategic Plan																					
2	Community Centre 1019	Acquatics	MMP1.2	Concept	In Progress	Shedding container storage unit																					
Nyah Pool																											
1	Upgrade pool and equipment	Acquatics	MPP1.1			To be confirmed, also completion of Aquatics Strategic Plan																					
Swan Hill Water Park																											
1	Community Water Park	Acquatics	SWP1.1			To be confirmed, also completion of Aquatics Strategic Plan																					
Chisholm Reserve Motorsports Complex																											
1	Chisholm Reserve Motor Park Study	Motorport	CR1.1	Planning	Completed	Complete a Motor Park study for Chisholm Reserve																					
2	Chisholm Reserve Upgrade	Motorport	CR1.2	Design & Construct	In Progress	Install Motor Park key facilities																					
3	Install Swan Hill Drag Strip Surface	Motorport	CR1.3	Construct	In Progress	Memberships for Drag Strip Surface																					
4	Install Car Club Upgrade	Motorport	CR1.4	Construct	In Progress	Install car club stalls																					

KEY RECOMMENDATIONS

Key Project	Key Project	Key Project
1	Redevelop the pavilion. Provide an updated kitchen, female change area, larger social room, accessible shower and toilet, updated home and away change rooms, new umpires' change facilities and public toilets. Ensure disability access to the pavilion.	Key Project
2	Reconstruct the cricket wicket table.	Key Project
3	Prepare a landscape plan for the Reserve. Enhance the main entrance to the Reserve through landscape treatments and improved fencing.	Key Project
4	Upgrade the irrigation pump system serving the Showgrounds Reserve, Alan Garden Memorial Reserve and Gurnett Oval.	High
5	Install a central irrigation controller system to serve the Showgrounds Reserve, Alan Garden Memorial Reserve and Gurnett Oval.	High
6	Install a new irrigation system.	High
7	Enhance the lighting (security and other lighting) at the Reserve (after completion of Recreation Reserve Lighting Strategy).	High
8	Regrade, resurface and possibly extend the playing field.	Medium/High
9	Remove the public toilets currently located on the eastern side of the Reserve (assumes new public toilets are provided in the redeveloped pavilion).	Medium
10	Provide spectator seating and accessible drinking water at suitable locations around the Reserve.	Medium
11	Seal and line the car park near the pavilion.	Medium
12	Designate Gurnett Oval as the preferred venue for rugby in Swan Hill. Make provision for the erection of training lights over the playing field, when and if, a rugby club or other winter sports club/s, are permanently based at the Reserve.	Low
13	Install sight screens.	Low
14	Erect a sign which indicates the name of and the clubs that use the Reserve. This sign should be visually consistent with the entrance signs at the other active recreation reserves in Swan Hill Rural City.	Low

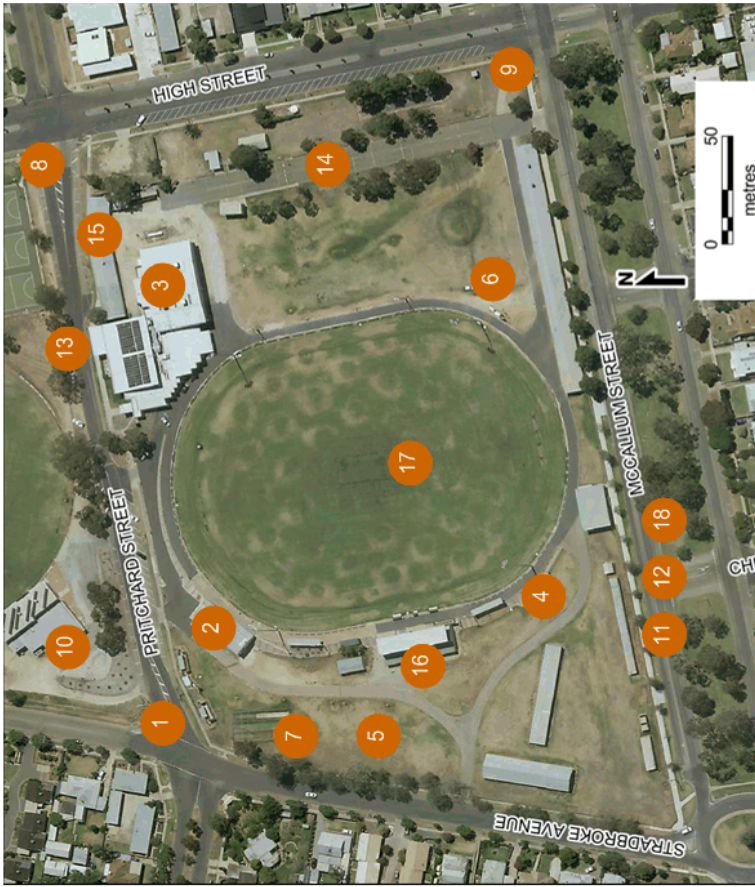


GURNETT OVAL - SWAN HILL
REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

1	Complete an overall design of the amalgamation of the Alan Garden Memorial and Showgrounds Reserves and associated road closures and define entry/exit points, footprints of proposed facility developments, locations of access roads, carparking (general & Leisure Centre). Implement design.	Key Project
2	Develop a new multifaceted pavilion at the Reserve to replace the existing social pavilion. The facility should contain: Suitable social facilities, administration and change facilities for the user club, a regional sporting office/training facility (e.g. a base for Cricket Victoria, Australian Football League, Mallee Sports Assembly etc). Externally accessible unisex public toilets including an ambulant toilet. Assess the merits of installing a 'changing place' facility at the Showgrounds Reserve.	Key Project
3	Assess the feasibility of relocating the outdoor pool to the Showgrounds Reserve (Aquatics Strategic Plan) and extend the Leisure Centre to provide a group fitness room, additional storage facilities, clubrooms/activity space for the swimming club and investigate externally accessible public toilets (toilets which can be accessed from outside the pool complex).	Key Project
4	Complete a toilet strategy to determine which toilets should be rationalised or integrated into new or existing facilities.	Key Project
5	Assess the adequacy of the power supply at the Showgrounds Reserve with respect to the operation of the Annual Show. Update the supply to Worksafe Victoria standards.	Key Project
6	Provide a new electronic scoreboard.	Key Project
7	Redevelop the cricket nets in their existing location.	Key Project
8	Erect signs which indicate the name of the Reserve and the clubs that use the Reserve. These signs should be visually consistent with the entrance signs at other active recreation reserves in Swan Hill Rural City.	Medium/ High
9	Prepare a landscape plan for the Reserve. Enhance the existing access points to the Reserve off Stradbroke Avenue and at the McCallum and High Street intersection through landscape treatments, improved fencing and attractive signage.	Medium
10	Swan Hill & Tyntynder Football Netball Clubs to meet & discuss the concept of Tyntynder playing its home games at Showgrounds Reserve.	High
11	Enhance the lighting at the Reserve as per relevant Australian Standards.	Medium
12	Replace the fence around the perimeter of the Reserve with a black coated chain wire fence (approx. 1,100m). Commence with the section along Pritchard Street.	Low
13	Install Playground within Pritchard Street (once reserves are amalgamated).	Medium
14	Relocate the CFA track & associated infrastructure to Ken Harrison Reserve (if feasible).	Low

SHOWGROUNDS - SWAN HILL
REDEVELOPMENT MASTERPLAN



15	When completing/considering works, determine the future of the buildings managed by the A&P Show Society. If removal of any A&P Society Sheds & pavilions are required, suitable spaces should be identified for the A&P Society & Boxing Club to continue to conduct club activities. Investigate options for the Boxing Club to relocate into a dedicated space that accommodates user group needs and where equipment can be set up on a permanent basis.	High
16	Reconfigure and upgrade the existing away change rooms to provide suitable facilities for female players and umpires. e.g. cubicle showers, vanity basins, removal of urinals.	Medium
17	Upgrade the irrigation pump system that services the Showgrounds, Alan Garden Reserve and Gurnett Oval. Install a new central irrigation controller system to serve the Showgrounds, Alan Garden Reserve and Gurnett Oval. Install a new central irrigation controller system to serve the Showgrounds, Alan Garden Reserve and Gurnett Oval.	Medium
18	Provide suitable media facilities and public announcement equipment at the Reserve.	Low
19	Upgrade the oval playing surface (regrade, resurface and address depressions)	High

KEY RECOMMENDATIONS

1	Complete an overall design of the amalgamation of the Alan Garden Memorial and Showgrounds Reserves and associated road closures and define entry/exit points, footprints of proposed facility developments, locations of access roads, sealed paths (pavilion to netball) etc. Implement the design.	Key Project
2	Upgrade the oval playing surface including rectifying the depression on the south eastern edge of the turf wicket table.	Key Project
3	Erect a new electronic scoreboard.	Key Project
4	Assess the netball court configuration and determine how many courts are required. Consider Netball Victoria, Central Murray Football Netball League requirements as well as user group and stakeholder requirements for weekly netball activities. Consider viability of utilising the Swan Hill Leisure Centre Indoor Court as the eight court. Consider requirement for shelters and team benches and provision for scorers and officials on the site. Consider existing footprint under lighting towers to ensure lux levels over Southern section of the precinct meets 200lux standard lighting for night time netball competition. Undertake a survey of courts 6,7,8 to assess if three courts can fit (to run off standards) within lighting footprint. Having consulted with all stakeholders make a determination on the design of the netball court precinct.	Key Project
5	Update the player and umpire change facilities in the football cricket pavilion. Works to include the general updating of the amenities area, provision of cubicle showers, removal of urinals, provision of additional WCs, development of ambulant toilet and tiling and or repainting of walls where required. Ensure disability access to the pavilion.	High
6	Remove sections of the fence between the netball complex and the remainder of the reserve.	High
7	Upgrade the netball pavilion and consider improvements to the kiosk and provision of unisex umpire change spaces.	High
8	Seal and line the car park on the southern and eastern sides of the football cricket pavilion.	Medium/ High
9	Install a new irrigation system in the playing field.	Medium
10	Enhance the lighting at the Reserve as per relevant Australian Standards.	Medium
11	Upgrade and/or repair the cricket nets	Medium



12	Prepare a landscape plan for the Reserve. Enhance the Pritchard Street entrance to the Reserve through landscape treatments.	Medium
13	Erect a sign which indicates the name of the Reserve and the clubs that use the Reserve. This sign should be visually consistent with the entrance signs at the other active recreation reserves in Swan Hill Rural City.	Medium
14	Swan Hill and Tyntynder Football Netball Clubs to meet and discuss the concept of Tyntynder playing home games at the Showgrounds Reserve.	Low
15	Install a playground in the closed section of Pritchard Street to the north of the Leisure Centre	Low
16	Improve the external appearance of the football cricket pavilion through repainting and cladding.	Medium

ALAN GARDEN MEMORIAL - SWAN HILL

REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

1	Extend the tennis pavilion to provide for soccer. Consider unisex, female friendly and accessibility at all facilities. Consider joint use and upgrade of current amenities during the development (e.g. kitchen upgrade).	Key Project
2	Consider methods for improving security at the Reserve through controlling vehicle access to the oval/athletics track area (Eg. Bollards)	Key Project
3	Upgrade the athletics club's facilities – larger storage area and improved kiosk space.	Key Project
4	Prepare a lighting plan to identify improvements to lighting at the Reserve to AS. Include an assessment of floodlighting the acrylic multi use hard courts. Erect floodlighting over two grass tennis courts to facilitate night use for tennis and croquet.	Key Project
5	Install a variable speed jacking pump for the irrigation system.	Key Project
6	Upgrade the kitchen and improve storage capacity at the cricket pavilion.	Key Project
7	Replace the synthetic grass cover on the junior cricket oval.	Key Project
8	Assess the electrical capacity/supply to the Reserve to determine any potential issues with power supply and required upgrade works.	High
9	Develop the Yana Street playing fields to primarily service soccer in winter, as well as other sports & activities. This would entail formalising two full-sized soccer pitches with support infrastructure (coaches' boxes, lights, pavilion).	High
10	Relocation of the machinery shed (determined in consultation with user groups). Consider the area between the main courts and north of athletics pavilion.	High
11	Undertake minor surface work to the acrylic multi-use courts to achieve compliance and improve safety: Seal light tower footings with acrylic and seal the gap between the court pavement and the spoon drain with a flexible filler product.	High
12	Reconfigure the irrigation system on the soccer fields to reduce the spacing between the sprinkler heads.	Medium
13	Review opportunities throughout the Reserve to provide drinking water to support spectators, players and other Reserve users.	Medium
14	Remove the poplar trees along the northern boundary that are located one metre from the tennis courts and present potential hazard to the court surface through root growth.	Medium
15	Over time, replace the old fencing around the tennis courts with black coated chain mesh fencing.	Medium to Low
16	Prepare a landscape plan for the Reserve.	Low
17	Install ball catching nets at the soccer goal ends abutting the roadway (that are placed in situ during the soccer season).	Low
18	Locate the CFA training track and associated facilities on the access road and carpark on the east side of the soccer fields and tennis courts.	Low



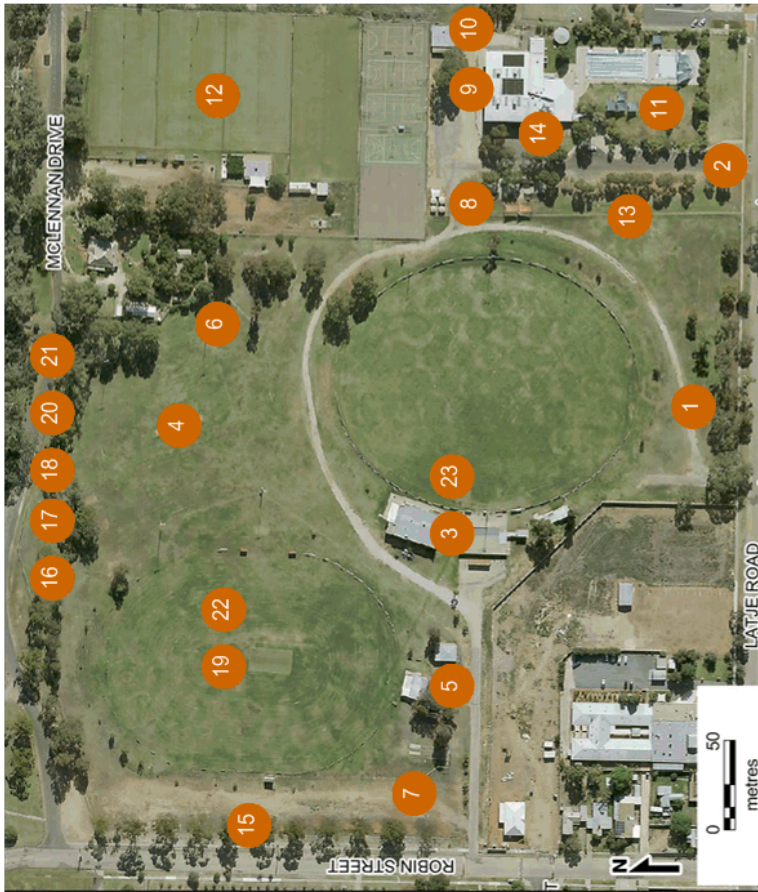
19	Update the entry sign at the main entrance to include Swan Hill Scouts & Band groups.	Low
20	Construct a shared accessible trail through the Reserve to create a circuit that connects to the Yana Street path, nearby schools & adjacent residential areas. Incorporate easy level fitness equipment along the trail, seating and drinking water.	Low
21	Review opportunities throughout the Reserve to provide seating and shade to support spectators, players and other Reserve users.	Low
22	Upgrade the central public playground. Ensure access for all abilities.	Low
23	Remove the perimeter road around the senior oval when it reaches the end of its functional life. Convert the area to parkland with shade, seating & car park/s & access roads.	Low
24	Make the change areas at the Cricket pavilion suitable for female players, provide an ambulant toilet and disability access to pavilion.	Low
25	Install a structure along the Southern side of the tennis hard courts to provide shade for soccer and tennis spectators.	Low
26	Install directional signage and undertake general landscaping of the entry and car parks.	Low
27	Consider the need for synthetic multi-purpose outdoor courts (for futsal and tennis).	Low

KEN HARRISON SPORTING COMPLEX - SWAN HILL
REDEVELOPMENT MASTERPLAN

* AS - Australian Standards

KEY RECOMMENDATIONS

1	Construct new netball courts, lighting to competition standard, participant/umpire change rooms and storage to relevant facility standards along Latje Road. Consider line marking the courts for tennis. New entry into the Reserve next to Leisure Centre entry road. Keep two courts set up for outdoor basketball practice North of the Leisure Centre.	Key Project
2	Enhance entry to the reserve and access to the second oval, main oval and Leisure Centre. Grade and properly drain the access roads around the main oval. Consider sealing the main car park and the access from Latje Road to main car park.	Key Project
3	Invest in the main change rooms as a central change facility for all clubs (rugby/cricket/AFL). Upgrade existing AFL change rooms - construct unisex change/toilet facilities to accommodate the three codes, all genders & all abilities to relevant sporting code & AS. Investigate if a new change facility/extension of existing cricket pavilion is required to meet needs of junior football, junior cricket & rugby participants and umpires.	Key Project
4	Remove the concrete cricket pitch from the Rugby field & upgrade the playing surface.	High
5	Upgrade public toilets in accordance with Council's public toilets strategy.	High
6	Provide coaches/player shelter and storage at the Rugby Field.	High
7	Upgrade the cricket nets (3 bays with retractable netting).	High
8	Upgrade the toilet block.	High
9	Explore the feasibility of constructing an additional indoor court at the Leisure Centre	High
10	Provide a meeting/training room and additional storage in the Leisure Centre.	High
11	Complete Aquatics Strategic Plan to identify small aquatics projects. Implement recommendations of the strategy. Conduct an engineering assessment of the pool. Implementation recommendations of assessment.	High
12	Upgrade the playing surface of the tennis courts: top-dress to remove undulations and depressions; spray out the weeds. Implement a regular turf management program.	Medium
13	Install bollards to prevent cars from parking under the trees near the Leisure Centre. Provide a defined car parking area to the west of the trees lining the access road.	Low
14	Explore the feasibility of extending the gym and fitness rooms at the Leisure Centre.	Low
15	Replace the fence around the perimeter of the Reserve with a black coated chain wire fence (approx. 1,700m). Commence with the sections along Robin Street and Latje Drive	Low
16	Develop an accessible circuit path around the Reserve which connects the key facilities in the Reserve. The path would incorporate some sections of existing access roads and paths in and adjacent to the Reserve.	Low

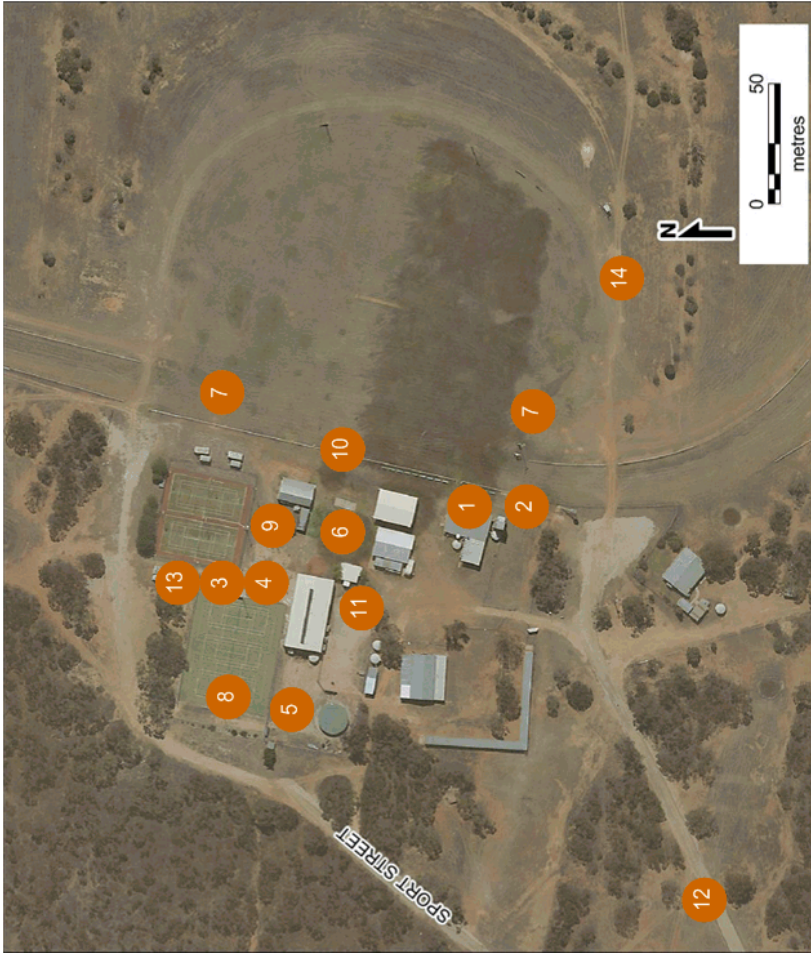


17	Audit the irrigation pump and sprinkler head serving the two ovals and replace if needed.	Medium
18	Enhance the lighting at the Reserve as per relevant Australian Standards.	Medium
19	Upgrade the playing surface on the cricket oval. Remove depressions in the turf wicket.	Medium
20	Improve facilities for spectators – seating, shade, accessible drinking water.	Medium
21	Prepare a landscape plan & make the bollard fences uniform around all ovals.	Medium
22	Erect training lights over the second oval (cricket/junior football).	Low
23	Construct a veranda off the pavilion.	Low

RIVERSIDE PARK - ROBINVALE
REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

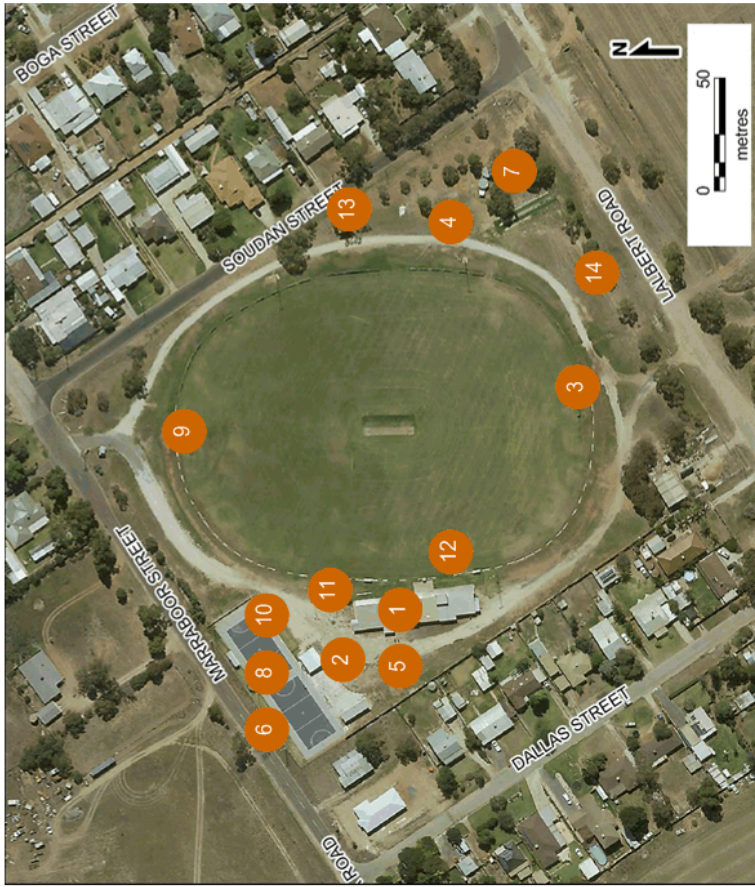
	Key Project	Key Project
1	Expand and refurbish the social room and home change rooms. Make rooms disability accessible. Consider incorporating the time-keepers facility and judges tower as part of the development if possible.	High
2	Make the judges tower safe. Rebuild the tower if more cost effective. Consider incorporating into the clubrooms development, however if not possible, rebuild the tower as a stand alone facility.	High
3	Seal the area between the tennis/netball and the new tennis/netball pavilion. Grade and properly drain the access road to the netball/tennis courts.	High
4	Improve shade around the netball pavilion, canteen & social room.	High
5	Construct a machinery storage shed.	High
6	Install a concrete floor in the betting ring.	High
7	Install an additional light tower on the south-western boundary of the playing field.	Medium
8	Repair and upgrade the netball/tennis courts (the newer bank of courts to the west of netball/tennis pavilion).	Medium
9	Install sprinkler system to building surrounds	Medium
10	Construct a new fence along the straight	Medium
11	Remove the concrete slab from the old toilet block	Medium
12	Enhance the entrance to the Reserve. Erect a sign which indicates the name of the Reserve and the clubs that use the Reserve. Improve the appearance of the entrance through landscaping.	Low
13	Address the structural problems in the tennis/netball change rooms.	Low
14	Construct a walking track around the Reserve. The path could commence at the main entrance and extend around the eastern boundary of the oval, then and to the north of the old tennis and new tennis/netball courts and then link back to the main entrance. Make the track suitable for mobility devices.	Low



MANANGATANG RECREATION RESERVE
REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

Key Project	Priority
1 Undertake concept planning and a cost-benefit analysis to explore the best options to renovate the pavilion. Redevelop the pavilion to include an expanded and updated kitchen with a separate canteen, a larger social room and updated home and away change rooms and umpires' rooms are per facility guidelines for Australian Rules football and cricket. Make pavilion DDA compliant.	High
2 Erect shade sails over the playground in the family zone.	High
3 Upgrade the irrigation system – the water connection from the Reserve and connect to the Murray Darling supply.	High
4 Enhance the lighting at the Reserve as per relevant Australian Standards.	High
5 Rectify the flooding issue of the north-western section of the pavilion (through the rear entry to social room).	High
6 Replace the netball goals.	High
7 Complete the construction of the second cricket net as per Cricket Australia specifications.	High
8 Repair the cracking in the netball courts.	High
9 Replace the Australian Rules Goal Posts to sporting code standards.	Medium
10 Rebuild the courts to address the failing base and to meet compliant court and run-off dimensions. Replace the fence around the courts with a black coated chain wire fence.	High
11 Commission an engineering appraisal of the structural soundness and safety of the tiered spectator bleacher seating and consider implementation of any recommended remediation works. In the event of the structure having reached the end of its functional life, replace the structure with a landscaped viewing mound. This could occur in an alternative location. Alternatively, construct a grandstand that overlooks both the oval and netball courts.	Medium

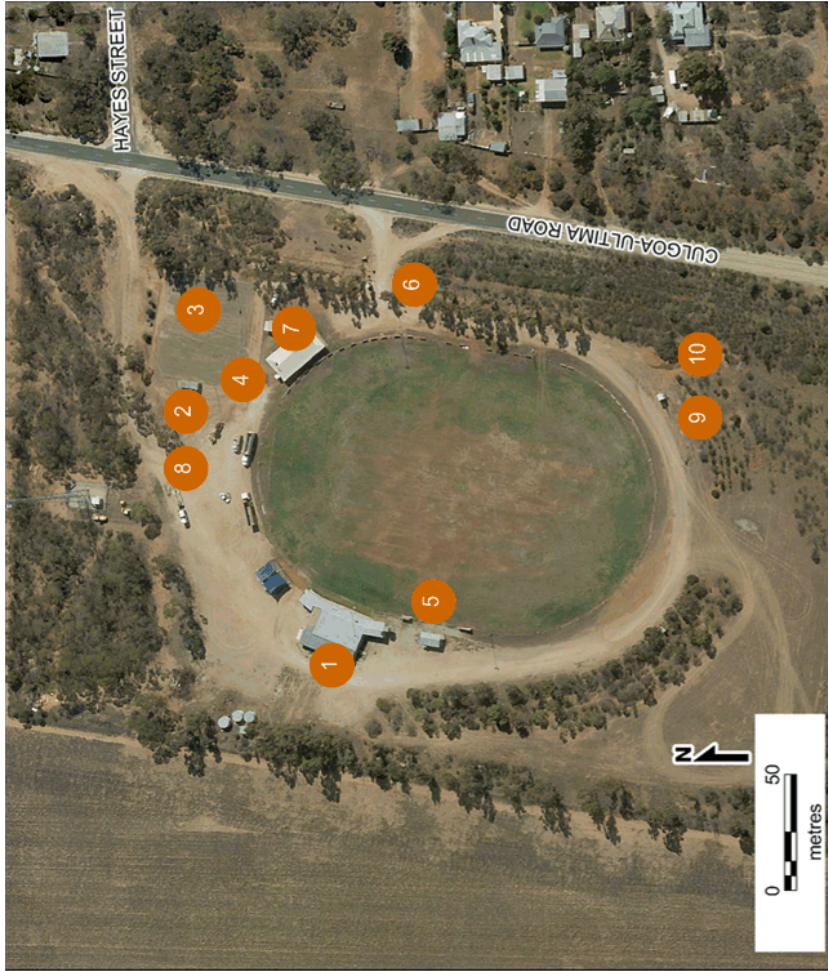


12	Replace the coaches' boxes.	Low
13	Upgrade the scoreboard.	Low
14	Construct a shared trail through the Reserve to create a circuit that connects the Reserve to the second oval and primary school, and the adjacent residential areas. The shared trail should be safe and equipped with seating and drinking water.	Low

LAKE BOGA RECREATION RESERVE
REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

	Key Project	Key Project
1	Undertake maintenance and redevelopment works to the pavilion. This includes making the players and umpires change rooms suitable for males and females, expanding the kitchen and installing solar panels. Make pavilion DDA compliant.	Key Project
2	Replace netball court shelters to provide greater protection from weather for players, coaches, scorers trainers & umpires. Shelter will 2/3 length of court with lockable doors that when open provide wind protection. This project is part of the Ultima Community Plan and is considered to be a high priority with the kitchen upgrade.	Key Project
3	Address surface issues at the netball courts: 1. Seal open cracks and immediately repair future cracks. 2. Extend the acrylic surface to cover the full 3050mm required run-off distance on the western side of court 1 to achieve compliance. 3. Seal crushed rock surfaces adjacent to netball courts to reduce the amount of debris and loose stones being blown onto playing surface.	High
4	Repair the northern bleacher seating to the netball courts by capping the piping and installing a top cross rail.	High
5	Replace the coaches' boxes.	High
6	Landscape the Reserve entry. Works should include removal or updating of the rusted pipe and rail fence, installation of securing lighting, and erection of a sign stating the name of the Reserve and the tenant club/s. This sign should be visually consistent with the entrance signs at the other active recreation reserves in Swan Hill Rural City.	High
7	Recommission the mud hut as the netball change facility. Provide player and umpire change rooms and amenities as per the Netball Australia Facility Guidelines.	Medium
8	Landscape around the netball courts.	Medium
9	Enhance the lighting at the Reserve as per relevant Australian Standards.	Medium
10	Prepare a landscape plan for the Reserve. The plan should identify the following: The location, type and health of the vegetation in the Reserve. Recommendations relating to: Improving and caring for the vegetation. Enhancing shade and seating.	Low



ULTIMA RECREATION RESERVE
REDEVELOPMENT MASTERPLAN

KEY RECOMMENDATIONS

1	Rebuild the two netball courts to address the pavement cracking and meet compliant court and run-off dimensions. If netball courts are to be repositioned, lighting that meets Australian Standards is to be installed over both courts.	Key Project
2	Enhance the main and river entrances to the Reserve through landscape treatments, improved fencing and attractive signage. Erect a Reserve name sign at the entrances which also lists the tenant clubs. The signs should be visually consistent with the entrance signs at the other active recreation reserves in Swan Hill Rural City.	Key Project
3	Renovate the football change rooms to provide appropriate facilities for umpires and female players & officials and potentially public toilets. Make pavilion accessible for all. Establish a maintenance program for the building in consultation with user groups.	Key Project
4	Repair the gate to the harness track. Install signage requesting closure of the gates at all times. Consider self closing/spring loaded gates.	Key Project
5	Replace the synthetic grass carpet over the concrete pitch on oval two.	Key Project
6	Enhance the lighting at the Reserve as per relevant Australian Standards.	Medium
7	Relocate box on lighting pole (South Western edge of oval) to comply with Harness Racing Victoria requirements.	High
8	Investigate the provision of emergency vehicle access to the oval.	High
9	Engage all regular users of the Reserve to consider alternative uses for the Rose Pavilion (former stabling shed) – e.g. community market, indoor recreation facility, harness club activities. (Harness Club currently use front half of the shed).	Low
10	Reconstruct the cricket practice nets to compliant standards and lay new synthetic carpet.	Medium
11	Improve the safety of the public toilets by installing sensor security lights to the two existing buildings.	High
12	Upgrade the toilets near the Shed and the netball pavilion. Incorporate toilets in the main pavilion or as an extension to the netball pavilion.	Medium to High
13	Replace the old pipe and rail fencing and log vehicle barrier to the netball courts with bollards to provide consistency with upgraded fencing throughout the Reserve.	Low
14	Tidy up the former dam site with weed clearing and replacement of the fence. Consider interpretive signage. Alternatively, if the opportunity exists; remove the fence and fill the dam.	Medium
15	Improve the landscaping around the cenotaph.	High
16	Construct picnic/barbeque facilities at the Reserve. Consider the River entry and near the playground as locations.	Medium



17	Construct an accessible circuit trail through the Reserve and connect to the adjacent residential areas. Include interpretive signage that celebrates the floral values of the Reserve, the River and Indigenous heritage, and the Reserve's harness racing history. Enhance the trail with easy level fitness equipment, seating and drinking water.	Low
18	Update the playground.	Low
19	Upgrade the boat ramp with landscaping, picnic tables and bollards. Liaise with the Lions Club to consider as a project.	Low
20	Resurface road entry on North Eastern corner to the Reserve.	High
21	Review bin usage to ensure there is adequate waste provision for public use.	Medium
22	Develop a building maintenance program to identify upgrades in consultation with user groups.	High

NYAH RECREATION RESERVE

REDEVELOPMENT MASTERPLAN

B.19.24 ROBINVALE EUSTON FOOTBALL NETBALL CLUB REQUEST FOR FINANCIAL ASSISTANCE

Responsible Officer: Director Development and Planning
File Number: S17-02-01
Attachments: 1 Letter Robinvale Euston FNC

Declarations of Interest:

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

Summary

This report is to discuss a request from the Robinvale Euston Football Netball Club for financial assistance to renovate the AFL home and away change room amenities.

Discussion

Council received a letter dated 25 February 2019 from the Robinvale Euston Football Netball Club (REFNC) – attached; requesting a financial contribution from Council to:

- Renovate the AFL home and away change amenities
- Undertake minor repairs to the clubrooms social space

The Club provided the following scope of works and estimated costs:

SCOPE OF WORKS	ESTIMATED COST
External building works – box gutter and fascia repairs/replacement	\$4,790
Upgrade visitor change rooms (showers)	\$21,670
Plumbing and electrics	\$5,000
Social rooms minor repairs	\$3,000
TOTAL	\$37,460

The Club has requested a financial commitment of \$20,000 and will fund the remaining value of \$17,460.

Strategic Support

Redevelopment of the change rooms at Riverside Park Robinvale was identified in the Riverside Park Robinvale Master Plan as a Key Project. It states: 'Invest in the main change rooms as a central change facility for all clubs (Rugby, Cricket, AFL). Upgrade existing change rooms – construct unisex change, toilet facilities to accommodate the three codes, all genders and all abilities to relevant sporting codes and Australian Standards.'

The Swan Hill Rural City Council's Recreation Implementation Plan indicates that detailed design to redevelop the Robinvale Netball Football Clubrooms will be undertaken in 2021/22, with construction anticipated to occur in 2023/24 or later depending external funding.

Completing remedial works on the facility now will provide the Robinvale Euston Football Netball Club with appropriate amenities that are deemed safe and welcoming. Eg. Private shower cubicles. These works will also ensure the Club can continue to operate this community facility, for 5 or more years until major redevelopment occurs.

In addition, the Club (football and netball representatives) can concentrate their efforts on the new netball court development, which will begin with the design phase in 2019/20.

Regional Sporting Code Facility Guidelines

The AFL Preferred Facility Guidelines is a guide on how AFL facilities are to be developed. It is a requirement from Sport and Recreation Victoria that these guidelines are adhered to when applying for a grant. The Club has been advised to meet these guidelines (where possible) when undertaking a renovation or upgrade.

Project Management

The Robinvale Euston Netball and Football Club will nominate a project manager to undertake agreed proposed works and appropriately qualified trades will employed to carry out the works.

Consultation

This initiative has been identified in the Riverside Park Robinvale Master Plan and Recreation Implementation Plan.

Financial Implications

An allocation of funds from the 2018/19 surplus will need to be made if Council agrees to contribute funds to upgrade the Riverside Park change amenities and social space.

Social Implications

Upgrading change amenities will provide a welcoming and comfortable environment for participants and potentially attract new members to the Club

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

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

Options

1. Allocate \$20,000 towards the Robinvale Euston Netball and Football Club changerooms and social space upgrade project from Council's 2018/2019 surplus budget
2. Not allocate funding towards the Robinvale Euston Netball and Football Club changerooms and social space upgrade project from Council's 2018/2019 budget

Recommendation

That Council allocate \$20,000 towards the Robinvale Euston Netball and Football Club changerooms and social space upgrade from Council's 2018/2019 surplus budget.

ROBINVALE EUSTON FOOTBALL NETBALL CLUB



PO Box 367 Robinvale Vic 3549 Ph: 03 5026 3278 Fax: 03 5026 1878 www.robinvalefc.vcfl.com.au like us on 'Facebook'

February 25th 2019

Heather Green
Director of Development and Planning
Swan Hill Rural City Council
PO Box 488
Swan Hill Vic 3585

Dear Heather,

On behalf of the committee of the Robinvale Euston Football Netball Club, I wish to make a formal approach to the Swan Hill Rural City Council, to consider making funds available, to carry much needed repairs and improvements to our change rooms, and to a lesser degree our social rooms.

I understand that you have already been made aware of our request, following your contact with our President Phil Lamattina.

Following is a list of works we require:

Change Rooms – External Works-Box Gutter and Fascia Repairs/Replacement
\$4790.

Visitor's Change Rooms – Major Upgrade to Showers \$21,670

Minor Painting \$3,000

Plumbing and Electrics \$5,000

Social Rooms – Minor Repairs and Improvements \$3,000

Total Cost \$37,460

We suggest:

Council Contribution - \$20,000

REFNC Contribution - \$17,460

We do hope that Council will look at this request favourably.

Yours sincerely,

Marion Leslie
Secretary
Robinvale Euston Football Netball Club





B.19.25 ROBINVALE ARENA MOTO CROSS TRACK PROJECT

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

Declarations of Interest:

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

Summary

This report is to recommend the termination of the Robinvale Arena Cross Track Project and return an allocation of funds to the funding body, Sport and Recreation Victoria.

Discussion

Robinvale Motorcycle Club (the Club) is located on Shaggy Ridge Road, Robinvale. The land is Crown Land with the land manager being DELWP.

The Robinvale Arena Moto Cross Track project was initiated by the Club and received funding from the State Government through the 2015/2016 Sport and Recreation Grant Program. Council auspiced the grant and completion date for the project was December 2016.

The purpose of the project was to enable the Club to run motorcycle events at night time. The scope of the project involved construction of an Arena Cross Track, lighting, fencing, track watering system and viewing mound. The original track layout required the removal of native vegetation. However, officers and Club members were unable to identify a suitable parcel of land for the offset. The layout of the track was modified to eliminate the need to remove any vegetation.

Despite this, in April 2016, a member of the Club chose to remove vegetation at the site without a permit. This has resulted in the project requiring two variations (extensions) from the State Government.

The current grant agreement completion date is 31 May 2019.

It has been realised that the scope of works to complete the project within the prescribed grant timeline and budget is unachievable.

Since the illegal removal of vegetation, members of Council's Executive Leadership Team and officers have met with members of the Club on three occasions to discuss the importance of finalising the project. This is in addition to continuous communication from officers by phone and email throughout the duration of the project.

SECTION B - REPORTS

19 March 2019

At the last site visit on 15 October 2018, officers reiterated the importance of completing the project within the funding agreement timelines. Additionally, that Council would provide them a list of actions with timelines for completion.

The Club was sent a letter on 24 October providing it with specific requirements and timeframes. The actions and outcomes from this letter are outlined in the table below:

Date/Requirement	Action undertaken
<p>1 November</p> <ul style="list-style-type: none"> • Confirmation of the success of the Club's grant submission to fund the Native Vegetation Offset. • Provide a letter of confirmation from the funding body and the value funded. • Provide Council with advice if the grant funds and Club funds are sufficient to cover the cost of the native vegetation offset. • If insufficient funds exist, advise Council of the shortfall through a Club letter to Council. 	<ul style="list-style-type: none"> • No information provided • No information provided • No information provided • No information provided
<p>5 November 2018</p> <ul style="list-style-type: none"> • Liaise with Select Harvests to confirm the section of land to be used for the Offset. • Engage a surveyor to survey the chosen section of land – provide evidence to Council that a surveyor has been engaged. 	<ul style="list-style-type: none"> • Completed. • The Club state in their letter dated 14 December 2018 that they will engage Price Merrett Consulting if surveying is required. The Club state that the site does not need to be surveyed.
<p>9 November 2018</p> <ul style="list-style-type: none"> • Engage a suitably qualified consultant to complete the Habitat Hectare Assessment on the chosen section of land to ensure a compliant offset can be provided. 	<ul style="list-style-type: none"> • The Club state in their letter on 14 December that they have engaged Offsets Victoria and that the assessment of Select Harvests land has been completed.
<p>29 November</p> <ul style="list-style-type: none"> • Provide the Planning Department with the Habitat Hectare Assessment for referral to DELWP. • Provide a Project Plan to Council outlining how the project will be completed by the end of March and include timeline, description of works and quotes. 	<ul style="list-style-type: none"> • No information provided • No information provided
<p>1 December/January 2019</p> <ul style="list-style-type: none"> • Once Planning Permit is approved immediately commence the preparation of documentation and agreement registration, also pay DELWP the Section 69 Agreement Registration Fee. 	<ul style="list-style-type: none"> • The Club state in their letter on 14 December 2018 that they have 12 months to pay \$16,979.60 to DELWP for the Section 69 Agreement.

Due to the Club's ongoing failure to comply with Council's formal requests, the project's implementation to set guidelines and timeframe is now unachievable.

This is further highlighted by the Club's inability to provide evidence, such as:

- Payment for the required native vegetation offset.
- Project Plan outlining how the project will be achieved within timeframes and budget.
- Quotes or information on the in kind supply of all elements of project construction (lighting towers, underground lighting cages, concrete, building permit, spectator mound, fencing and finalising installation of the watering system).
- Confirmation of lighting infrastructure to ensure the track meets Motorcycle Victoria standards (minimum 200lux illumination). The submission to the funding body states that the project 'will provide illumination that meets the standard for motorcycle riding greater than 100lux' and 'The project will broaden its appeal by being able to run events at night with lighting a key component of the project.'

Added to this, Council officers estimate the cost to supply and install lighting infrastructure at the track (to meet Motorcycle Victoria standards) as being approximately \$400,000. The Club has failed to provide evidence that lighting can be achieved within the remaining project budget of \$44,600.

Consultation

Council officers have communicated with the Club continuously throughout the entirety of the project. In particular, a number of emails and phone calls were made by officers to attempt to keep the Club on track with project timelines as outlined in the 24 October 2018 letter.

Council sent a letter to the Club on 24 October 2018 providing actions and timelines to ensure that the project could be completed within the State Government project completion date. Following this correspondence, Council issued another letter on 10 December expressing concerns that deadlines were not adhered to and requested the Club to provide an explanation as to why and complete all outstanding actions by 21 December 2018.

Council received a letter from the Club on 14 December 2018 advising that steps have been taken to complete the Section 69 Agreement to address the vegetation removal issue.

However, no reasoning or information was provided on all other outstanding tasks (confirmation of funding, project plan, and description of task, timelines and quotes). Council did not receive this by 21 December 2018 as requested.

Council has continually liaised with representatives from the State Government funding body regarding this project, including opportunity to further extend the project deliverables and methodology with to terminate the funding agreement.

Financial Implications

Project Budget

Council's contribution	\$11,741
State Government Grant contribution	\$68,633
Club's contribution	\$11,740
<u>Total</u>	<u>\$92,114</u>

The total expended to date is \$47,500 (as of 14 January 2019). The balance remaining is \$44,614.

Council received the first grant milestone payment from the State Government receiving \$61,797.70. Termination of the funding agreement will require an allocation of funds to be returned to State Government.

Considering that approximately half of the project scope has been completed (construction of track), Council has scope to submit a variation to the funding body that requests a partial repayment of the grant funds received.

Social Implications

The development of the Robinvale Arena Cross Track will improve recreational facilities that provide social, health and well-being opportunities for community members

Economic Implications

The development of the Robinvale Arena Cross Track could attract additional regional motor racing events to Robinvale.

Environmental Implications

The Club has removed native vegetation which is of a high biodiversity and condition score. This is detrimental to the environment as this type of vegetation is highly valued.

Risk Management Implications

The Club has provided only one quote for the lighting infrastructure which may not be reflective of average lighting infrastructure costs.

Allowing the Club to install the lighting infrastructure without supervision could result in poor quality installation, lighting that fails to meet adequate Motorcycle Victoria Standards (and therefore not meeting funding body requirements) and injury to volunteers and members of the public.

The Club may lack knowledge and understanding of Cultural Heritage requirements, such as the need to complete a Cultural Heritage Contingency Plan before digging footings or undertaking earthworks.

Council Plan Strategy Addressed

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

Options

That Council

1. Proceed with the project with the understanding that the project is likely to go over budget and that the State Government may not approve a third variation.
2. Terminate the project and formalise funding arrangements with State Government.

Recommendations

That Council:

1. **Terminate the project and formalise funding arrangements with State Government.**
2. **Advise the Robinvale Motorcycle Club of the decision to terminate the funding agreement.**

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.19.3 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

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
914	Section 173 Agreement for ongoing ownership and maintenance of Pipeline (143 George Street, Robinvale)	Between Swan Hill Rural City Council and C.Gervasi	19/02/19
915	Section 173 Agreement – 72 Woorinen – Goschen Road (volume 11412 Folio 254 and Volume 10054 Folio 413 and Volume 10670 Folio 660	Between Swan Hill Rural City Council and A.M.Ditterich and Alice Victoria Pty Ltd	19/02/19
916	Section 173 Agreement 2015/122 (Planning Permit), Condition 2 – 44 Walker Lane, Woorinen.	Between Swan Hill Rural City Council and Gralloch Holdings Pty Ltd	19/02/19
918	Deed of Renewal Licence – Further term 18 months (Swan Hill Information Centre)	Between Swan Hill Rural City Council and The Uniting Church in Australia Property Trust (Victoria).	25/02/19
919	Contract 19 3614 01 for Gravel re-sheeting & road reconstruction	Between Swan Hill Rural City Council and Coburns Earthmoving Pty Ltd	05/03/19

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

C.19.4 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 Councillor 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 - Effective advocacy and strategic planning.

Options

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

Recommendation

That Council note the contents of the report.

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
25 February 2019 at 1pm, Swan Hill Town Hall, Council Chambers

AGENDA ITEMS

- Brief Discussion - Budget Process & Community Consultation (Budget Pack distributed)
- Recreation Reserve Masterplan
- New Year's Eve Review
- Robinvale Moto X Project
- Tyntynder South Road Discontinuances
- KSI Report 2nd Quarter
- Family Day Care Transition
- Advocacy Strategy
- River Road Swan Hill Dwelling and Subdivision
- Gregg Street Swan Hill 3 units and Subdivision
- 7 Whittaker Street – Proposed Bottle shop
- 7 Whittaker Street – Objectors & Applicants

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Gary Norton

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- David Lenton, Director Corporate Service
- Stefan Louw, Development Manager
- Warren Synder, Finance Manager
- Meagan Monk, Community Recreation & Grants Officer
- Nathan Keighran, Liveability and Project Development Coordinator
- Tamara Broadsmith, Planning Officer

Other

- Warrick Fisher

CONFLICT OF INTEREST

- • Cr Les McPhee declared an indirect interest because of conflicting duties for items 7 Whittaker Street – Proposed Bottle shop and 7 Whittaker Street – Objectors & Applicants as he enforces liquor laws as a Victorian Police Officer.

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
5 March 2019 at 9am, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Presentation of Draft Budget to Councillors (9am to 5pm)
- Funding request from Robinvale Euston Football Netball Club
- CEO Performance Review process.

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Lea Johnson
- Cr Bill Moar

Apologies

- Cr Chris Jeffery
- Cr Gary Norton

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- David Lenton, Director Corporate Service
- Bruce Myers, Director Community & Cultural Services
- Warren Snyder, Finance Manager
- Ash Free, Management Accountant
- Helen Morris, Organisational Development Manager

Other

- Jade Benham, Councillor elect (as observer)

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION G – IN CAMERA ITEMS

Recommendation

That Council close the meeting to the public on the grounds that the following report(s) include is a resolution to close the meeting to members of the public

B.19.15 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT