

AGENDA

ORDINARY MEETING OF COUNCIL

Tuesday, 20 August 2019

To be held Swan Hill Town Hall
Meeting Room 1
McCallum Street, Swan Hill
Commencing at 4pm

COUNCIL:

Cr A Young – Mayor

Cr LT McPhee

Cr J Benham

Cr C Jeffery

Cr L Johnson

Cr B Moar

Cr N McKay

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SECTION A – PROCEDURAL MATTERS

- **Open**

- **Acknowledgement of Country**

- **Prayer**

- **Apologies**

- **Confirmation of Minutes**
 - 1) Ordinary Meeting held on 16 July 2019

- **Declarations of Conflict of Interest**

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

- **Public Question Time**

SECTION B – REPORTS

B.19.72 PAYMENT IN LIEU OF RATES - SOLAR FARMS

Responsible Officer: Director Corporate Services
File Number: S29-05-03
Attachments: 1 Payment in Lieu of Rates

Declarations of Interest:

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

Summary

At the June 2019 Council Meeting Council requested a report on the operation and effect on Council rate revenue as a result of the Electricity Industry Act 2000 (The Act).

The operation of The Act in relation to Solar Farms is outlined in the attached Fact Sheet issued by the State Department of Environment, Land, Water and Planning.

The effect on Swan Hill Rural City Council's rate revenue is explained below.

Discussion

Council currently has three commercial Solar Farms operating within the Municipality. Solar Farms are classified as Electricity Generating Units and therefore can negotiate to make a Payment In Lieu of Rates (PiLOR) calculated as the combination of a fixed charge per facility, plus a variable charge per Megawatt Hour of energy generated each year. There are some variations to this base system depending on whether the facility is community or commercially owned, the size of the facility and the total amount of energy actually generated compared to its theoretical capacity.

The method is best explained in the attached Fact Sheet issued by the State Department of Environment, Land, Water and Planning.

The revenue received by Council under the PiLOR system is not considered as rate revenue and it is not included in the Rate Cap calculation. Properties that are the subject of a PiLOR are still subject to any other property based taxes or charges such as Fire Services Property Levy (FSPL). The FSPL is calculated based on a small fixed charge plus a variable charge based on the Capital Improved Value (CIV) of each property. Funds received by Council from the FSPL are paid to the State Government in full. Council has no role in setting the levels of the FSPL.

In total, for the three Solar Farms currently operating with this Municipality, the effect of operation of The Act is to reduce the annual rates charged to the properties from

\$1,743,768 based on the 2019/20 Rate in the Dollar of 0.00580196 to an estimated annual PiLOR of \$284,280 which is equivalent to a Rate In The Dollar of 0.00094587.

The revenue received under the PiLOR system is considerably higher than was previously received for the vacant, non-productive farm land on which the Solar Farms are established. From discussions with other Council's in our region the PiLOR system will be applied by those Councils to electricity generation facilities within their Municipalities.

The estimated FSPL amount for the three properties is \$287,100. Some of the Solar Farm operators are currently seeking a review of the CIV assigned to their properties.

This report is for Councillor information as requested at the June 2019 Council Meeting.

Consultation

Discussions have been held with other Councils within the Murray Group of Councils structure. All have indicated they will be applying the PiLOR system to electricity generation facilities.

Financial Implications

Whilst the PiLOR from Solar Farms will be less than would be received under the conventional rating system it is more than was previously being received from the farm land on which the facilities are established. PiLOR are excluded from Rate Cap.

Social Implications

Reduced costs for all electricity generators should help to keep power prices lower than would otherwise be the case.

Economic Implications

Council has been pursuing the objective to have commercially operated solar energy generation facilities establish within the Municipality for a number of years.

Environmental Implications

Solar energy is a more environmentally sustainable source of electricity.

Risk Management Implications

Complying with the PiLOR system established under The Act reduced the risk of protracted negotiations and potential legal action in relation to the charges applied to the solar farms within our Municipality.

Council Plan Strategy Addressed

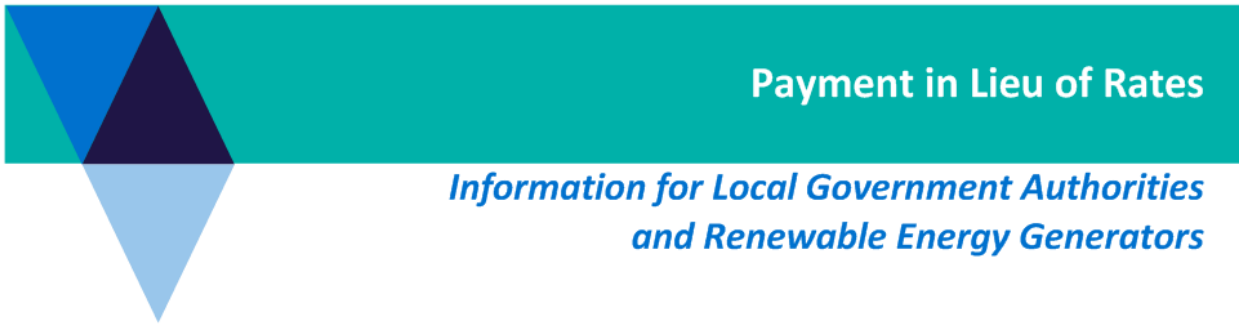
Governance and leadership - Effective and efficient utilisation of resources.

Options

Nil

Recommendation

That Council note the contents of this report.



Payment in Lieu of Rates

Information for Local Government Authorities and Renewable Energy Generators

What is Payment in Lieu of Rates?

Established under section 94(6A) of the Electricity Industry Act 2000 (EI Act), the Payment in Lieu of Rates (PiLoR) framework allows for councils and electricity generators to negotiate annual payments.

A methodology currently exists under section 94(6A) of the EI Act for estimating payments and applies to all coal, gas, hydro, and wind generators. In addition, solar has been added as a defined energy source so that councils can use the methodology to estimate payments for all solar generators coming online now and in the future.

The methodology combines a fixed charge with a variable charge based on the capacity of the power station in megawatts. The fixed charge in FY2018-19 is \$54,400 and the variable charge is \$1,225 per megawatt (MW). A 50 MW solar farm, for example, would pay \$115,650 under the methodology.

If a generator operates below 20 per cent average capacity factor in any financial year, it can receive a discount under the methodology. This could apply to some large scale solar generators as solar efficiency is close to this threshold.

If a 50 MW solar farm operated with an average capacity factor of less than 20 per cent, but greater than 10 per cent, then a discount of 25 per cent applies, and the solar farm would therefore pay \$86,738. If it operated at less than 10 per cent, for example because the generator was offline for an extended period, then a discount of 50 per cent applies, and the solar farm would therefore pay \$57,825.

A new methodology for community and commercial solar and wind generators

A new methodology has been introduced specifically for community oriented and smaller commercial solar and wind generators. A threshold of 25 MW has been set for these types of generators, whereby any solar or wind generator greater in size must use the first methodology.

The new methodology includes a new definition for community generators that is intended to be broad enough to encompass the various ways in which a community project is owned and operated for the benefit of the local community.

These projects may be developed in partnership with a commercial entity, but the community owned portion must be at least 20 per cent, and revenues from the electricity generator that are distributed to the local community must be equal to the proportion of ownership.

How the new methodology works

The PiLoR methodology sets a payment rate per megawatt hour (MWh) generated by a power station with a nameplate capacity of up to 25 MW, that is indexed to inflation. The established rates are as follows:

For a commercial solar or wind generator: \$1.12 per MWh generated, or \$7,500, whichever is greater in each year; or

For a community solar or wind generator: \$0.56 per MWh generated, or \$5,000, whichever is greater in each year.

The minimum rate of \$7,500 for a commercial generator up to 25 MW capacity, and \$5,000 for a community owned generator up to 25 MW capacity applies where actual generation is less than expected, for example in a year where a generator is offline. This ensures that councils still receive some revenue that contributes to local services.

Prior to the introduction of the new methodology, a small-scale 10 MW wind generator for example would pay \$66,650 in FY2018-19. Under the new methodology the 10 MW wind generator would pay \$33,358, about half of what it would have previously paid under the previous methodology.

How councils should use the new methodology

To calculate expected payments for a relevant generator, an estimate of generation for the year is required at the beginning of the period, which will be reconciled with actual generation that occurred that year in the calculation for the next period.

Under this approach a rates notice should only need to be issued once for each period, and it will ensure that payments will be balanced from date of commission to decommission of a generator and compensate for any periods of inactivity or lower than expected generation.



Environment,
Land, Water
and Planning

Payment in Lieu of Rates

Councils should seek an estimate of generation for the period from the generator. If the generator is unable to provide one, the council can calculate an estimate using the average capacity factor of generator, or the industry average of the energy source (22 per cent for solar and 34 per cent for wind¹).

The formula for calculating an estimate of generation is:

Nameplate capacity (MW) x average capacity factor (per cent) x 8,760 (hours in a year)

The calculated generation is then multiplied by the established rate (depending on the type of ownership) to determine annual payments for the generator.

Example: Community Wind Farm

CWF Renewables has constructed a 10 MW wind farm near Ballarat. The project is 100 per cent owned by the community. The organisation wishes to use the PiLoR methodology for rate payments and advises the council accordingly. The project is scheduled for commission half way through the 2018-19 financial year, on 1 January 2019.

As a community owned project, the new methodology for community generators should be used. The community wind farm is not sure of how much electricity it will generate in the first year of operation. Ballarat City Council must therefore calculate the expected amount for the year, and does this using an average capacity factor for a typical windfarm:

10 MW x 34 per cent x 4,380 hours (1 January 2020 – 30 June 2020) = 14,892 MWh.

The council then multiplies the calculated output by the rate for community generators and issues an invoice to the generator for the following amount:

14,892 MWh x \$0.56 = \$8,340.

The above amount is paid by the generator within that financial year.

In the next year, 2019-2020, the council continues to estimate the amount to be paid using the same formula for the full year, but also needs to add or subtract any difference between estimated and actual generation that occurred in the first year of operation.

The actual generation of the wind farm in its first year was 15,700 MWh, slightly higher than the estimated 14,892 MWh. The amount that should have been paid was \$8,792, although the wind farm paid \$8,340 in that period.

The wind farm therefore owes the council \$452 for the previous period, plus the estimated amount for the current period:

10 MW x 34 per cent x 8,760 hours x \$0.56 = \$16,679; plus \$452 = \$17,131.

This approach continues every year of operation thereafter, whereby the council adds or subtracts the difference between estimated and actual generation in the previous year. Note that the rates increase each year according to Melbourne Consumer Price Index and should be applied in each year.

What generators should do

To assist councils, generators should provide an estimate of electricity generation for the financial year where possible, or at least an estimate of the efficiency (average capacity factor) of the power station. Generators are also responsible for ensuring councils are properly applying the methodology every period.

Additional assistance is available by contacting your DELWP regional engagement team:

DELWP Region	Contact name	Contact phone
Barwon South West	Ross Martin	0457 533 902
Gippsland	Jodie Simpson Rob Dimsey	0418 397 131 0427 592 006
Grampians	Geoff Miller (Wimmera Southern Mallee) Tim Hudspith (Central Highlands)	0428 599 927 0429 963 056
Hume	Chelsea Cherry	0439 315 410
Loddon Mallee	Erin Baxter Dona Cayetana	0423 125 539 0436 629 698
Port Phillip	Peter Merritt	0418 124 343

This fact sheet and additional information is available at:

<https://www.energy.vic.gov.au/renewable-energy/community-energy>

¹ Estimate based on assumptions outlined in *EY 2017, Modelling of the Victorian Renewable Energy Target scheme scenarios*, available at:

https://www.energy.vic.gov.au/data/assets/pdf_file/0021/2F83091/2FEY-modelling-report-VRET.pdf

B.19.73 FIRE SERVICES PROPERTY LEVY

Responsible Officer: Director Corporate Services
File Number: S29-01-02
Attachments: Nil.

Declarations of Interest:

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

Summary

The Victorian State Government, through the State Revenue Office (SRO), recently released the Fire Service Property Levy (FSPL) rates that will be applicable for the 2019/20 financial year. This report is to inform Council of the new FSPL rates.

Discussion

The FSPL was introduced by the State Government in 2013/14 to help fund Fire Services across the State. The FSPL is charged to all "Levyable Property" owners. Previously the Fire Services Levy was collected on behalf of the State Government by insurance companies as a percentage of insurance premiums. The previous system resulted in only the property of insured persons being subject to the levy whereas everyone had access to Fire Services when needed.

On behalf of the State Government Councils are required to calculate the FSPL applicable to "Levyable Property" within their Municipality and collect the levy by including it on the annual Council Rate Notice. All FSPL collected is forwarded to the SRO on a quarterly basis. An annual reconciliation statement is also completed and forwarded to the SRO for review. Council receives a modest administration fee from the SRO to help cover the cost of maintaining, levying, collecting, remitting and reconciling the FSPL. This fee is approximately \$48,000.

The FSPL is raised based on a fixed charge and a variable charge set by the State Government each year. Council has no power to set or change the FSPL rates. The variable charge is based on a property's Capital Improved Value (CIV). Different fixed and variable charge rates apply depending on the use made of the property. The uses are grouped as Residential, Commercial, Industrial, Primary Production, Vacant land and Public Benefit.

The 2019/20 FSPL rates have recently been released. The rates, including a comparison to the 2018/19 rates are listed in the table below.

Land Use	2019/20 Levy	2018/19 Levy Change	
Residential - Fixed	\$111	\$109	1.8%
Commercial – Fixed	\$226	\$221	2.3%
Industrial – Fixed	\$226	\$221	2.3%
Primary Production - Fixed	\$226	\$221	2.3%
Public Benefit - Fixed	\$226	\$221	2.3%
Vacant land - Fixed	\$226	\$221	2.3%
Residential - Variable	0.000066	0.000058	13.8%
Commercial – Variable	0.000795	0.000691	15.1%
Industrial – Variable	0.000953	0.001037	(8.1%)
Primary Production – Variable	0.000190	0.000164	15.9%
Public Benefit – Variable	0.000066	0.000058	13.8%
Vacant Land - Variable	0.000249	0.000220	13.2%

Where a property's 2019/20 CIV has not decreased substantially from the previous (2018/19) CIV the new variable FSPL rates will result in a significant percentage increase in the amount of FSPL collected on that property by Council on behalf of the State Government. This increase will appear on the Rates Notices issued by Council. In many cases the dollar increase in the FSPL charge will exceed the increase in the Council rates and charges that also appear on the Rate Notice.

Council officers are not in a position to explain why the FSPL rates have changed. It is possible that the new rates reflect a higher level of funding for the Country Fire Authority and/or that on average across the State rural property CIVs have reduced substantially and therefore a higher rate is required to collect a similar amount of money. A significant fall in CIVs is not expected within Swan Hill Rural City Council where on average values have increase by approximately 8% between 2018/19 and 2019/20. Approximately \$2.3 million in FSPL was raised from Swan Hill Rural City Council ratepayers in 2018/19.

The report is for Councillor information as requested at the Councillor Assembly held on 2 July 2019.

Consultation

This report seeks to better inform our community on the changes to FSPL rates.

Financial Implications

The change in the FSPL rates will have no direct impact on Council's finances however the impact will be felt by our Ratepayers.

Social Implications

The FSPL is seen as a fairer way to fund fire services compared to relying on insurance premiums however the amounts raised from within each Municipality may or may not reflect the cost of operating the Fire Services in those Municipalities.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

There is a risk that Council may be considered to be responsible for any large increase in the FSPL as it is collected via Council rates Notices before being forwarded to the State Government.

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

Nil

Recommendation

That Council note the contents of the report.

B.19.74 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 25-06-19
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 25 June 2019 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

From Bronte Wright	Date 25 June 2019
Direct 03 9258 3832	Email bronte.wright@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:BWW:628721

Dear subscriber

Delegations and Authorisations Service Update First Update for 2019

We are pleased to provide you with our first update to the Delegations and Authorisations Service for 2019. This update takes into account legislative changes which were assented to, or made, after 15 November 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, 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 24 June 2019.

1. Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)

Section 185L of the *Local Government Act 1989* (Vic) (LGA) has been added to our S6 template to provide clarification about the ability of a council's Chief Executive Officer to declare and levy a cladding rectification charge.

2. Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff (S7)

2.1 In relation to our S7 template, we note that:

2.1.1 further amendments to the *Domestic Animals Act 1994* (Vic), made by the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* (Vic), have commenced, resulting in the insertion of ss 68N – 68Z into our S7 template;

2.1.2 the *Metropolitan Fire Brigades Act 1958* (Vic) has been re-inserted into our S7 template; and

[628721: 24183511_1]



Maddocks

2.1.3 the *Local Government (Planning and Reporting) Amendment Regulations 2019* (Vic) inserted rr 28, 29 and 30 into the *Local Government (Planning and Reporting) Regulations 2014* (Vic), which have been added to our S7 template.

3. Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor (S12)

3.1 In relation to our S12 template, we note the following:

3.1.1 regulation 46 of the *Building Regulations 2018* (Vic) (**Building Regulations**) will be revoked on 1 July 2019;

3.1.2 in regulation 165 of the Building Regulations, the performance requirement number has changed from P2.3.5 to P2.7.6; and

3.1.3 the *Building Amendment (Registration of Building Trades and Other Matters) Act 2018* (Vic) has made a slight amendment to the wording in r 219(2) of the Building Regulations.

4. Changes to the S13 Instrument of Delegation of CEO powers, duties and functions to Members of Council Staff (S13)

4.1 The changes to our S13 template include:

4.1.1 section 38A of the *Freedom of Information Act 1982* (Vic) has been reworded to more accurately describe the delegated power; and

4.1.2 the condition and limitation imposed on s 231 of the LGA has been amended to reflect the most current Regulations, being the *Local Government (General) Regulations 2015* (Vic).

5. Changes to the S14 Instrument of Delegation from CEO to Members of Council Staff (Vicsmart) (S14)

Section 49(1) and (2) of the *Planning and Environment Act 1987* (Vic) have been removed from our S14 template. This is because of s 49(3) which provides that, where the responsible authority is an officer of the council, the council will be the responsible authority for the purposes of that section. The duties in s 49(1) and (2) are, therefore, conferred on council only and should only appear in our S6 template, rather than both our S6 and S14 templates.

Other Relevant Legislation Changes

Amendments to the *Residential Tenancies Act 1997* (Vic), made by the *Residential Tenancies Amendment Act 2018* (Vic), have now commenced. These amendments include the function of councils to receive written notification from caravan owners when those owners intend to close their caravan park. As this function is largely administrative, it has not been included in our instruments of delegation templates.

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

B.19.75 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 25-06-19
2 S6 Instrument of Delegation - 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

From Bronte Wright	Date 25 June 2019
Direct 03 9258 3832	Email bronte.wright@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:BWW:628721

Dear subscriber

Delegations and Authorisations Service Update First Update for 2019

We are pleased to provide you with our first update to the Delegations and Authorisations Service for 2019. This update takes into account legislative changes which were assented to, or made, after 15 November 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, 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 24 June 2019.

1. Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)

Section 185L of the *Local Government Act 1989 (Vic) (LGA)* has been added to our S6 template to provide clarification about the ability of a council's Chief Executive Officer to declare and levy a cladding rectification charge.

2. Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff (S7)

2.1 In relation to our S7 template, we note that:

2.1.1 further amendments to the *Domestic Animals Act 1994 (Vic)*, made by the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 (Vic)*, have commenced, resulting in the insertion of ss 68N – 68Z into our S7 template;

2.1.2 the *Metropolitan Fire Brigades Act 1958 (Vic)* has been re-inserted into our S7 template; and

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2.1.3 the *Local Government (Planning and Reporting) Amendment Regulations 2019* (Vic) inserted rr 28, 29 and 30 into the *Local Government (Planning and Reporting) Regulations 2014* (Vic), which have been added to our S7 template.

3. Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor (S12)

3.1 In relation to our S12 template, we note the following:

3.1.1 regulation 46 of the *Building Regulations 2018* (Vic) (**Building Regulations**) will be revoked on 1 July 2019;

3.1.2 in regulation 165 of the Building Regulations, the performance requirement number has changed from P2.3.5 to P2.7.6; and

3.1.3 the *Building Amendment (Registration of Building Trades and Other Matters) Act 2018* (Vic) has made a slight amendment to the wording in r 219(2) of the Building Regulations.

4. Changes to the S13 Instrument of Delegation of CEO powers, duties and functions to Members of Council Staff (S13)

4.1 The changes to our S13 template include:

4.1.1 section 38A of the *Freedom of Information Act 1982* (Vic) has been reworded to more accurately describe the delegated power; and

4.1.2 the condition and limitation imposed on s 231 of the LGA has been amended to reflect the most current Regulations, being the *Local Government (General) Regulations 2015* (Vic).

5. Changes to the S14 Instrument of Delegation from CEO to Members of Council Staff (Vicsmart) (S14)

Section 49(1) and (2) of the *Planning and Environment Act 1987* (Vic) have been removed from our S14 template. This is because of s 49(3) which provides that, where the responsible authority is an officer of the council, the council will be the responsible authority for the purposes of that section. The duties in s 49(1) and (2) are, therefore, conferred on council only and should only appear in our S6 template, rather than both our S6 and S14 templates.

Other Relevant Legislation Changes

Amendments to the *Residential Tenancies Act 1997* (Vic), made by the *Residential Tenancies Amendment Act 2018* (Vic), have now commenced. These amendments include the function of councils to receive written notification from caravan owners when those owners intend to close their caravan park. As this function is largely administrative, it has not been included in our instruments of delegation templates.

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.



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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 - John McLinden
- CSRO: Customer Service & Revenue Officer -
- DCS: Director Corporate Services - David Lenton
- DDP: Director Development & Planning - Heather Green
- DI: Director Infrastructure -
- DM: Development Manager -
- EAM: Enterprise Asset Manager -
- EHO: Environmental Health Officer -
- EM: Engineering Manager -
- FM: Finance Manager -
- MBS: Municipal Building Surveyor -
- MERO: Municipal Emergency Resource Officer -
- MFPO: Municipal Fire Prevention Officer -
- ND: Not Delegated - Not Delegated
- PHRSC: Public Health & Regulatory Services Co-ordinator -
- PM: Project Manager -
- PO: Planning Officer -
- PP: Principal Planner -
- SRO: Senior Revenue Officer -
- WM: Works Manager -

3. declares that:

3.1 this Instrument of Delegation is authorised by Council passed on 20 August 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	EHO, PHRSC	If s 19(1) applies

Food Act 1984			
	order has been complied with		Where Council is the registration authority
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	Where Council is the registration authority
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
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	refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with	ND	Where Council is the registration authority

Food Act 1984			
	a declaration under s 38AB(1)		
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
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, PHRSC	not exceeding the prescribed time limit defined under s 38E(5)
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
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	Only if satisfied of matters in s 39A(2)(a)-(c)
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
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	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	
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	

Planning and Environment Act 1987		
s 12B(1)	Duty to review planning scheme	ND
s 12B(2)	Duty to review planning scheme at direction of Minister	ND
s. 12B(5)	duty to report findings of review of planning scheme to Minister without delay	ND
s 14	duties of a Responsible Authority as set out in 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	DDP, DM	Where Council is a responsible public entity
s 46AZC(2)	Power to endorse the draft Statement of Planning Policy		
s 46AZK	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 46AZL	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
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDP, DM	

Planning and Environment Act 1987		
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
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	DDP, DM
s 46GS(1)	Duty to consider a late submission if directed to do so by the Minister	ND
s 46GS(2)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	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)	f)Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	DDP, PM
s 46GV(3)(b)	Power to specify the manner in which the payment is to be made Power to enter into an agreement with the applicant	DDP, PM
		Where Council is the collecting agency
		Where Council is the collecting agency

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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
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

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		This provision does not apply where Council 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)	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	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	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	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	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	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 46GZA(1)	Duty to keep proper and separate accounts and records	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	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			infrastructure contributions plan
	Act 1989		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	If the VPA is the collecting 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	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 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

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			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 levy	DDP, DM, PP	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DDP, DM, PP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, PP	
s 46P(1)	Power to require payment of amount of levy under 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	DDP, DM, PP	

Planning and Environment Act 1987			
	development agency		
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	
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	

Planning and Environment Act 1987		
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
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DDP, DM, PP
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	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

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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
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
s 64(3)	Duty not to issue a permit until after the specified period	DDP, DM, PM, PO
s 64(5)	Duty to give each objector a copy of an exempt decision	DDP, DM, PM, PO
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
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
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DDP, DM, PO, PP

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			not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DDP, DM, PM, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DDP, DM, PP	
s 69(2)	Power to extend time	DDP, DM, PO, PP	
s 70	Duty to make copy permit available for inspection	DDP, DM, PP	
s 71(1)	Power to correct certain mistakes	DDP, DM, PP	
s 71(2)	Duty to note corrections in register	DDP, DM, PO, PP	
s 73	Power to decide to grant amendment subject to conditions	DDP, DM, PO, PP	
s 74	Duty to issue amended permit to applicant if no objectors	DDP, DM, PO, PP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, PP	
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(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under 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	

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s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DDP, DM, PP
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DDP, DM, PP
s 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

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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
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

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		CEO, DDP, DM, PP	Except Crown Land
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DDP, DM, PP	
s 129	Function of recovering penalties	DDP, DM, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DDP, DM, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DDP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DDP, DM, PP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under 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, EM, 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, EM, 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	

Planning and Environment Act 1987		
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
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DDP
s 178A(5)	Power to propose to amend or end an agreement	CEO, DDP
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, PP
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PP
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DDP, DM, PP
s 178C(4)	Function of determining how to give notice under s 178C(2)	DDP, DM, PP
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DDP
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DDP
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DDP

Planning and Environment Act 1987		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DDP
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DDP
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DDP
s 178(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

Planning and Environment Act 1987		
s 201(3)	Duty to make declaration	DDP, DM, PP
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DDP, DM, PO, PP
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DDP, DM, PO, PP
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DDP, DM, PO, PP
	Power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, PO, PP
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDP, DM, PO, PP
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
s61(1)A	power to determine permit application, either to decide to grant a permit.	CEO, DDP, DM
s61(1)B	power to determine permit application, to decide to grant a permit with conditions.	CEO, DDP, DM
s61(1)C	power to determine permit application or to refuse a permit application.	CEO, DDP, ND

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Rail Safety (Local Operations) Act 2006		
Provision	Item Delegated	Delegate
		Delegate
		Conditions and Limitations

Rail Safety (Local Operations) Act 2006				
s 33	Duty to comply with a direction of the Safety Director under s 33	DI, EM		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, EM		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, EM		Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DI, EM		Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DI, EM		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, EM		Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	DI, EM		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, EM		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, EM		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)	EM, 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, EM		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, EM		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)	EM, WM		Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	DI, EM		Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	EM, 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)	EM, 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)	EM, WM		Where Council is the relevant road authority
Residential Tenancies Act 1997				
Provision	Item Delegated	Delegate	Conditions and Limitations	

Residential Tenancies Act 1997			
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	
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, EM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DI, EAM, EM	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, EM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DI, EAM, EM	Where Council is the coordinating road authority

Road Management Act 2004			
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
s 12(5)	Duty to consider written submissions received within 28 days of notice	DI, EAM, EM	Unless s 12(11) applies Duty of coordinating road authority where it is the discontinuing body
s 12(6)	Function of hearing a person in support of their written submission	DI, EAM, EM	Unless s 12(11) applies Function of coordinating road authority where it is the discontinuing body
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DI, EAM, EM	Unless s 12(11) applies Duty of coordinating road authority where it is the discontinuing body
s 12(10)	Duty to notify of decision made	DI, EAM, EM	Unless s 12(11) applies Duty of coordinating road authority where it is the discontinuing body
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DI, EAM, EM	Does not apply where an exemption is specified by the regulations or given by the Minister 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, EM	
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, EM	
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, EM	
s 15(2)	Duty to include details of arrangement in public roads register	DI, EAM, EM	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DI, EM	
s 16(8)	Duty to enter details of determination in public roads register	DI, EAM, EM	
s 17(2)	Duty to register public road in public roads register	DI, EAM, EM	Where Council is the coordinating road authority

Road Management Act 2004			
s 17(3)	Power to decide that a road is reasonably required for general public use	DI, EM	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, EM	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, EM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DI, EAM, EM	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, EM	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, EM	
s 19(4)	Duty to specify details of discontinuance in public roads register	DI, EAM, EM	
s 19(5)	Duty to ensure public roads register is available for public inspection	DI, EAM, EM	
s 21	Function of replying to request for information or advice	CEO, DI, EAM, EM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DI, EAM, EM	
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, EM	
s 22(5)	Duty to give effect to a direction under s 22	DI, EM	
s 40(1)	Duty to inspect, maintain and repair a public road.	DI, EM, WM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DI, EM, WM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	EAM, EM	
s 42(1)	Power to declare a public road as a controlled access road	DI, EM	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, EM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DI, EAM, EM	Where Council is the coordinating road authority
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DI, EM	If road is a municipal road or part thereof 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

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

Road Management Act 2004			
s 87(2)	Duty to investigate complaint and provide report	CEO, DI, EAM, EM	
s 112(2)	Power to recover damages in court	CEO, DI, EAM, EM	
s 116	Power to cause or carry out inspection	DI, EAM, EM	
s 119(2)	Function of consulting with VicRoads	DI, EAM, EM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	DI, EM	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	DI, EAM, EM	
s 121(1)	Power to enter into an agreement in respect of works	DI, EM	
s 122(1)	Power to charge and recover fees	DI, EM	
s 123(1)	Power to charge for any service	DI, EM	
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, EM	
sch 2 cl 5	Duty to publish notice of declaration	DI, EAM, EM	
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, EM, 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, EM, 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, EM, 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, EM	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
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, EM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DI, EM, WM	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DI, EM, 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, EM, WM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DI, EM, 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, EM, WM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DI, EAM, EM	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, EM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DI, EM, WM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DI, EAM, EM	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, EM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DI, EAM, EM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DI, EAM, EM	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, EM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DI, EM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DI, EAM, EM, 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, EM, WM	Where Council is the coordinating road authority

Road Management Act 2004					
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DI, EM, WM	Where Council is the coordinating road authority		
sch 7A cl 2	Power to cause street lights to be installed on roads	DI, EM	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, EM	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, EM	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, EM	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 acquiring authority.		
Planning and Environment (Fees) Regulations 2016					

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, on the request of the caravan park owner	CSRO, DDP, 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	DDP, EHO, PHRSC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
	emergency procedures		
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EHO, EM, 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, EM, 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, EM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DI, EAM, EM	
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, EM	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, EM	
r 13(1)	Duty to publish notice of amendments to road management plan	DI, EAM, EM	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DI, EAM, EM	
r 16(3)	Power to issue permit	DI, EAM, EM, WM	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
r 18(1)	Power to give written consent re damage to road	DI, EAM, EM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DI, EM, 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, EM, 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, EM, 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, EM, 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.19.76 APPOINTMENT OF TWO COUNCILLORS TO SIGN ANNUAL FINANCIAL STATEMENTS

Responsible Officer: Director Corporate Services
File Number: S15-28-09
Attachments: Nil

Declarations of Interest:

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

Summary

The *Local Government Act 1989* requires that Council appoint two Councillors as authorised signatories for the Annual Financial Statements and Performance Statement.

Discussion

The *Local Government Act 1989* requires that Council appoint two Councillors to be the authorised signatories to the final set of Annual Statements. The signing will occur once the Statements have been reviewed by the Victorian Auditor General's office.

The Annual Statements comprise of the General Purpose Financial Statements prepared in accordance with Australian Accounting Standards, and Performance Statement prepared in accordance with the Act.

The Statements will be reviewed by the Audit Committee and the Auditor General's office. The two Councillors can then sign the statements enabling Audit opinions to be issued and the Annual Report to be finalised.

An advertising process will then take place, with the Statements being adopted at a Special Meeting of Council, to be arranged for late October.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

It is a statutory requirement that two Councillors are nominated to sign the Financial and Performance Statements.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

1. Council may choose to appoint any two Councillors to sign the Statements; however, it is preferable that the appointed Councillors are able to attend Council offices at short notice. Past practice has been that the Mayor is one of the appointed signatories.

Recommendations

That Council appoint two Councillors to sign the Annual Financial and Performance Statements once audit clearance has been obtained.

B.19.77 REAPPOINTMENT TO AUDIT COMMITTEE

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

Declarations of Interest:

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

Summary

The term of appointment for the Independent Member Mr Warren Pollock, Chairman of the Audit Committee expires on 21 August 2019.

Council needs to consider whether to reappoint Mr Pollock for a further three year term which would expire on 21 August 2022.

Discussion

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

The term of the Chairman, Mr Warren Pollock, expires on 21 August 2019 and he has expressed an interest in being reappointed to the Committee.

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

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

Consultation

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

Financial Implications

The Audit Committee Chairperson currently receives a meeting allowance of \$1,075.94 per meeting plus travel per kilometre based on Australian Taxation office rates. These costs are included in Council's budget.

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

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

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

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

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

Recommendation

That Council reappoint Mr Warren Pollock as Chairperson to the Audit Committee for a further term of 3 years effective from 21 August 2019.

B.19.78 ROYAL COMMISSION INTO AGED CARE SUBMISSION

Responsible Officer: Director Community & Cultural Services
File Number: S16-22-07
Attachments: 1 Royal Commission Submission Final

Declarations of Interest:

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

Summary

This report provides Councillors with the document prepared by officers across all ten Loddon Mallee Region councils, as a submission to the Royal Commission into Aged Care. Council may choose to change the submission, and submit it as part of the Loddon Mallee group, in addition to a Council submission.

Discussion

The submission to the Royal Commission into Aged Care is made on behalf of the Loddon Mallee Group of Councils (LMGCs) which is comprised of the following: City of Greater Bendigo, Buloke Shire Council, Campaspe Shire Council, Central Goldfields Shire Council, Gannawarra Shire Council, Loddon Shire Council, Macedon Ranges Council, Mildura Rural City Council, Mount Alexander Shire Council and Swan Hill Rural City Council.

The LMGCS submission advocates for appropriate policy and funding mechanisms to ensure quality service delivery in this region and services to our most vulnerable community members is fair and equitable.

It was compiled over several months taking into account the key points of influence in this region of Victoria:

- The Loddon Mallee Group of Councils hold significant concerns for our communities access to quality Aged and Disability Services in the current and emerging reform environment.
- Continued uncertainty is negatively impacting on current provision of quality home care with increasing pressure on workforce, reduced investment in innovation and lack of financial sustainability for regional and rural services.
- The principles of competition policy, competitive neutrality and consumer directed care are respected and supported.
- Strategies to proactively avoid and respond to thin markets are required.

Consultation

The submission was developed through discussions at officer level at Director forums and compiled by Mildura Rural City Council on behalf of the group.

The content is very focused on the issues for communities in the Loddon Mallee, and seeks to reinforce the potential issues facing the Commonwealth with some of the policies within the aged care reforms.

Financial Implications

Not applicable to this report.

Social Implications

The LMGs submission advocates for appropriate policy and funding mechanisms to ensure quality service delivery in this region and services to our most vulnerable community members is fair and equitable.

Economic Implications

The market-driven model for aged care services into the future is seen as an economic driver. Since 2010 there has been more people working in health or aged care than retail.

Environmental Implications

Not applicable to this report.

Risk Management Implications

This submission does not place Council at any additional risk as either a joint or individual submission to the Royal Commission into Aged Care.

Council Plan Strategy Addressed

Governance and leadership - Effective partnerships and relationships with key stakeholders and staff.

Options

Council may decide to endorse the joint submission with the Council issues included, endorse one joint version, or both. Council may decide to not make a submission to the Royal Commission into Aged Care.

Recommendations

That Council:

- 1. Endorse the joint Loddon Mallee Group of Councils submission.**
- 2. Make a Council submission to the Royal Commission into Aged Care noting Councils concerns with respect to travel and workforce issues.**

The following submission to the Royal Commission into Aged Care is made on behalf of the Loddon Mallee Group of Councils (LMGCs) which is comprised of the following:

- **City of Greater Bendigo**
- **Buloke Shire Council**
- **Campaspe Shire Council**
- **Central Goldfields Shire Council**
- **Gannawarra Shire Council**
- **Loddon Shire Council**
- **Macedon Ranges Council**
- **Mildura Rural City Council**
- **Mount Alexander Shire Council**
- **Swan Hill Rural City Council**

Key Points:

- The Loddon Mallee Group of Councils hold significant concerns for our communities access to quality Aged and Disability Services in the current and emerging reform environment.
- Continued uncertainty is negatively impacting on current provision of quality home care with increasing pressure on workforce, reduced investment in innovation and lack of financial sustainability for regional and rural services.
- The principles of competition policy, competitive neutrality and consumer directed care are respected and supported.
- Strategies to proactively avoid and respond to thin markets are required.
- The LMGCs are together advocating for appropriate policy and funding mechanisms to ensure quality service delivery in our region and services to our most vulnerable community members is fair and equitable.

The significant reforms within the Aged Care and Disability Sectors (ADS) is having, and is expected to continue to have, profound impacts on the LMGCs and their communities. Since the early 1980's the LMGCs have extensively invested in and provided services that have enabled disabled and aging community members to remain living at home as long as possible. Service delivery within the Loddon Mallee is currently being negatively impacted due to continued uncertainty around the future of Council's mandate to operate in the future reform state. As a result of the suite of reforms impacting the ADS sector the LMGCs are now reassessing individual council policy and investment in the context of the shift in accountability, responsibility and authority to the Commonwealth. Each Council is considering the role they will play with some already ceasing service delivery and reimagining their role within advocacy, navigation, market stimulation and workforce development.

ADS reform principles including Competition Policy and Competitive Neutrality may be sound within metropolitan and large regional areas, though in rural and smaller regional communities there is great risk of geographically and socially isolated community members being denied access to services that support independent living and sustained health and wellbeing.

The LMGCs would welcome the opportunity to partner with both State and Commonwealth Government to ensure the transition to a competition, market driven and consumer directed future is achieved without compromising the wellbeing of our clients, our workforce and our communities.

Background to the Loddon Mallee Group of Councils Service Delivery

In 2017, the Lower Murray Region's (LMR) population was approximately 332,000 people, of which, 20% (66,400 people) were 65 years and above (65+). All Loddon and Mallee local government areas have a higher proportion of the 65+ age group than the Victorian state average of 15.6%. The four municipalities of Buloke, Central Goldfields, Gannawarra and Loddon are all closer to 30%. Mt Alexander has 24.2%, Campaspe 22.9%, Mildura and Swan Hill each 19%, and Macedon Ranges and the City of Greater Bendigo 18% and 17% respectively.

The LMR is challenged by the following;

- The region is home to Bendigo, one of Victoria's largest and fastest growing regional cities, and Mildura, the major regional town in the north of the region, yet 84% of our regional townships have a population less than 3,000 people.
- The low numbers of people per 100 square kilometres creates service sustainability issues across the LMR. The hollowing out of townships presents particular losses for older people, many of whom 'age in place' without access to appropriate services, including activities and opportunities for social connection.
- Older people in the LMR have poorer health and wellbeing than Victorian average, in particular across indicators of obesity and chronic disease.
- Nine out of the ten local government areas have relatively high levels of disadvantage, with three being in the four most disadvantaged areas in Victoria (SEIFA).
- The LMR has higher than average unemployment and higher than average percentages of low income families and individuals.

Each of the 10 LMGCs fund, manage and deliver a range of home support services including;

- Meal and food services
- Domestic assistance
- Personal care
- Home maintenance
- Social support
- Respite
- Housing assistance
- Regional Assessment Services.

Services delivered by Councils are funded through five main sources; Commonwealth Home Support Program (CHSP), Home and Community Care Program for Younger People

(HACC-PYP), Victorian Regional Assessment Service (VRAS), direct client contributions towards the cost of services and direct Rate-payer Subsidy of Services.

In 2016/17 the LMGCs delivered nearly 360,000 hours of service to the community including;

- 136,800 hours of Home Support
- 33,408 hours of Respite
- 70,780 hours of personal care
- 25,990 hours of home maintenance
- 69,700 hours of social support
- 22,700 hours of assessment services

140,600 delivered meals.

The LMGCs currently employ approximately 140 FTE Community Support Workers. The workforce is primarily women, working in a part time capacity, with the average age being in the mid 50's. Many of these workers have been employed for long periods of time by their respective councils. Service level impacts for Councils as reforms, including the introduction of the NDIS and continued uncertainty, are beginning to become apparent. The LMGCs are observing increased absenteeism, work cover claims and self-reported stress associated with employment uncertainty. Service managers have grave concerns about individuals health and wellbeing and have reported feeling disempowered to act given they themselves do not know the future outcomes.

It must be noted that the original impetus for the aged care reforms as now in progress, relate back to the August 2011 Productivity Commission study 'Caring for Older Australians'. This provided a sequential series of actions/priorities to be rolled out over a longer term period. The original 126 actions covered all influences on the aged care system - including taxation, workforce and immigration. The Living Longer, Living Better program was developed following selection of 60 of these actions. This compromised the only true plan for reforming aged care, and has created the situation the sector now finds itself in.

Reform Principles and Impact on Service Delivery in Regional and Rural areas

The LMGCs support the pursuit of service delivery that is high quality, equitable and financially sustainable into the future. The principles of competition policy, competitive neutrality and consumer directed care are respected and understood. The transition to such a model in the context of rural and regional areas requires specific consideration with regard to strategic planning and rollout. Without due consideration and action the LMGCs maintain that consumers in these areas will not benefit from the reforms with some potentially being denied access to services they currently receive.

In some areas of the Loddon Mallee, Local Government is the sole service provider or one of few. If councils no longer have a mandate to operate in the reformed ADS environment alternate service providers will need to be encouraged to establish in these areas. Until this occurs there will be a reduction, or at least no increase in independence or consumer choice, and control.

Within the Loddon Mallee Region there is a high risk of thin markets across many towns and outlying communities. There is real risk that councils may be the only available service provider in high risk, high cost remote service delivery which will serve to amplify the current financial viability and sustainability issues faced by all LMGCs. With the rollout of the NDIS

there are examples where there are no registered service providers to deliver some service types nor is there availability of qualified or skilled staff to deliver services. This will only become more evident when reforms across other service types rollout. Strategic advocacy and planning is imperative to avoid system failure in areas known to be at high risk of thin markets.

The high cost of service delivery for LMGCs, due to both high cost structures within local government compared to the economies of scale achievable by larger community service providers, coupled with the higher cost associated with rural service delivery means that LMGCs are moderately to heavily subsidised. Competitive neutrality principles will mean that this is likely not legal, viable nor sustainable. To comply with Competitive Neutrality Principles Councils have the option of adopting full cost recovery for services, corporatisation or commercialisation. The LMGCs do not deem any of these as practical within the current environment.

Loddon Mallee Concerns

The Commonwealth has clearly stated it will take full funding, policy, management and delivery responsibility for the aged care system and Local Governments in Victoria withdrawing from ADS service delivery does not appear to be a serious consideration. The LMGCs will be acting to advocate for fair and equitable service access for community, particularly our most marginalised and vulnerable. Given the high social contract Councils have with local communities there is a very high likelihood that if there is system failure Communities will look to Councils resolve issues.

There is a disproportionate impact on the sustainability of services for the LMGCs compared to their metropolitan neighbours. Rural and remote service delivery in the Loddon Mallee are facing specific challenges including;

- Increased unit costs due to increased travel requirements (vehicle costs and time)
- Very low density of participants per 100 square kilometres which impacts service sustainability for Councils wishing to continue service delivery
- Very low density of participants in some areas which is not attractive to alternate providers and will impede the development of 'market' models
- The risk of alternate providers operating in more densely populated areas and not servicing outlying areas leaving Council to deliver high cost services (both complex care and remote participants) further impeding financial viability
- The reliance on the current workforce, many of whom are aging and frail themselves, to deliver services in geographically isolated townships
- The inability of councils to deliver services at current set unit prices without subsidisation.

It is anticipated that the unit cost of service delivery for the LMGCs will increase as program scale decreases. The impact of this is being seen within Councils whom have not registered as NDIS providers and have seen a significant reduction in service demand. The high cost of service delivery within council is due to embedded structure costs, scale of operations and enterprise agreement commitments.

The continued period of uncertainty is having a considerable strategic and operational impact on current provision of services by the LMGCs. Continued uncertainty is preventing investment in innovation and strategic responses to population health and social trends. Recruitment and retention of staff is proving problematic with an increased reliance on temporary and casual contractual arrangements. Existing staff carrying the burden of service continuation are reporting reduced morale and commitment to service improvement. Given the majority of the Community Care workforce are women, at direct care level through to management, recruitment and retention issues must be considered through a gender equity lens. Continued uncertainty and in turn recruitment and retention issues are resulting in both small remaining workforces working very long hours to cover workforce gaps and in other areas as reduction in hours worked compared to previously, both which negatively impact individual employees.

Continued uncertainty means proactive steps are not being taken and remaining in a 'holding pattern' is not sustainable.

Swan Hill Rural City Council Concerns

Councillors also raised local concerns with the reforms, particularly with respect to workforce shortages and appropriate training opportunities. The shared concerns with non-funding of travel to provide service was also raised a particular concern for any provider delivering services across a geographically-large area, to towns some distance from the main townships of Swan Hill and Robinvale.

Opportunities and Recommendations

Council has a 30 year history of delivering services to community with the primary purpose of supporting independence and sustained health and wellbeing. The LMGCs have strong connections with their local community, including those whom require access to supports to remain living at home. Councils are experts in community consultation and this can be used to best inform policy direction and evaluation of reform impacts as well as communicate community needs and desired outcomes. For this reason Councils are well positioned to advocate for community and ensure the State and Commonwealth governments are fulfilling their obligations and are accountable for fair and equitable service access and deliverables for the Loddon Mallee region.

State and Commonwealth Governments have the opportunity to partner with Local Government in order to leverage their skills and expertise in community engagement including place based approaches to information sharing, consultation, collaboration and empowerment of consumers.

The LMGCs are together advocating for appropriate policy and funding mechanisms to ensure services to our most vulnerable community members is fair and equitable.

In a competitive, market driven, client directed environment councils may be ideally situated to provide supports to navigate and connect with the service system. A new funding stream could be considered to support the development of this vital role.

The Commonwealth has the opportunity to partner with Local Government in proactively stimulating market interest and development using place based approaches and increasing the likelihood of business success for local existing providers, new entrants and larger providers alike. Local Government expertise could be utilised in market testing to inform and assess business development opportunities. Councils have a very good understanding of

their local communities and are well placed to identify and escalate emerging issues proactively and in a timely manner in order to intervene early and avoid risk associated with vulnerable community members and communities losing access to vital services.

Councils are also well positioned to partner with all levels of government, regional development peak bodies and training providers to proactively develop workforce development strategies that will better support expected workforce demands within the community care sector in coming years. Partnerships developed now will ensure we are positioned to work on projected labour market shortages and attract alternate providers to the Loddon Mallee Region.

Conclusion

The LMGCs recognise that reform within the Aged Care Sector is necessary to meet the needs of our growing elder population into the future. Ongoing, long term uncertainty is negatively impacting the current provision of home care and significant concerns are held regarding the bearing this has on health and wellbeing outcomes for our communities right now and into the future. System failures that do not support elders to remain living in their own homes contribute to a cascade of undesirable consequences for both residential and acute services as well as individual health outcomes.

The LMGCs recommend State and Commonwealth Governments work in partnership with Local Government to leverage the 30 year history of ADS service provision and expertise in community consultation and engagement, advocacy and place-based economic development.

B.19.79 INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Responsible Officer: Director Development and Planning
File Number: PER-EMP-11252
Attachments: 1 Instrument of Appointment & Authorisation

Declarations of Interest:

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

Summary

Many of the functions and powers of Council staff stem from their appointment as Authorised Officers. Julie Lunde has been appointed as a Planning Officer within the planning team to fill an existing vacancy and requires Council approval to be an Authorised Officer to undertake her duties as a Planning Officer.

Discussion

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

As a result, this report seeks Council approval for Julie Lunde to be appointed as an Authorised Officer.

Julie commenced in Council's planning team on 17 June 2019.

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 and efficient utilisation of resources.

Options

Nil

Recommendations

That Council:

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

B.19.80 SWAN HILL PLANNING SCHEME AMENDMENT C73

Responsible Officer: Director Development and Planning
File Number: S-22-03-01-19
Attachments: 1 Submissions

Declarations of Interest:

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

Summary

Amendment C73 to the Swan Hill Planning Scheme was exhibited from February to April 2019. The Amendment was a significant re-write of the Swan Hill Planning Scheme and it attracted fifteen (15) submissions.

While discussions have taken place with some submitters, not all submissions have been able to be resolved. Accordingly, Council will need to request that the Minister for Planning appoint an Independent Panel to consider outstanding submissions.

The Panel process includes an initial 'Directions Hearing' at which parties can indicate whether or not they wished to be heard by the Panel in a public hearing. This part of the process is likely to occur in September of this year.

Discussion

Amendment C73 applies to all land within the Swan Hill Rural City Council and it implements the outcomes of the following Council reports:

- *Swan Hill Planning Scheme Review Report (2015);*
- *Swan Hill Council Plan (2017-2020);*
- *Swan Hill Health and Wellbeing Plan (2017-2020);*
- *Swan Hill Riverfront Precinct Master Plan (2013);*
- *Swan Hill Car Parking Strategy (2016);*
- *Swan Hill Rural Land Use Strategy (2016); and*
- *Swan Hill Health Precinct Study (2017).*

Aside from implementing the above Council reports, Amendment C73 was the first exhibited amendment anywhere in Victoria to implement the changes introduced at the state level by Amendment VC148 which modified every planning scheme in the state to simplify and improve their structure and operation and to remove unnecessary regulation.

Amendment VC148:

- introduced a new Planning Policy Framework (PPF)
- enabled the introduction of a Municipal Planning Strategy (MPS)
- introduced a new state/regional/local integrated policy structure

Amendment C73 was principally informed by the outcomes of the *Swan Hill Planning Scheme Review Report* in 2015 which outlined the major planning policy changes and policy gaps that had influenced the municipality's strategic planning.

One outcome of the 2015 Planning Scheme Review was the need for a more contemporary Planning Policy Framework (PPF) in terms of its content and (to a lesser extent) its structure. Proposed Amendment C73 directly responds to this outcome. The Review Report included a prioritised program for change, with its highest priority recommendation being to update the (then) Municipal Strategic Statement and Local Planning Policy Framework. This recommendation has now been rolled into a re-write based on the PPF structure. Another major issue arising from the 2015 Review was the need to eliminate unnecessary planning permit applications which are resource-intensive for little obvious benefit. It was noted that a rewrite of local schedules would help redress this issue. Amendment C73 therefore is a direct outcome of the Swan Hill Planning Scheme Review Report 2015.

The amendment also implemented the *Swan Hill Rural Land Use Strategy (RLUS)* which was adopted by Council in October 2016. The RLUS contained recommendations including two new categories of the Farming Zone (FZ1 and FZ2); and three new Rural Living Zone (RLZ) areas near Robinvale, Nyah and Swan Hill.

At the direction of DELWP, Amendment C73 only included the recommended changes to the Farming Zone (and attached schedules) and has not included the recommended changes to the Rural Living Zone. These (and other) changes are proposed to be considered as part of the upcoming 'Settlement Strategy' which itself will inform a subsequent amendment to the Swan Hill Planning Scheme.

It is finally noted that Amendment C73 is consistent with the *2017-2021 Council Plan* and it contains the following 'Vision' for the municipality:

A prosperous and healthy community enjoying quality facilities and services.

Consultation

The amendment was exhibited from 14 February 2019 to 6 April 2019.

All ratepayers in the municipality were forwarded details of the proposed amendment.

In addition to the mail out, 'drop in' sessions were held at Swan Hill, Robinvale and Manangatang where about 40 people took the opportunity to seek officer advice on the amendment.

Officers also fielded numerous calls from ratepayers regarding the detail of the amendment and how it might affect them.

As a result of the exhibition, fourteen submissions were received which are summarised in the Table below and which are discussed in detail within Appendix 1.

Submitter	Address	Submission Summary	Council Response	Action to be taken
1. K. Grivell	45 Bael Bael Road, Lake Boga	The subject land is shown as LSIO (flooding) which is disputed.	Has been referred to the NCCMA for input into its flood study.	Submission was withdrawn. No further action required.
2.	79 Hayes	Seeks	No impact on	Will write to the

SECTION B - REPORTS

20 August 2019

B. and C. Day	Road, Lake Boga	reimbursement from Council for permit fees at the Haven Estate.	C73.	objector and advice that the submission is not relevant to this amendment.
3. Lower Murray Water	N/A	No objection	Noted	No action required.
4. CFA	N/A	Requests 'protection of life and property' in Clause 2. Seeks assessment of water pressure and hydrant systems in all future development.	Already addressed in C73. LMW have responded, but CFA is still not satisfied.	To be discussed at the directions hearing and advise the Panel that it is an issue between LMW and the CFA.
5. P. and S. Phyland	87 Murrawee Road, Swan Hill	Requests potential to develop land for 5 and 10 acre rural residential lots.	To be referred to the 'Settlement Strategy*' and subsequent amendment.	Submission has been withdrawn. No further action required.
6. L. McPhee	247 Lakeside Drive, Lake Boga	Requests rezoning from FZ to LDRZ on small lot based on demand for rural living sized lots.	To be referred to the 'Settlement Strategy*' and subsequent amendment.	To be discussed at a directions hearing. Council will argue that the request for rezoning be dealt with as part of a subsequent amendment following the completion of a Settlement Strategy for the entire municipality.
7. Loddon Mallee Waste and Resource Recovery Group	Various	Requests additions to Clause 2 and 19.03-5L of the exhibited amendment as it relates to waste and resource recovery.	Qualified support although some details should remain in Background Documents.	Submission has been partly agreed to. To be discussed at the directions hearing. Action as per the Council response.
8. EPA	N/A	Concerned with residential encroachment into industry buffers.	Supported and to be included in the Amendment.	Submission supported. To be included in the amendment.

SECTION B - REPORTS

20 August 2019

		Suggest changes to Clause 2 specific to Karinie Street Swan Hill.		
9. Department of Transport	N/A	General comments with no objection.	Noted.	
10. Northern Land Solutions	22 and 50 Hayes Road, lake Boga	Opposes FZ1 and FZ2 demarcation as it does not accurately reflect dryland and irrigated land.	Supported in principle subject to discussions with GMW and DELWP.	To be discussed at directions hearing. Council will argue to revert back to one Farming Zone schedule.
11. VicRoads	N/A	Suggested changes to Clause 2 regarding river crossing options. Opposes changes to FZ schedule for building setbacks from RDZ1.	Some changes supported but modification to building setbacks not supported.	To be discussed at directions hearing. Council will argue to reduce building setbacks but is not critical to the amendment.
12. Northern Land Solutions	85 Hayes Road, Lake Boga	Requests minor shift in the zone boundary between GRZ and FZ1 at Haven Estate based on approved CHMP.	Supported in principle subject to discussions with neighbours.	To be discussed at the directions hearing. Council will request to include in the amendment.
13. North Central Catchment Management Authority	N/A	Requests modifications to LSIO and ESO schedules and notes CMA about to embark on flood study.	Schedule modifications supported.	To be included in the amendment.
14. St Quentin Consulting for Kilter Rural	515 Lakeside Drive, Lake Boga	Requests the land be included in a LDRZ.	To be referred to the 'Settlement Strategy*' and subsequent amendment.	To be discussed at a directions hearing. Council will argue that the request for rezoning be dealt with as part of a subsequent

				amendment following the completion of a Settlement Strategy for the entire municipality.
15. Goulburn Murray Water	N/A	GMW advises that the FZ1 and FZ2 demarcation would create problems as the gazetted irrigation district changes all the time. GMW further advises that when referring to renewable energy facilities on irrigated land, Council should use the terminology as per the DELWP guidelines, which refer to the <i>area serviced by modernisation irrigation infrastructure.</i>	Supported. FZ1 and FZ2 to be amended to only one schedule to the Farming Zone.	To be discussed at directions hearing. Council will argue to revert back to one Farming Zone schedule.

*A Settlement Strategy is a strategy that looks into the supply and demand of residential land that includes rural living and low density residential land for the entire municipality.

Next steps in the process

Requesting a Panel

What is a Panel?

Under the Planning and Environment Act 1987, a Panel is appointed by the Minister for Planning to hear submissions made about amendments to planning schemes and to make recommendations or provide advice about whether or not the amendment should proceed. It will have one or more members, depending on the complexity of the issues involved.

The basic role of a Panel is to:

- Give submitters an opportunity to be heard in an informal, non-judicial manner. A

Panel is not a court and is not bound by legal rules of evidence.

- Give expert advice to the Planning Authority (Council) or the Minister about an amendment and about submissions referred to it. The Panel may inquire into all aspects of the amendment and submissions.

Directions hearing

The Panel will usually hold a short separate Hearing before the main Hearing at which submissions are presented so that organisational and other matters (e.g. exchange of information) can be arranged. This is commonly called a 'Directions Hearing'. In some cases, depending on the nature of the submissions, the Panel can decide that a full Hearing is not warranted and resolve the issues at the Directions Hearing.

Panel hearing

A full Hearing is conducted in a relatively informal manner. People are encouraged to represent themselves and may be present at the Hearing at any time. People not wishing to make a submission at the Hearing are welcome to attend the Hearing which is open to the public.

After considering all submissions and hearing all those who wish to be heard, making site inspections and considering all information presented to it, the Panel will send the Planning Authority (Council) a written report on the amendment. (This usually occurs from 20 to 40 business days after the close of the Hearings, depending upon the number of Panel members and the complexity of the matter.)

Council adoption

The Planning Authority (Council) must consider the Panel's report before it decides whether or not to adopt the amendment (that is before it decides whether or not to forward it to the Minister recommending approval). If it decides to adopt the amendment, as it was exhibited or in some modified form, the Planning Authority may accept or not accept all or part of the Panel's report and/or change the amendment. If the amendment is adopted, a copy of all submissions and the Panel report are given to the Minister.

If the Planning Authority disagrees with the Panel, it must tell the Minister why, and why changes were made.

Financial Implications

Council will be required to pay the Planning Scheme Amendment fees, which could be burdensome given that a Planning Panel is likely to be held for this amendment.

Social Implications

There are no adverse social implications associated with this amendment.

Economic Implications

There are no adverse economic implications associated with this amendment.

Environmental Implications

There are no adverse environmental implications associated with this amendment.

Risk Management Implications

Failure to implement robust land use strategies and policies leaves Council vulnerable to inappropriate and ad hoc development.

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

Option 1

1. Note all the submissions received to Amendment C073.
2. Request the Minister for Planning appoint an independent Planning Panel to consider the submissions received for Amendment C073.
3. Refer submissions numbered 6, 7, 10, 11, 12, 14 and 15 to an independent Planning Panel for consideration.
4. Make changes to amendment C073 to incorporate submissions numbered 8 and 13.

Or

Option 2

Abandon the Amendment.

Recommendations

That Council:

- 1. Note all the submissions received to Amendment C073.**
- 2. Request the Minister for Planning appoint an independent Planning**

Panel to consider the submissions received for Amendment C073.

- 3. Refer submissions numbered 6, 7, 10, 11, 12, 14 and 15 to an independent Planning Panel for consideration.**
- 4. Make changes to amendment C073 to incorporate submissions numbered 8 and 13.**

APPENDIX ONE**SUBMISSIONS**

SUBMISSION NUMBER	1
SUBMITTER	K. Grivell
ADDRESS	45 Bael Bael Road, Lake Boga
EXISTING PLANNING CONTROLS	Land Subject to Inundation Overlay
EXHIBITED PLANNING CONTROLS	Land Subject to Inundation Overlay
REQUESTED PLANNING CONTROLS	Remove Overlay

DETAILS OF SUBMISSION

- The subject land is shown as LSIO (flooding) which is disputed by the submitter.

COUNCIL CONSIDERATION

As noted in Submission 13 (NCCMA), a current flood study is underway that will review all existing flooding controls.

Council does not 'set the line' of flooding controls, as that is the responsibility of the CMA. Once the current flood study is complete then a planning scheme amendment will be required to implement any changes.

The submission was referred to the CMA. CMA advised that a flood study is currently underway and that the flood overlay would be amended where necessary. The submitter was informed of this and the submission was subsequently withdrawn.

SUBMISSION NUMBER 2

SUBMITTER B. and C. Day

ADDRESS 79 Hayes Road, Lake Boga

EXISTING PLANNING CONTROLS N/A

EXHIBITED PLANNING CONTROLS N/A

REQUESTED PLANNING CONTROLS N/A

DETAILS OF SUBMISSION

- Clarification needed of the fees paid for the permits requirements for a building at the Haven Estate.
- Given that Amendment C73 will no longer require a permit, is there any scope to refund the permit fees?

COUNCIL CONSIDERATION

While the submission does not impact on the Amendment, the applicant has been advised that a refund is not warranted and is outside the scope of the amendment.

COUNCIL RECOMMENDATION

That the submission be noted.

SUBMISSION NUMBER **3**

SUBMITTER Lower Murray Water

ADDRESS Municipal wide

EXISTING PLANNING CONTROLS N/A

EXHIBITED PLANNING CONTROLS N/A

REQUESTED PLANNING CONTROLS N/A

DETAILS OF SUBMISSION

- The submission offers no objection to the Amendment.

COUNCIL CONSIDERATION

Noted.

COUNCIL RECOMMENDATION

That the submission be noted.

SUBMISSION NUMBER 4
SUBMITTER CFA
ADDRESS Municipal wide
EXISTING PLANNING CONTROLS N/A
EXHIBITED PLANNING CONTROLS N/A
REQUESTED PLANNING CONTROLS N/A

DETAILS OF SUBMISSION

- Requests ‘protection of life and property’ be explicitly included in Clause 2 of the scheme.
- The submission also seeks an assessment of water pressure and hydrant systems in all future development.

COUNCIL CONSIDERATION

The protection of life and property is state policy that is already included in the Swan Hill Planning Scheme at Clause 13. The intention of the new system is to avoid repetition and to minimise strategic directions. It is therefore unnecessary to repeat the state policy.

Discussions will take place between Council, the submitter and LMW regarding water pressure and hydrant systems in future development.

COUNCIL RECOMMENDATION

That the submission be noted and that no modifications to the amendment be made.

SUBMISSION NUMBER	5
SUBMITTER	P. and S. Phyland
ADDRESS	87 Murrawee Road, Swan Hill
EXISTING PLANNING CONTROLS	Farming Zone
EXHIBITED PLANNING CONTROLS	Farming Zone
REQUESTED PLANNING CONTROLS	Rural residential type zone

DETAILS OF SUBMISSION

- The submitter requests potential to develop the land for 5 and 10 acre rural residential lots.

COUNCIL CONSIDERATION

Council undertook a detailed Rural Land Use Strategy (RLUS) in 2015 and it adopted it in September 2016.

The RLUS identified land to be included in the Farming Zone and also identified a small number of sites for inclusion in the Rural Living Zone. In addition, and mindful of the demand for small lots, the RLUS also recommended that a number of other sites (including at Lake Boga, Robinvale, Swan Hill and Nyah) be investigated for their potential for rezoning for rural residential purposes.

As part of the authorisation process for Amendment C73, DELWP made it very clear that they would not support any rezonings to rural residential as an outcome of the RLUS until further justification was provided. Council was therefore not in a position to fully exhibit the amendment arising from the RLUS that it had adopted.

Council is about to undertake that review (the 'Settlement Strategy') which will invite community consultations and which will eventually form part of a subsequent amendment.

This submission (and similar submissions) will be referred to the consultants undertaking that review for its consideration.

The submitter has been notified of this and the submission was subsequently withdrawn.

SUBMISSION NUMBER	6
SUBMITTER	L. McPhee
ADDRESS	247 Lakeside Drive, Lake Boga
EXISTING PLANNING CONTROLS	Farming Zone
EXHIBITED PLANNING CONTROLS	Farming Zone
REQUESTED PLANNING CONTROLS	Low Density Residential Zone

DETAILS OF SUBMISSION

- The submitter requests rezoning of the land from FZ to LDRZ on small lot based on demand for rural living sized lots.

COUNCIL CONSIDERATION

Council undertook a detailed Rural Land Use Strategy (RLUS) in 2015 and it adopted it in September 2016.

The RLUS identified land to be included in the Farming Zone and also identified a small number of sites for inclusion in the Rural Living Zone. In addition, and mindful of the demand for small lots, the RLUS also recommended that a number of other sites (including at Lake Boga, Robinvale, Swan Hill and Nyah) be investigated for their potential for rezoning for rural residential purposes.

As part of the authorisation process for Amendment C73, DELWP made it very clear that they would not support any rezonings to rural residential as an outcome of the RLUS until further justification was provided. Council was therefore not in a position to fully exhibit the amendment arising from the RLUS that it had adopted.

Council is about to undertake that review (the 'Settlement Strategy') which will invite community consultations and which will eventually form part of a subsequent amendment.

This submission (and similar submissions) will be referred to the consultants undertaking that review for its consideration.

COUNCIL RECOMMENDATION

That the submission be noted and be referred to the consultants undertaking the 'Settlement Strategy' and that the submitter be informed accordingly.

SUBMISSION NUMBER	7
SUBMITTER	Loddon Mallee Waste and Resource Recovery Group
ADDRESS	Municipal wide
EXISTING PLANNING CONTROLS	N/A
EXHIBITED PLANNING CONTROLS	N/A
REQUESTED PLANNING CONTROLS	N/A

DETAILS OF SUBMISSION

- The submitter requests additions to Clause 2 of the exhibited amendment as it relates to waste and resource recovery.
- The submitter requests additions to Clause 19.03-5L of the exhibited amendment as it relates to waste and resource recovery.
- The submitter also requests additional 'Background Documents' be included.

COUNCIL CONSIDERATION

While there is qualified support for inclusion of some additional detail in the amendment at Clauses 2 and 19.03-5L, much of the request can remain in Background Documents.

COUNCIL RECOMMENDATION

That the submission be supported in part including additional limited material in Clauses 2 and 19.03-5L.

SUBMISSION NUMBER **8**

SUBMITTER **EPA**

ADDRESS **Municipal wide**

EXISTING PLANNING CONTROLS **N/A**

EXHIBITED PLANNING CONTROLS **N/A**

REQUESTED PLANNING CONTROLS **N/A**

DETAILS OF SUBMISSION

- The submitter is concerned with possible residential encroachment into industry buffers.
- The submitter suggests some minor changes to Clause 2 specific to Karinie Street Swan Hill.

COUNCIL CONSIDERATION

The submission is appreciated as it improves on the local direction provided in this important industrial area.

COUNCIL RECOMMENDATION

That the submission be supported and the amendment be modified accordingly.

SUBMISSION NUMBER 9

SUBMITTER Department of Transport

ADDRESS Municipal wide

EXISTING PLANNING CONTROLS N/A

EXHIBITED PLANNING CONTROLS N/A

REQUESTED PLANNING CONTROLS N/A

DETAILS OF SUBMISSION

- The submission includes general comments with no objection.

COUNCIL CONSIDERATION

Noted.

COUNCIL RECOMMENDATION

That the submission be noted.

SUBMISSION NUMBER	10
SUBMITTER	Northern Land Solutions
ADDRESS	22 and 50 Hayes Road, Lake Boga
EXISTING PLANNING CONTROLS	Farming Zone
EXHIBITED PLANNING CONTROLS	Farming Zone
REQUESTED PLANNING CONTROLS	Farming Zone

DETAILS OF SUBMISSION

- The submitter opposes the exhibited demarcation of FZ1 and FZ2 as it does not accurately reflect dryland and irrigated land especially in those areas where water licences have been issued outside gazetted irrigation areas.

COUNCIL CONSIDERATION

The rationale for the introduction of FZ1 and FZ2 in C73 arose from the RLUS to distinguish between (in simple terms) dryland and irrigated land. The 'trigger' for distinction was evidence of land being within a gazetted irrigation district.

This submission highlights that the former distinction has been overtaken by changes in water allocation whereby water is now bought and sold as a commodity. 'Dryland' can now have access to water by virtue of purchasing a licence; and 'irrigated' land can now sell off its water.

The old distinction is therefore now blurred and a return to the one 'Farming Zone' may now be appropriate. A revised 'one-off' Farming Zone schedule could include subdivision and housing entitlements where differing requirements would be triggered dependent on whether the subject land was dryland; or was within a gazetted district; or had the benefit of a water licence.

Prior to resolving this issue, it is considered that Council should meet with DEWLP and GMW to assess the options.

COUNCIL RECOMMENDATION

That the submission be noted and be referred for discussions between Council, DELWP and GMW with the submitter being notified accordingly.

SUBMISSION NUMBER	11
SUBMITTER	VicRoads
ADDRESS	Municipal wide
EXISTING PLANNING CONTROLS	N/A
EXHIBITED PLANNING CONTROLS	N/A
REQUESTED PLANNING CONTROLS	N/A

DETAILS OF SUBMISSION

- The submitter suggested minor wording changes to Clause 2 regarding the Murray river crossing options in Swan Hill.
- The submitter notes a minor error in the Schedule to FZ2.
- The submitter opposes the changes to the FZ schedule for building setbacks from RDZ1 being reduced from 100m to 50m.

COUNCIL CONSIDERATION

The suggested wording changes to Clause 2 and the FZ2 schedule are supported.

The request to increase the 'trigger' for a permit to 100m is not supported. Part of the intent of the Planning Scheme Review was to remove unnecessary permits. Council receives numerous applications for minor buildings and works within 100m of a Road Zone and the reduction to 50m will remove some of these applications. So long as there is no new access to the Road Zone, it is unclear on what basis that VicRoads opposes the minor change.

COUNCIL RECOMMENDATION

**That the submission be supported in terms of changes to Clause 2 and the FZ2 schedule.
That the submission not be supported in relation to building setbacks and that further discussions take place with the submitter.**

SUBMISSION NUMBER	12
SUBMITTER	Northern Land Solutions
ADDRESS	85 Hayes Road, Lake Boga
EXISTING PLANNING CONTROLS	Part General Residential and Farming Zone
EXHIBITED PLANNING CONTROLS	Part General Residential and Farming Zone
REQUESTED PLANNING CONTROLS	General Residential

DETAILS OF SUBMISSION

- The submitter requests a minor shift in the zone boundary between GRZ and FZ1 at Haven Estate based on the fact that an approved CHMP no longer excludes the land from being included in a residential zone.
- It is noted that the boundary shift would not increase the potential for further lots or further dwellings but would align it with a ridge line on the property.

COUNCIL CONSIDERATION

The request will not increase any development potential and is supported in principle. So as to ensure that other nearby parties are aware of the request, it is suggested that Council write to all immediate neighbours advising them of the request and inviting comment.

COUNCIL RECOMMENDATION

That the submission be supported in principle.

That Council write to all abutting landowners advising of the request and seeking their comment within 28 days.

SUBMISSION NUMBER	13
SUBMITTER	North Central Catchment Management Authority
ADDRESS	Municipal wide
EXISTING PLANNING CONTROLS	N/A
EXHIBITED PLANNING CONTROLS	N/A
REQUESTED PLANNING CONTROLS	N/A

DETAILS OF SUBMISSION

- The submitter notes that a Flood Study is underway for the Murray River and it is expected that this will inform amendments to the Swan Hill Planning Scheme in the future.
- The submitter requests that it be included as a recommending referral authority in the schedules to ESO1 (Murray River corridor) and ESO3 (Waterways, Wetlands and Lake Environs).
- The submitter requests a simplified form of words for the dwelling exemptions in the LSIO schedule.
- The submitter also requests modified terminology for the identification of the 1 in 100year flood event.

COUNCIL CONSIDERATION

The preparation of the Flood Study is welcomed and is noted.

The minor modifications to the detail of the amendment are all supported.

COUNCIL RECOMMENDATION

That the submission be supported and that the requested changes be included in the amendment.

SUBMISSION NUMBER	14
SUBMITTER	San Quentin Consulting on behalf of Kilter Rural
ADDRESS	515 Lakeside Drive, Lake Boga
EXISTING PLANNING CONTROLS	Farming Zone
EXHIBITED PLANNING CONTROLS	Farming Zone
REQUESTED PLANNING CONTROLS	Low Density Residential Zone

DETAILS OF SUBMISSION

COUNCIL CONSIDERATION

Council undertook a detailed Rural Land Use Strategy (RLUS) in 2015 and it adopted it in September 2016.

The RLUS identified land to be included in the Farming Zone and also identified a small number of sites for inclusion in the Rural Living Zone. In addition, and mindful of the demand for small lots, the RLUS also recommended that a number of other sites (including at Lake Boga, Robinvale, Swan Hill and Nyah) be investigated for their potential for rezoning for rural residential purposes.

As part of the authorisation process for Amendment C73, DELWP made it very clear that they would not support any rezonings to rural residential as an outcome of the RLUS until further justification was provided. Council was therefore not in a position to fully exhibit the amendment arising from the RLUS that it had adopted.

Council is about to undertake that review (the 'Settlement Strategy') which will invite community consultations and which will eventually form part of a subsequent amendment.

This submission (and similar submissions) will be referred to the consultants undertaking that review for its consideration.

COUNCIL RECOMMENDATION

That the submission be noted and be referred to the consultants undertaking the 'Settlement Strategy' and that the submitter be informed accordingly.

SUBMISSION NUMBER	15
SUBMITTER	Goulburn Murray Water
ADDRESS	Municipal wide
EXISTING PLANNING CONTROLS	N/A
EXHIBITED PLANNING CONTROLS	N/A
REQUESTED PLANNING CONTROLS	N/A

DETAILS OF SUBMISSION

- The submitter expressed concerns with the exhibited demarcation of FZ1 and FZ2 as it does not accurately reflect dryland and irrigated land, as the gazetted irrigation areas change over time.
- The submitter advised Council of the correct terminology to refer to when referring to the discouragement of renewable energy facilities on irrigated land at clause 19.01-2L. The correct terminology to use, as referred to in the DELWP's draft guidelines for renewable energy facilities, is "*area serviced by modernisation irrigation infrastructure and farmed using intensive irrigation*".

COUNCIL CONSIDERATION

The rationale for the introduction of FZ1 and FZ2 in C73 arose from the RLUS to distinguish between (in simple terms) dry land and irrigated land. The 'trigger' for distinction was evidence of land being within a gazetted irrigation district.

This submission highlights similar issues as raised by submitter number 10 above.

It is very clear from this submission that the distinction between FZ1 and FZ2 is blurred and ever changing, and a return to the one 'Farming Zone' may now be appropriate. A revised 'one-off' Farming Zone schedule could include subdivision and housing entitlements where differing requirements would be triggered dependent on whether the subject land was dry land; or was within a gazetted district; or had the benefit of a water licence.

Prior to resolving this issue, it is considered that Council should meet with DEWLP to assess the options.

The advice on the terminology as referred to in the draft guidelines is supported. The reference in local policy should be changed to reflect that as well as in schedule to the Farming Zone.

COUNCIL RECOMMENDATION

That the submission be noted and be referred for discussions between Council and DELWP with the submitter being notified accordingly.

B.19.81 QUARTERLY DEVELOPMENT TRENDS – 2ND QUARTER 2019

Responsible Officer: Director Development and Planning
File Number: S28-28-01 & S31-28-01
Attachments: Nil

Declarations of Interest:

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

Summary

The purpose of this report is for Council to note development trends for the second quarter of 2019.

Discussion

The following statistics indicate the development activity is steady across the municipality in terms of both type and number of applications that are very similar in numbers compared to the same time last year.

Planning comparisons – 2nd Quarter

Type	2019		2018	
	No. of 2 nd QTR	No. Of YTD	No. Of 2 nd QTR	No. Of YTD
Planning Permit Applications Received	41	82	44	79
Approvals under delegation	31	73	45	68
Total number of decisions (includes lapsed or withdrawn applications and NOD's)	34	78	46	70

	Financial year to date 2019	Financial year to date 2018
Rural Council average – percentage of permits issued within 60 days	70%	73%
Council's – Percentage of permits issued within 60 days	82%	69%

The first table above shows the comparison between the second quarters of 2019 and 2018. It shows a slight decline in application numbers and a significant drop in approvals for the 2019 second quarter. The fact that the number of applications received is very similar to this time last year shows that there is steady growth happening.

The second table compares Swan Hill Rural City Council with the average of all rural councils in Victoria, and it shows that in terms of timelines Council is currently performing well above the rural average and the issuing of permits is quicker compared to last year. This is mostly due to adequate staff resourcing along with process improvements. Officers will continue to work to improve permit issuing timeframes.

Quarterly decision breakdown by town

	Approved 2nd QTR 2019	Approved YTD	Refused 2nd QTR 2019	Refused YTD
Swan Hill	12	24	0	1
Robinvale	9	27	0	0
Lake Boga	3	3	0	0
Nyah	1	1	0	0
Nyah West	1	1	0	0

The above table shows that most of the applications were lodged within the Robinvale area with Swan Hill only slightly behind.

Quarterly breakdown of notable application types

Application description	No. of applications
Development in industrial area	3
More than one dwelling	1
Subdivision 1 – 9 lots	6
Native vegetation removal	3
Works to a heritage place	2

The above table provides a breakdown of the most notable application types received during the first quarter of 2019. Subdivisions are located in residential and rural areas primarily in Swan Hill and Robinvale.

Building comparisons – 2nd Quarter

TYPE	QUARTERLY 1/4/2019 to 30/6/2019		YTD 1/1/2019 to 30/6/2019		QUARTERLY 1/4/2018 to 30/6/2019		YTD 1/1/2018 to 30/6/2018	
	NO.OF	VALUE	NO.OF	VALUE	NO.OF	VALUE	NO.OF	VALUE
Dwelling	10	4,966,103	19	8,519,118	15	5,025,105	29	9,580,634
Dwelling additions	13	731,529	19	1,828,947	10	774,057	30	1,670,985
Unit Developments	1*(1)	53,336	2*(3)	453,336	0*()	0	0*()	0
Shops	2	1,000,250	3	1,041,675	1	234,991	2	264,991
Offices	3	223,000	3	223,000	1	250,000	2	1,134,950
Warehouses	6	560,416	10	1,928,416	5	1,419,185	8	1,884,185
Factories	1	4,500,000	1	4,500,000	1	350,000	5	1,620,710
Public Buildings	5	367,004	7	878,618	3	745,150	6	919,348
Outbuildings	39	1,666,051	64	2,441,229	35	778,647	70	1,845,219
Other	14	502,579	20	677,927	22	557,339	35	946,085
Total	94	\$14,570,268	148	\$22,492,267	93	\$10,134,475	187	\$19,867,108

New Dwellings			
2019		2018	
Swan Hill	5	Swan Hill	7
Robinvale	2	Robinvale	3
Manangatang	1	Lake Boga	2
Nyah	1	Tyrrell	1
Tol Tol	1	Castle Donnington	1
		Woorinen South	1

Notes:

- The number of dwellings for the second quarter of 2019 are down by 5 and but similar in the value of building works compared to the second quarter of 2018;
- Whilst the dwelling addition permit numbers are up for the second quarter of 2019, the value of building works are slightly down by approx. \$42,500;
- Warehouse permit numbers are up but down in value by approx. \$860,000 for the second quarter of 2019 in comparison to 2018;
- The factory valued at \$4,500,000 is for a rural industry in the Robinvale area.

Consultation

The planning enquiry level was steady during the second quarter of the year. This is evident in the steady increase of planning applications received. The upward trend is reflective of steady growth and confidence in development across the municipality. A development forum is being planned for Robinvale later in the year to enable networking between Council officers and the local development industry.

Financial Implications

Income is likely to be on target with budget predictions.

Social Implications

Not applicable.

Economic Implications

Development as indicated by the enquiry level, number of planning applications and then the number of building applications indicates continued steady growth in our municipality. The release of the next stage of land at Tower Hill is likely to result in an increase in building development later in this financial year.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

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

Options

Not applicable.

Recommendation

That Council notes the continued development across the municipality.

B.19.82 PLANNING APPLICATION 2019/36 – USE AND DEVELOPMENT OF A DWELLING AND AN ASSOCIATED BUILDING WITHIN THE FARMING ZONE

Responsible Officer: Director Development and Planning
File Number: 2019/36
Attachments: 1 Proposed dwelling plan
2 Proposed shed plan

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 decision in relation to the planning application for the use and development of a dwelling and an associated building within the Farming Zone.

Discussion

Location and existing conditions

The subject site is located at Lake Road, Woorinen South. The site is approximately 960m south of North Lake, Woorinen.

The subject site is comprised of one existing lot currently used for agricultural production purposes, specifically horticulture, with an area of approximately 5 hectares and is one of five family farm blocks actively operating within close proximity of the Woorinen location.

The pattern of residential development within the surrounding area is primarily of farm dwellings ancillary to agricultural production, located on large blocks of land. To the west of Woorinen Road there are large pockets of dryland farming, refer to figure 1 & figure 2.



Figure 1. Existing condition of the subject site.

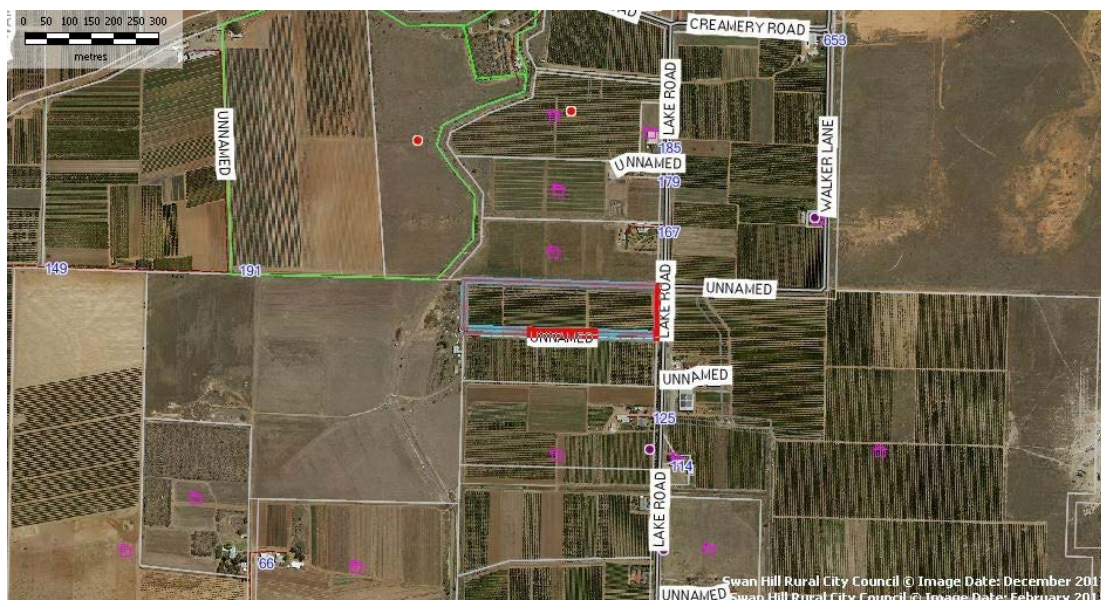


Figure 2. Aerial image of the subject site and surrounds.

The surrounding environment is rural, with agricultural production being the primary use in the locality, refer figure 3. The site and surrounds are located within an area of significant irrigation infrastructure. The site has an existing water licence 0142428.

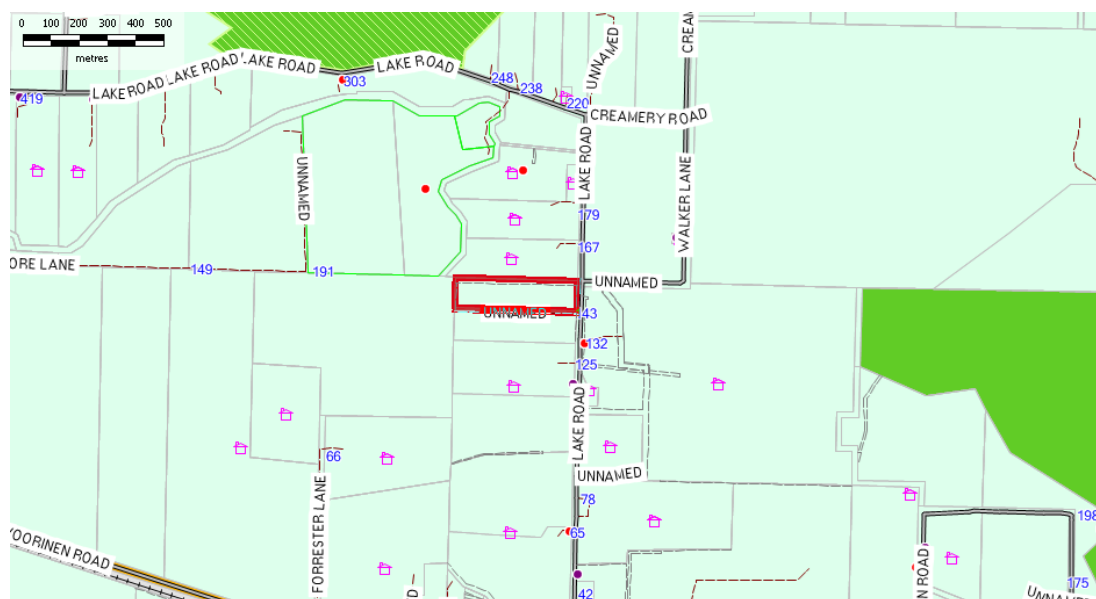


Figure 3. Zoning of the subject site and surrounds.



Figure 4. Surrounding neighbourhood, Family farms (A. 686 Creamery Rd, B. 349 Lake Road, C. 132 Lake Road & D. 595A Woorinen Road.)

Proposal

The applicant is seeking approval for the use and development of a dwelling and an associated building within the Farm Zone. The applicant's family land holdings are spread amongst multiple allotments, as seen in figure 4 and as described below.

- Subject Site (coloured red in Figure 4) is approximately 5 hectares, which is currently in use for agricultural production purposes, specifically horticulture and has been operating successfully for many years without the need for a dwelling.
- 686 Creamery Road, Woorinen (notated A in Figure 4) is approximately 40 hectares and is farmed - table grapes, stone fruit and persimmons. The site contains an existing shed and a small two bedroom dwelling which is not considered adequate to meet the applicant's needs. The dwelling is currently tenanted to farm workers.
- 349 Lake Road, Woorinen (notated B in Figure 4) is approximately 6.5 hectares, currently planted in stone fruit, and a small storage shed.
- 132 Lake Road, Woorinen (Notated C in Figure 4) is approximately 60.93 hectares, 48 hectares is planted in stone fruit, while 10 hectares is planted in table/wine grapes. This site is the main farm, the applicants parents live in a dwelling on this site and are semi-retired. The site also includes a packing facility, cool room storage and produce dispatch facilities that serve the many land holdings of this family operation. The family farm office, workshop, chemical and machinery storage are all located on this site.
- 595A Woorinen Road, Swan Hill (notated D in Figure 4) is approximately 72.55 hectares, 40 of which is planted in wine grapes, 32 hectares is currently planted in stone fruit. The site also contains a small storage shed.

The applicant currently rents a house in Swan Hill and commutes back and forth to the family farm. The applicant has supplied the following reasons to justify the proposal:

1. The applicant works unstructured hours, and is required to commute between Swan Hill and the family farm, this requires multiple vehicle movements depending on seasonal fluctuations in work load;
2. The site of the proposed dwelling is located adjacent the main family farm site and central to all other sites within the family farm. The applicant administers the family farm and being in close proximity allows for more efficient running of farming operations.
3. The proposal will allow facilitation of the full retirement of his parents by locating to the centre of the farming operations and able to oversee full farming activities.

The primary reason for the proposal is to allow the applicant and his family to be located central to the operations of the family farm.

The proposed dwelling is proposed to be single story, with a footprint of approximately 497m², and located 35metres from the road. The dwelling is to be comprised of 4 bedrooms, a bathroom and adjoining toilet, en-suite, study, living area and adjoining kitchen, a double car garage, and an alfresco area facing to the north.

The proposed outbuilding is to be associated with the proposed dwelling and is to be 9.0m x 18.0m x 4.97m (162m²). The outbuilding is proposed to be located to the rear of the proposed dwelling.

Assessment against the Planning Scheme

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 the protection of agricultural farmland from being taken out of production and resulting in rural residential lifestyle lots.

The key questions to consider are:

- Is the proposal appropriate for the zone?
- Is the proposed development in accordance with the policies and provisions of the Swan Hill Planning Scheme?
- Will the proposal result in inappropriate rural lifestyle development upon small blocks within productive agricultural land?

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.

A permit is required to construct a dwelling on land less than 20ha in the Farming Zone.

The Farming Zone provides specific purposes in relation to agriculture, included among these is the use of land for agriculture and the impacts from non-agricultural land uses.

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

The following decision guidelines, specific to dwellings in the Farming Zone, are applicable:

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

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, there is existing agricultural productivity upon the subject site and the development will result in a loss of agricultural land, equivalent to the area that is needed to build the dwelling, the outbuilding and the effluent area.

Other decision guidelines include whether the dwelling would be adversely affected by or adversely affect agricultural activities on adjacent land. In addition the proposal could lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of land for agriculture.

It is considered that a dwelling in the proposed location is likely to be impacted by the surrounding agricultural activities and its presence is likely to impact the agricultural activities on adjacent land. The dwelling does have the potential to lead to a proliferation of dwellings in the area that would impact the remaining productive agricultural land.

Regarding the decision guidelines that relate to design and siting, the proposed development will remove a considerable portion of land from agricultural production, as shown in figure 5 & figure 6 below.

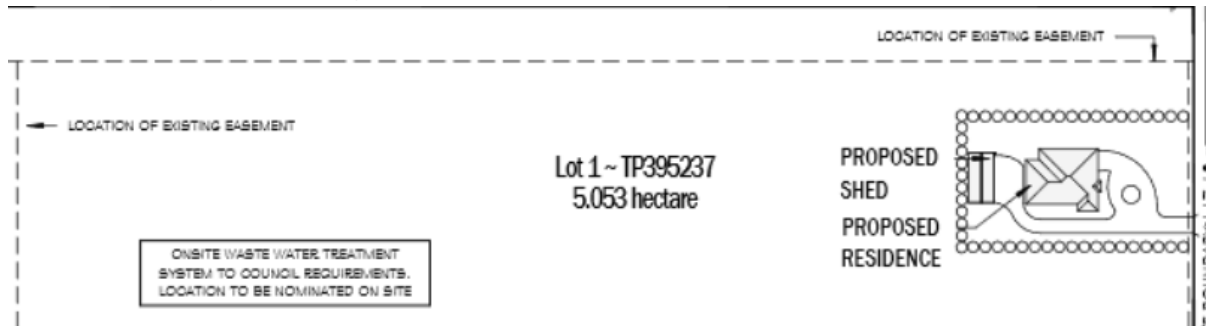


Figure 5. Subject land site plan

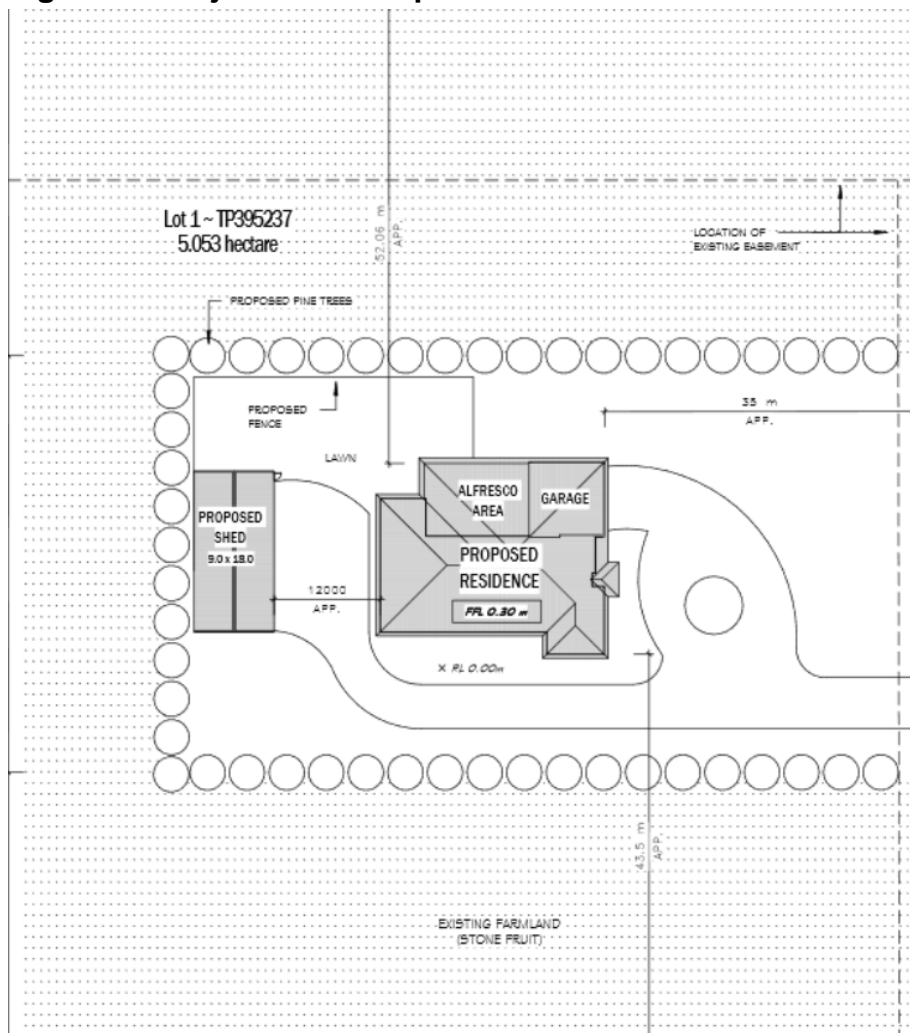


Figure 6. Localised site plan with proposed site layout.
Planning Policy Framework (PPF)

Clause 14.01-1s Protection of agricultural land

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

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

In response to the above it is noted that:

- Agriculture is an important part of the municipality's economy and permanent removal of agricultural land for non-agricultural purposes is strongly discouraged.
- Another very important consideration is the impact the dwelling could have on the continuation of primary production on the land and how the dwelling will affect agricultural land value.
- Any proposed non-agricultural use and development may give rise to land use conflicts between the agriculture and non-agricultural use.

Collectively, these policies place great emphasis on the importance of protecting existing agricultural land from inappropriate development, which could permanently remove the land from agricultural use.

The subject site is within a Farming Zone and recognised for its productive capacity. This Clause is particularly clear in requiring a nexus between development of farmland and ongoing productive use of agriculture and to protect against loss of agricultural land.

It is further noted that the PPF contains a clause specifically relating to rural-residential development, with Clause 16.01-5S aiming "*to identify land suitable for rural living and rural residential development.*" The strategies associated with this objective also aim to:

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

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

Consultation with the applicant – Three alternative options have been provided to the applicant that would enable an additional house to be constructed and still meet the provisions of the Planning Scheme.

Option 1 - It was discussed with the applicant that the proposal would be looked at more favourably if they considered constructing the dwelling on one of the larger lots, to eliminate the risk of a future rural living lot. This alternative was refused by the applicant. The map below shows the alternative location offered to construct the dwelling.

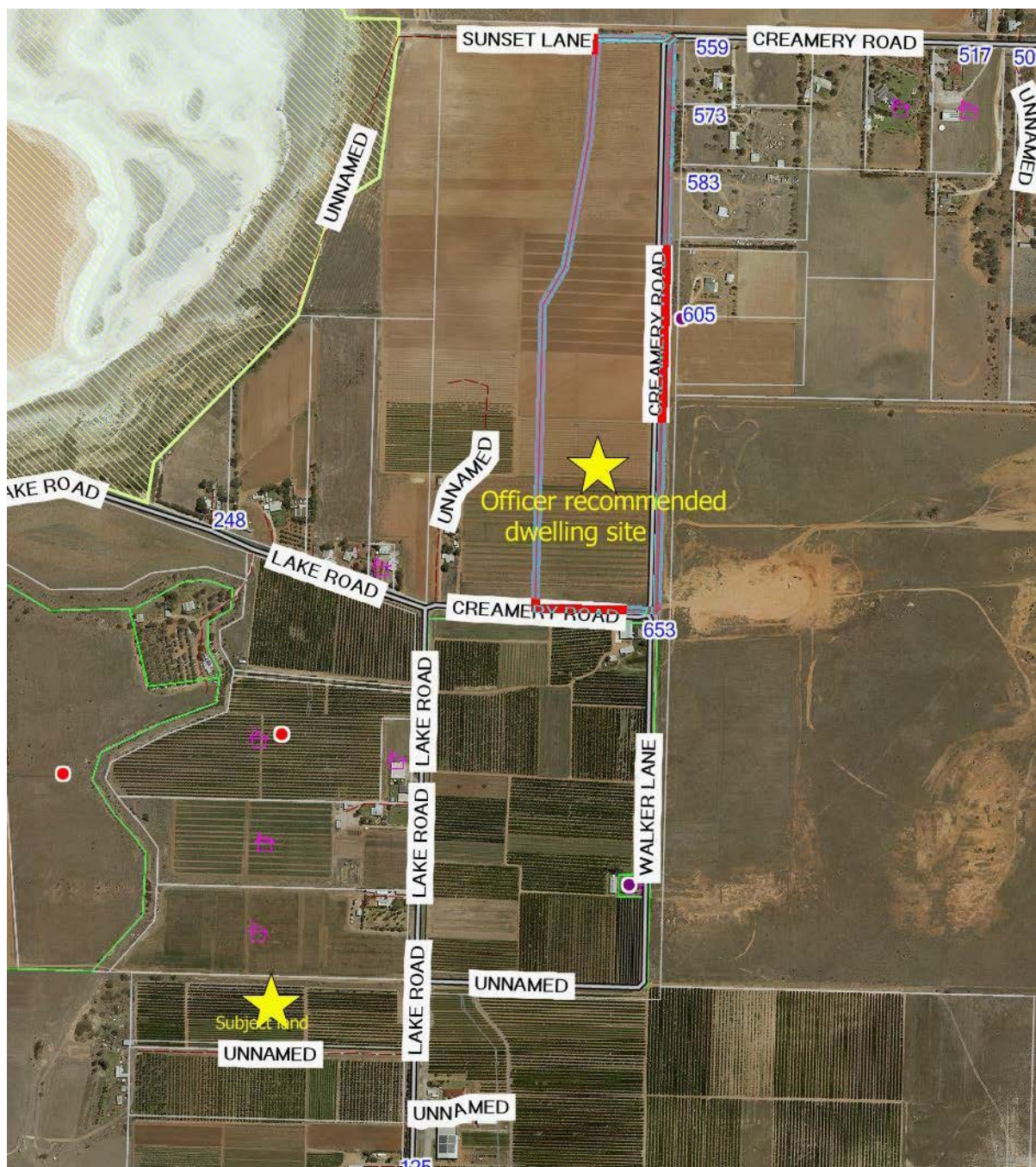


Figure 7. Aerial view of subject land and Officer recommended site.

Option 2 - Would allow them to build the dwelling on the subject land provided they consolidate the subject land with the adjacent larger lot at 132 Lake Road, Woorinen South that is currently in the same ownership. This option was also rejected.

Option 3 – Is to build a second house on 132 Lake Road where the buildings associated with the running of the farm are located as described earlier – this option was also rejected.

Local Planning Policy Framework

Clause 21.06-1 Rural

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

The objectives of the Clause are:

- To ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in irrigated horticultural areas, and,
- To avoid land use conflicts between agricultural and non agricultural land uses.

The strategies to achieve the above objectives are to:

- *Ensure any new dwelling has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
- *Ensure any new dwelling is compatible with and will not have an adverse impact on agricultural land and other rural land uses on the land, adjoining land and the general area.*
- *Encourage the consolidation of land in the same ownership to support applications for new dwellings.*
- *Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.*
- *Discourage use and development of land that is incompatible with the use of land for agriculture.*

The application submitted did not provide a convincing argument that the dwelling is required to directly support the continuing operation of the farming activity conducted on the land, but rather explained that it was needed to enable the applicant to be close to his parents dwelling and where most of the farm infrastructure is located. If this is the reason for the application, then the options provided to the applicant should meet both the requirements of the planning scheme as well as meet the family needs. The proposed dwelling should be located on the main farm and not on a small block that could be used as a rural lifestyle property.

While the area has seen incremental development, past development is not a justification to continue allowing inappropriate development. The siting of a dwelling and associated infrastructure will result in the permanent loss of some of that land. In addition the land needed for an onsite wastewater treatment system will potentially result in the loss of additional productive agricultural farmland. The land currently serves an agricultural role without a dwelling, as demonstrated by its past and current use.

The following excerpts from VCAT cases provide views on ensuring the community net benefit and sustainable development must be at the forefront of decision making rather than personal circumstances.

The VCAT case *Polvere v Greater Shepparton CC* [2009] states the following in relation to applications on small blocks within the Farming Zone:

“Wanting to build a house on the lot so that she can more conveniently look after her elderly father, who still lives in the farmhouse. But these personal needs which I do not dispute are genuine, need to be balanced against the need to protect agricultural land from the cumulative impact of individual lots being converted to non-agricultural use. Those personal circumstances will change and yet the loss of agricultural land, even if only one hectare, is permanent.”

“My assessment of this proposal needs to balance conflicting objectives in favour of net community benefit and sustainable development. In making this assessment it is necessary to take into account not only the whole suite of relevant State and local policy but also the zoning of the land as Farming and the particular site context.”

If approved, the repercussions could include the setting of a precedent for further inappropriate development on small productive high quality agricultural land. It has

been proposed that the development at the subject site will assist the full retirement of the applicant's parents as the intent is for them to remain living in the house on the main farm operations site. Personal circumstances are not a relevant consideration and are not consistent with the decision guidelines of the Farming Zone or strategies set out in Local Planning Policy.

The VCAT case *Adams v Indigo SC* [2002] states the following in relation to applications of personal circumstance.

"It is also necessary for me to comment on the submissions made that the identity of the applicants and the fact they are full time farmers, is a factor which ought to influence me to be satisfied that the proposal will therefore be consistent with the planning scheme. While I do not dispute the applicant's intentions in relation to this application and I acknowledge that they have a demonstrated, long term commitment to this community and to the farming of this land, the applicant's personal circumstances are not relevant to my deliberations."

"This point has been the subject of a large number of decisions of this tribunal and its predecessor Tribunals over many years, and it has been consistently held that an applicant's personal reasons for pursuing a proposal are not matters which can be given significant weight and cannot outweigh the need for proper and orderly planning of an area"

Summary

The proposed dwelling and associated outbuilding are to be located within the Farming Zone, and by allowing this proposal to go ahead has the potential to set a precedent for further like development. It is necessary to consider great variability in land capability but that the continued use of land zoned for rural production is recognised as paramount to the economic future of the municipality. The Swan Hill Planning Scheme is clear in its direction as to how these proposals should be assessed.

Objections

There were no objections to the application.

Consultation

Consultation has occurred with the applicant and the property owner as part of the planning process.

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

Nil.

Economic Implications

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

Environmental Implications

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

Risk Management Implications

Nil

Council Plan Strategy Addressed

Economic growth - Provide land use planning that is responsive and which proactively encourages appropriate development.

Options

Council has two options when considering this application:

1. Issue a Notice of Decision to Grant a Planning Permit with conditions; or
2. Issue a Notice of Refusal for the planning application.

Recommendation

That Council issue a Notice of Refusal for the application for use and development of the land for a dwelling and an associated outbuilding in the Farming Zone on land known and described as Lot 1 TP395237, Lake Road, Woorinen South.

Grounds of refusal are:

1. Proposal is not consistent with the State and local planning policies, in particular:
 - Clause 14.01-1S Protection of agricultural land
 - Clause 14.01-2S Sustainable agricultural land use
 - Clause 14.01-2R Agricultural productivity – Loddon Mallee North, and
 - Clause 21.06-1 Rural areas
2. Not consistent with the purpose of the Farming Zone, in particular:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework
 - To provide for the use of land for agriculture
 - To encourage the retention of productive agricultural land, and
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture

Permit conditions

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

1. Before the use and development commences, three copies of amended site plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 05/03/2019 and prepared by McKnight & Bray Building Design but modified to show:
 - a) The dwelling location be sited to the north or south along the property frontage so as not to be surrounded by agricultural land.
2. The layout of the use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Engineering

3. 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 1m from any power or telecommunications pole.
4. Prior to the commencement of the use and occupation of the building, the internal access driveway must be constructed to all weather sealed, formed, finished and drained to the satisfaction of the Responsible Authority.
5. 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).
6. Prior to the occupation of the building(s), the permit holder must ensure that stormwater runoff from the site can be retained within the boundaries of the lot to the satisfaction of the Responsible Authority.

Environmental Health

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

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

Expiry

8. 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

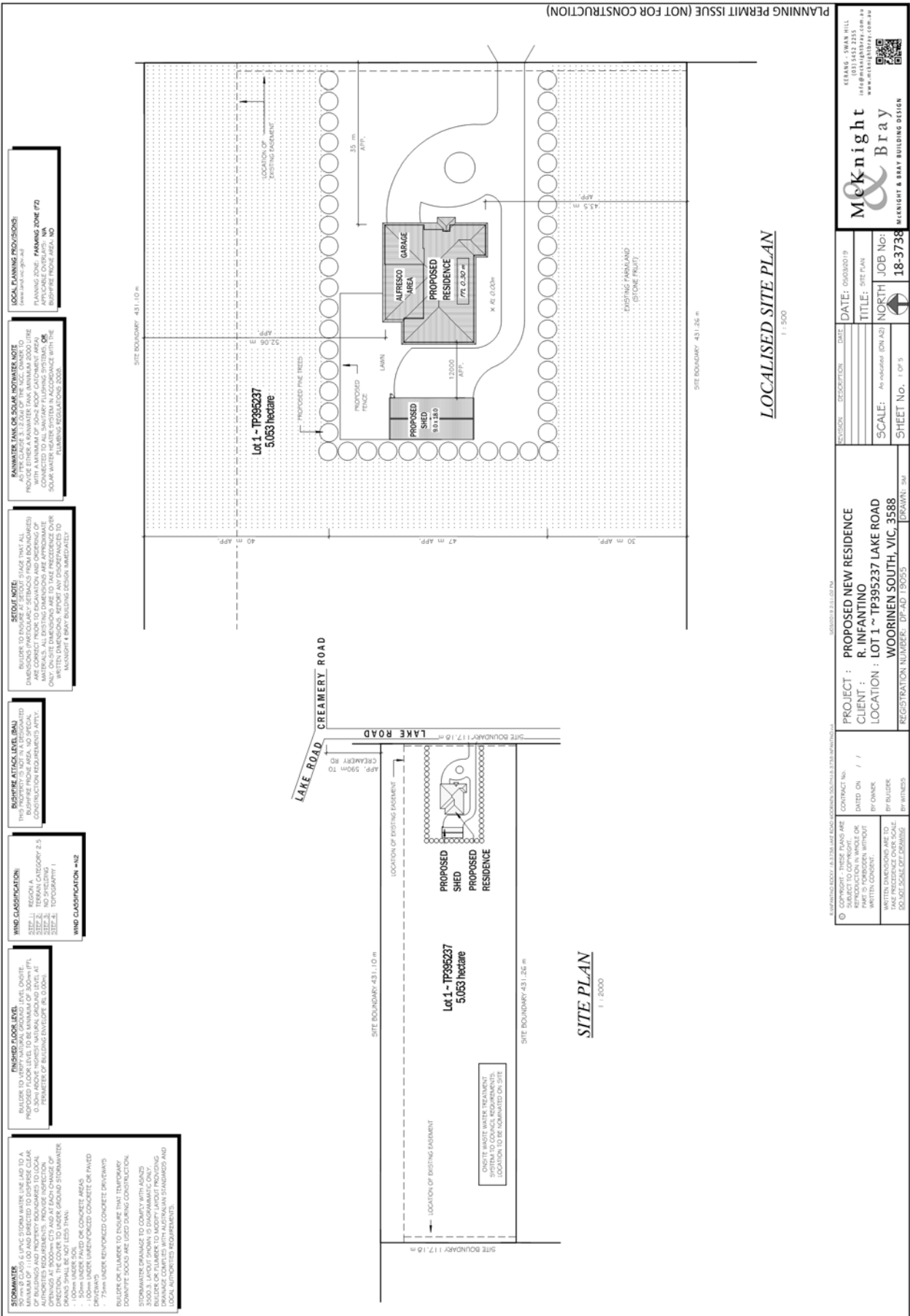
made in writing before the permit expires, or within six months afterwards.

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.



STORMWATER
 PLACING STORMWATER USE ASB TO A MINIMUM OF 1:1.00 AND DIRECTED TO DISPERSE CLEAR OF BUILDINGS AND PROPERTY BOUNDARIES TO LOCAL DRAINAGE SYSTEMS. THE COVER TO EACH CHANGE OF DIRECTION, THE COVER TO INLET GROUND STORMWATER SHALL BE AS FOLLOWS:
 - 100mm UNDER SOIL
 - 50mm UNDER PAVED OR CONCRETE PATHS
 - 50mm UNDER UNPAVED OR UNPAVED DRIVEWAYS
 - 75mm UNDER REINFORCED CONCRETE DRIVEWAYS
 BELIEVER OR PLUMBER TO ENSURE THAT TEMPORARY COMPLETE SOLOS ARE USED DURING CONSTRUCTION.
 STORMWATER DRAINAGE TO COMPLY WITH AS/NZS 4455.1:2002 AND AS/NZS 4455.2:2002. BELIEVER OR PLUMBER TO VERIFY THAT ALL DRAINAGE COMPLIES WITH AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS.

FINISHED FLOOR LEVEL
 BELIEVER TO INDICATE FINISHED FLOOR LEVELS. PROPOSED FLOOR LEVELS TO BE MINIMUM OF 100mm (FFL) ABOVE HIGHEST NATURAL GROUND LEVEL AT POINTS OF BUILDING ENVELOPE OR LOCAL DRAINAGE.

WIND CLASSIFICATION
 REGION A
 TERRAIN CATEGORY 2.5
 NO OBSTACLES
 TOPOGRAPHY 1
WIND CLASSIFICATION = 2

BURFIRE ATTACK LEVEL (BAU)
 THIS PLAN HAS BEEN PREPARED FOR ALL CONSTRUCTION REQUIREMENTS APPLYING TO BURFIRE PROTECTIVE AREA, NO SPECIAL CONSTRUCTION REQUIREMENTS APPLY.

SETBACK NOTE
 BELIEVER TO INDICATE SETBACKS FOR ALL DIMENSIONS (PARTICULARLY SETBACKS FROM ROADWAYS) ARE CORRECT PRIOR TO EXCAVATION AND DRAINING OF ONLY ON-SITE DIMENSIONS ARE TO TAKE PRECEDENCE OVER WRITTEN DIMENSIONS. REPORT ANY DISCREPANCIES TO SURVEYOR & BOUNDARY SURVEYOR IMMEDIATELY.

RAINWATER TANK OR SOLAR HOTWATER NOTE
 THIS PLAN HAS BEEN PREPARED FOR ALL PROJECTS WITH A RAINWATER TANK (MINIMUM 2000 LITRE) WITH A MINIMUM OF 20% ROOF CATCHMENT AREA AND/OR A SOLAR HOTWATER SYSTEM IN ACCORDANCE WITH THE PLANNING REGULATIONS 2003.

LOCAL PLANNING PROVISIONS
 PLANNING ZONE: FARMING ZONE P70
 LOCAL PLANNING PROVISIONS: 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22, 10.23, 10.24, 10.25, 10.26, 10.27, 10.28, 10.29, 10.30, 10.31, 10.32, 10.33, 10.34, 10.35, 10.36, 10.37, 10.38, 10.39, 10.40, 10.41, 10.42, 10.43, 10.44, 10.45, 10.46, 10.47, 10.48, 10.49, 10.50, 10.51, 10.52, 10.53, 10.54, 10.55, 10.56, 10.57, 10.58, 10.59, 10.60, 10.61, 10.62, 10.63, 10.64, 10.65, 10.66, 10.67, 10.68, 10.69, 10.70, 10.71, 10.72, 10.73, 10.74, 10.75, 10.76, 10.77, 10.78, 10.79, 10.80, 10.81, 10.82, 10.83, 10.84, 10.85, 10.86, 10.87, 10.88, 10.89, 10.90, 10.91, 10.92, 10.93, 10.94, 10.95, 10.96, 10.97, 10.98, 10.99, 10.100.

SITE PLAN
 1:2000

LOCALISED SITE PLAN
 1:500

PROJECT : PROPOSED NEW RESIDENCE
 CLIENT : R. INFANTINO
 LOCATION : LOT 1 ~ TP395237 LAKE ROAD
 WOORIMEN SOUTH, VIC. 3588

REGISTRATION NUMBER: DP-AD 190055 DRAWN: SM

DATE: 03/04/2019
 TITLE: SITE PLAN
 NORTH
 SCALE: As indicated (DW A2)
 SHEET No. 1 OF 3
 JOB No: 18-3738

MEKnight & Bray
 MCKNIGHT & BRAY BUILDING DESIGN

CECILEY - SWAN HILL
 info@meKnightandBray.com.au
 www.meKnightandBray.com.au

WINDOW SCHEDULE						LOCATION
MARK	TYPE	HEIGHT	WIDTH	SILL HEIGHT	TYPE COMMENTS	GLAZING
G22	2.1.3620	2100	3600	0	ALUMINIUM SLIDING DOOR	GLASS
W1	1.0.16	1000	1600	1100	ALUMINIUM SLIDING WINDOW	FAMILY
W2	1.0.16	1000	1600	3000	ALUMINIUM SLIDING WINDOW	FAMILY
W3	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W4	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	STUDY
W5	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W6	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W7	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W8	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W9	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W10	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W11	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W12	1.0.15	1000	1500	3000	ALUMINIUM DOUBLE HUNG	LOUNGE
W13	1.0.09	1600	900	3000	ALUMINIUM DOUBLE HUNG	BATH
W14	1.0.09	1600	900	3000	ALUMINIUM DOUBLE HUNG	BATH

FINISHED FLOOR LEVEL

RELATIVE TO MEVY NATURAL GRADE LEVEL (DNST).

1.000M ABOVE FINISHED NATURAL GRADE LEVEL AT PERIMETER OF BUILDING ENVELOPE. RL 0.000M.

GAPS & CRACKS:

APPLICABLE TO ALL CONCRETE SURFACES AND PARTS THEREOF. GAPS SHALL BE 3MM WIDE UNLESS OTHERWISE SPECIFIED.

1) TYPING JOINTS AND AROUND PENETRATIONS (SUCH AS PLUMBING SERVICES) SHALL BE 3MM WIDE. GAPS BETWEEN STUDS AND DOOR AND WINDOW FRAMES, IF PLUMBING ATTACHED TO WINDOW FRAMES, TYPING JOINTS SHALL BE 3MM WIDE UNLESS OTHERWISE SPECIFIED.

EAST ELEVATION
1:100

NORTH ELEVATION
1:100

SOUTH ELEVATION
1:100

WEST ELEVATION
1:100

PROJECT : PROPOSED NEW RESIDENCE
CLIENT : R. INFANTINO
LOCATION : LOT 1 ~ TP395237 LAKE ROAD
WOORINEN SOUTH, VIC. 3588

REGISTRATION NUMBER: DP-AD 19055 DRAWN: BM

DATE: 09/04/2019
TITLE: ELEVATIONS
JOB No: 18-3738

SCALE: 1:100 (DW A2)
SHEET No. 3 OF 9

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CONTRACT No: / /
DATED ON: / /
BY OWNER: / /
BY ARCHITECT: / /
BY WITNESS: / /

MEMBERSHIP NO. 16346 (EXPIRES 30/06/2024) **M&Knight** MEMBERSHIP NO. 16346 (EXPIRES 30/06/2024)
Bray MEMBERSHIP NO. 16346 (EXPIRES 30/06/2024)
M&Knight & Bray BUILDING DESIGN
 14/15 GARDNER STREET, MELBOURNE VIC 3000
 TEL: 03 9412 1234 FAX: 03 9412 1235
 WWW.MAKNIGHTANDBRAY.COM.AU

B.19.83 OFF LEASH DOG AREA TRIAL - REVIEW

Responsible Officer: Director Development and Planning
File Number: S01-03-05
Attachments:
1 DAMP Plan
2 Dog Park Survey Results

Declarations of Interest:

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

Summary

Council's Domestic Animal Management Plan (DAMP) identified the need for dog off-leash areas to be investigated. Council resolved to trial off leash dog areas for a two year period to assess whether a permanent dog park was viable. The trial is due for conclusion in December 2019 and a review of the off leash dog areas has been conducted.

Discussion

Council's Domestic Animal Management Plan (DAMP) identified the need for off-leash areas to be investigated. As an action of this plan, in 2017 Council decided to trial four off leash dog areas to assess community interest and use of the sites in an effort to determine whether constructing permanent off leash dog parks would be viable.

Four trial sites were then chosen were chosen based on community feedback, suitability of the sites, access to parking and footpaths, safety and impact on other community group and users following a survey. Clear signage outlining the rules of use along with dog bag dispensers and bins were installed at all of the sites.

The off leash dog area trial was set to continue for a period of two years to assess the communities need and use of an off leash area. The feedback from community consultation (attached) outlines that residents have concerns about the lack of infrastructure in them. Many of the issues raised were to be expected as no infrastructure has been put in place and the trial was really about determining preferred locations.

Based on the feedback received officers have provided the following options for council to consider.

Option 1: Continue off leash dog area trials with amendments

Regulatory Services Officers have been monitoring the trial off leash dog area locations regularly to ensure compliance with the off leash dog area rules, ensure that the dog waste bags are available and monitor usage.

This anecdotal information has been combined with the community consultation feedback to provide a snapshot of the trial.

Location	Benefits / Disadvantages	Recommendation
Lake Boga Sporting Complex	Open grassed area <i>Not being used with dog owners preferring to use the lake side.</i> <i>Pony Club now proposed to use the site. No longer appropriate for off leash dog area.</i>	Cease trial at this location
Palaroo Park	<i>Site not being used as intended and is a thoroughfare to river only</i> <i>Site full of prickles and not suitable</i> <i>Signs regularly vandalised and removed</i>	Cease trial at this location
Tower Hill Park	Site being well utilised by community Remained number one identified location for dog park by survey responders <i>Site contains a cricket pitch which is regularly used for casual practice and organised junior cricket</i> <i>Signs regularly vandalised and removed</i>	Move to different location within Tower Hill Park. Recommended site is the grassed area between basketball court and lake (photo attached). This site is already maintained with grass and watering systems, and does not impact other groups.
Centenary Park, Robinvale	<i>Site is full of prickles and not being well maintained</i> <i>Site is not being utilised</i>	Cease trial at this location. Consider alternate locations, or upgrade current site with grass and watering system.

Community members have voiced concerns about the trial sites being maintained poorly and the lack of fencing available. Fencing for the trial sites would come at a cost depending on the type and length of fencing, and the timeframe that the fencing is in place. Estimated cost for a 12 month trial with security fencing is approximately \$20,000 - \$30,000.

Option 2 – Cease trial and establish designated Off-Leash Dog Park

A designated off-leash dog park is a securely fenced area designed for dogs to exercise whilst off-leash.

Dog parks should include amenities for dog owners and other people who may visit to ensure it is an appealing social environment and a well-used community hub. These amenities should include natural shade or shade structures, drinking water, seating and well maintained ground cover. Dog parks can attract people from other towns and preferably include access to toilets, car parking and picnic tables.

Benefits

- Dog parks create a social environment where people and their dogs can socialise together with other people and their dogs.
- Dogs and their owners can be separate from other people who don't want to interact with dogs.
- Dogs are kept out of sensitive environments such as waterways or bush land areas but still allow them access to parkland.
- They provide a meeting place or activity hub for people and families.
- They encourage people to exercise more vigorously with their dogs.
- They provide older people and people with disabilities with an accessible and safe place to exercise their animal companions.
- They provide a venue that encourages dog to dog socialisation.
- They can provide an environment where advice is exchanged on dog management and where responsible dog ownership is encouraged.

Disadvantages

- Costly to set up
- Potential noise and odour issues
- Parking congestion in residential areas
- Dogs off leash when walking to and from off leash areas
- Dogs with signs of infection may spread disease (eg ring worm, parvovirus).

Due to the number of responses and community interest, it is considered that permanent dog parks should be considered for both Swan Hill and Robinvale. A number of potential locations have been identified through community consultation for consideration.

Please note: sporting ovals and areas along the riverside have not been considered as formal off leash parks as they cannot accommodate the required infrastructure. It is likely that the current informal use will continue and will be monitored as is currently the case.

SECTION B - REPORTS

20 August 2019

Location	Pros	Cons
Tower Hill	<p>Accessible parking spaces. There are also a large number of parking spaces available for users.</p> <p>Relatively new toilets including all accessibility toilets within close proximity to proposed location.</p> <p>Existing area is currently well grassed and has growing trees (shade).</p> <p>There is good general lighting in the area.</p> <p>Drinking water is available for human and animal consumption.</p> <p>Currently a kids playground and basketball court close by.</p>	<p>Council will be required to install fencing to separate the area from general public space</p> <p>The distance of this location from the CBD must be considered.</p> <p>Directional signage may be needed to direct members of the public and tourists to the area.</p> <p>Consideration would need to be given to the proximity to the playground, basketball court and walking paths, in terms of safety and general amenity.</p>
Riverside Park, Swan Hill	<p>Close to river, scenic views for users – high tourist route which could attract more users.</p> <p>Lighting is good.</p> <p>Toilet facilities available.</p> <p>Parking available.</p> <p>Well maintained area, good grass coverage.</p> <p>Central location to CBD.</p>	<p>This location whilst ideal for a dog park area would be contradictory to Council's current master plan for the riverfront and desire to increase the number of visitors to the area.</p> <p>The new skate park and active play precinct will be constructed this year which will again reduce the open passive space at the park.</p> <p>Area will require fencing.</p> <p>Directional signage will need to be provided.</p>
Centenary Park, Robinvale	<p>The area is not used by sporting or leisure groups and is open passive space.</p> <p>There is good general lighting in the area.</p> <p>Fairly central location for dog walkers.</p> <p>The area has excellent natural shade.</p>	<p>The current ground surface is prickly and full of weeds. Council would need to undertake rehabilitation works within the area to ensure the grass coverage is adequate for intended use. (Any works cannot be considered until a Cultural Heritage Management Plan is completed- this has been budgeted for this year.)</p> <p>Parking available on street on one end only.</p> <p>No toilets available.</p> <p>Area will require fencing.</p> <p>Directional signage will need to be provided.</p>

The cost of setting up a permanent dog park is estimated at between \$70,000 – \$90,000 based on a permanent site that was developed by Greater Shepparton City Council. This cost will of course depend on the infrastructure provided and could be staged over time. Things to be considered are: fencing, gates, bins, seating, waste disposal, park maintenance, car parking, water, shade and the provision of dog play equipment, lease or purchase of land.

Consultation

Council conducted an online survey earlier this year and 103 responses were received.

55% of the responses were from Robinvale residents, 43% were from Swan Hill residents and the remaining 2% from surrounding areas. 83% of responders wanted a permanent fenced dog park to be established. 12% said no.

A large portion of the responses to the survey were complaints about the current lack of fencing at all the off leash dog areas. An equally large proportion of the complaints were in relation to the high amount of prickles and lack of maintained grass at the Centenary Park site.

The top four locations from the 2019 Survey are below.

Top 4 locations identified for a dog park in Jan 2019 Survey		
1.	Along the riverside (Robinvale and Swan Hill)	18.75%
2.	Football / Sporting Ovals (Robinvale and Swan Hill)	16.25%
3.	Centenary Park (with grass and fence)	12.25%
4.	Tower Hill	7.7%

Of the 80 people who provided responses, a large number of the responses said that they did not know where it should be located and provided feedback in relation to facilities that should be provided instead (e.g. “somewhere with a fence” or “not where it is now”).

It is recommended to consult further with community members to decide on the final locations for a permanent dog park, particularly in Robinvale, as many responders did not identify a location and contained concerns only.

Please see attached survey results for further detail.

Financial Implications

Option1: Off leash areas

Identifying areas as “off-leash” is a way of determining whether people will utilise the land without having to spend money on a permanent dog park that may not be used.

As a minimum, signage will need to be erected along the boundaries of the park area, with additional dog bag dispensers and bins.

Option 2: Off leash dog park

Costing for permanent site could range between \$70,000 - \$90,000. Things to be considered are: fencing, gates, bins, seating, waste disposal, park maintenance, signage, car parking, land lease or purchase.

Social Implications

The community may accept the idea of designated “off-leash” areas as they provide locations where pet owners can let their animals run and exercise, as well as being a social hub for likeminded people to gather.

Economic Implications

Not Applicable.

Environmental Implications

An increased number of animal faeces left in the park areas. Dog bags will be available for use but may not be properly disposed of.

Risk Management Implications

Dogs don't always get along with each other; therefore there is always a risk that animals that are in close proximity of each other may attack. Owners still need to be in effective control of their animals at all times and will be held responsible for their dogs actions, regardless if the area is declared off-leash or not.

The same laws apply for both on and off leash areas when dog attacks are involved. Pet owners may be fined or charged by Council's Authorised Officers under Section 29 Domestic Animals Act 1994 for offences relating to dog attacks.

Responsible pet owners know their dog's behaviour and should make appropriate decisions before going to areas where dogs are allowed to exercise off leash.

Council Plan Strategy Addressed

Governance and leadership - Positive community engagement through appropriate and constructive consultation.

Options

1. Cease the trial of all dog off leash areas.
2. Cease the trial of dog off leash areas except Tower Hill.

3. Pursue scoping of two dog off leash parks – Robinvale and Swan Hill in 20/21 budget.
4. Don't pursue the development of dog off leash parks.

Recommendations

That Council:

1. **Consider the development of two off leash dog parks (Swan Hill and Robinvale) as part of 20/21 budget and the review of the 10 year major projects plan.**
2. **Continue the off-leash dog area in Tower Hill, Swan Hill.**
3. **Cease the trial in all other locations.**



Domestic Animal Management Plan

2017-21



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1. Introduction

Council is committed to advocating for and working towards achieving positive community and animal welfare outcomes. The welfare and care of all companion animals is important within the municipality. Council will aim to keep the community safe and protecting animal welfare by educating the community on responsible pet ownership and performing legislative functions as required.

What is a Domestic Animal Management Plan?

All Victorian councils are required by the Domestic Animals Act 1994 to prepare and implement a four year Domestic Animal Management Plan (DAMP) to guide decision making in relation to animal management for dogs and cats. The scope of the DAMP does not include activities for the management of wildlife, horses, livestock or pest animals.

This four year plan builds on the 2013-17 DAMP and provides the framework for the planning, development and evaluation of animal management services and programs delivered by Swan Hill Rural City Council and complies with the requirements of the Domestic Animals Act 1994 (DAA).

Legislation

Section 68A of the DAA requires Council to develop a DAMP at four year intervals that addresses the following:

- Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- Outline programs for the training of Authorised Officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- Outline programs, services and strategies which the Council intends to pursue in its municipal district; and
- To promote and encourage the responsible ownership of dogs and cats; and
- To ensure that people comply with this Act, the regulations and any related legislation; and
- To minimise the risk of attacks by dogs on people and animals; and
- To address any over population and high euthanasia rates for dogs and cats; and
- To encourage the registration and identification of dogs and cats; and
- To minimise the potential for dogs and cats to create a nuisance; and
- To effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- Provide for the review of existing orders made under this Act and Local Laws that relate to the Council's municipal district with a view to determining whether further orders or Local Laws dealing with the management of dogs and cats in municipal district are desirable; and
- Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it deems necessary; and
- Provide for the periodic evaluation of any program, service, strategy or review outlined in this Plan.

Every Council must—

- (a) Review its Domestic Animal Management Plan annually and, if appropriate, amend the Plan;
- (b) Provide the Secretary with a copy of the Plan and any amendments to the Plan; and
- (c) Publish an evaluation of its implementation of the Plan in its annual report.

Council aims

The aim of Swan Hill Rural City Council's Domestic Animal Management Plan 2017-2021 is to ensure the effective management of domestic animals within the municipality. This includes the establishment of a framework to guide future service programs that are informed and action orientated through to 2021. It sets priorities that are achievable and measurable within current allocated resources.

Council encourages people to manage dogs and cats in ways that protect the health and welfare of these companion animals, and considers needs of the broader community by encouraging responsible pet ownership practices.

Purpose

The purpose of this plan is to provide Council and the community with a clear and concise statement as to how Council administers animal management by:

- Documenting current processes and practices under the Swan Hill Rural City Council animal management responsibilities.
- Minimising non-compliance with the Domestic Animals Act 1994.
- Increasing pet owner's knowledge of the principles of responsible pet ownership and enhancing community safety and awareness of the benefits of its annual registration.
- Supporting the Regulatory Services team to achieve its stated objectives of reducing the numbers of dogs and cats being impounded and euthanised.
- Maximising the numbers of dogs and cats that are registered.
- Reducing the harmful effect of domestic pets on the population of native birds, mammals and reptiles.
- Take into account the broader community views on animal management matters.
- Comply with the relevant provisions of the Domestic Animals Act 1994.

Development

This plan has been developed based on the outcomes and learning's from the previous Domestic Animal Management Plan, as well as a review of the existing data in areas such as complaints, dog attacks, registrations and impoundments.

Council recognises that the plan must carefully balance the needs of pets, pet owners and those who don't own pets. The plan is designed to respond strategically to the needs of the community as a whole.

Community feedback and consultations with key stakeholders including veterinarians, animal businesses and other service providers have also informed the plan. The predominant issues identified include:

- Increasing compliance with the Act
- Identification of potential off-leash areas
- Reduce the number of stray and wandering cats
- Investigation and introduction of 'on-leash' and other local laws relating to dogs and cats towards responsible pet ownership
- Increased education and enforcement in relation to domestic animal management

Administration

The Regulatory Services Department is responsible for domestic animal management. By implementing this plan Council will endeavor to provide a service that meets both community expectations and compliance obligations under the DAA.

2. Council profile

Swan Hill Rural City has a population of 20,584 people according to the 2016 Australian Bureau of Statistics Census data. It is principally an agricultural and horticultural region of 6,116 km², bordered by the Murray River which is the water source for irrigation, domestic, industry, and recreational pursuits.

The municipality consists of two large service centres, being Swan Hill and Robinvale, and a number of smaller towns including Lake Boga, Manangatang, Beverford, Nyah, Nyah West, Piangil, Ultima, Woorinen and Woorinen South. The predominant employment sectors are agriculture, forestry and fishing and retail trade.

Domestic animal statistics and data

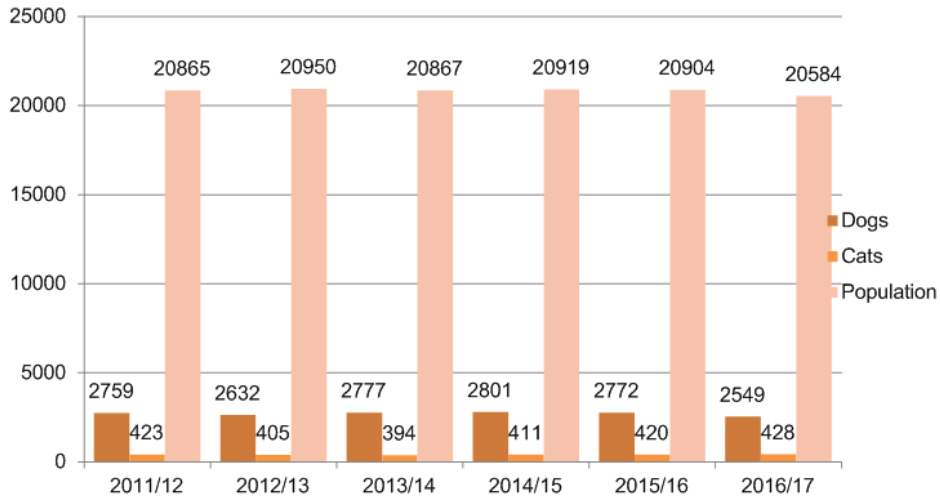
The tables below provide an overview of animal management data from 2013-2017 financial years.

Dogs	13/14	14/15	15/16	16/17
Number of registered dogs	2777	2801	2772	2549
Number of microchipped dogs that were impounded		104	104	84
Number of impounded dogs (excluding surrendered)	338	227	230	165
Number of dogs surrendered		45	59	23
Number of impounded dogs returned to owners	129	101	102	77
Number of dogs re-housed	183	141	154	98
Number of dogs euthanised	26	29	24	13
Number of dangerous dogs in municipality	6	5	6	4
Number of menacing dogs in the municipality	2	4	2	2
Number of restricted breed dogs in municipality	1	0	0	1

Cats	13/14	14/15	15/16	16/17
Number of registered cats	394	411	420	428
Number of microchipped cats that were impounded		7	13	10
Number of cats impounded (including trapping program and excluding surrendered)	267	255	260	110
Number of cats surrendered		18	8	14
Number of cats returned to owners	9	7	20	17
Number of cats re-housed	17	75	68	68
Number of cats euthanised	241	189	180	91
Number of cat traps hired	152	214	137	163
Wild cats trapped			152	66

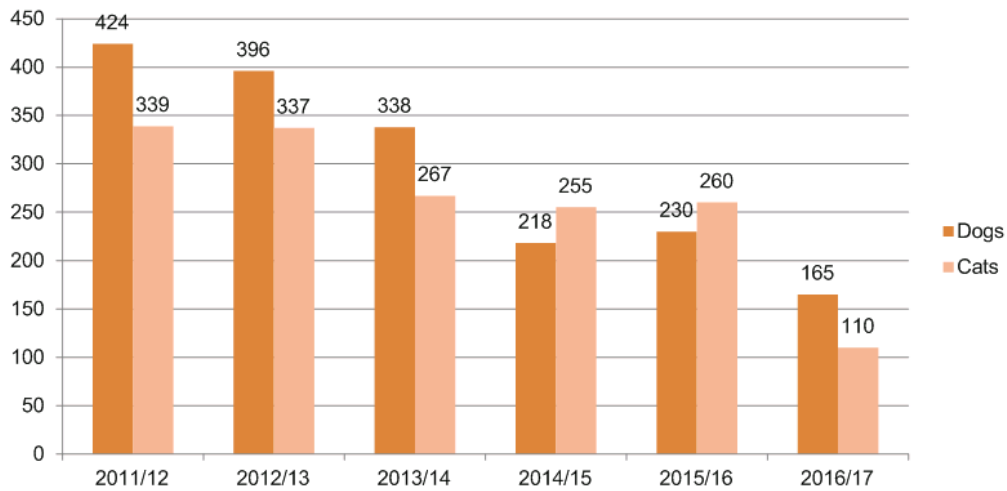
Animals registration

The graph below indicates that animal registrations have remained constant with population growth over the past few years.



Animals impounded

The graph below indicates that the number of dogs and cats impounded has continually decreased.



Animal Management Team profile

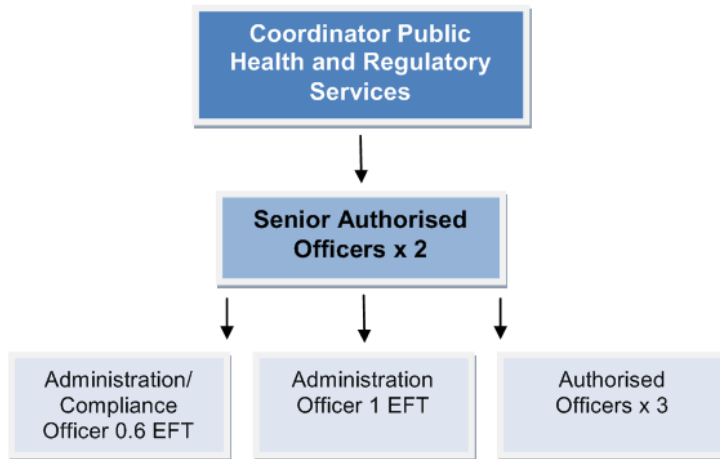
There has been a steady increase in residents requesting assistance from Council with animal related issues and an increasing interest in planning for the needs of pet owners. This is not surprising given that around a third of all households own one or more pets as well as pet ownership now being recognised as having health and social benefits.

Animal management services are currently provided by our Regulatory Services Officers who supervise and enforce statutory requirements under a number of acts, regulations, codes of practice and local laws.

Our Officers undertake proactive initiatives to minimise nuisance and risk to safety of the community. This includes education and provision of advice, negotiation with residents and proactive patrols of parks and reserves.

An emergency after hour's service is provided by an external operator for the response to animal emergencies like dog attacks and livestock on roads.

The team currently consists of the following:



3. Training of Authorised Officers

Context

This section outlines training for authorised officers to ensure that they can administer and enforce the requirements of the Domestic Animals Act 1994 in the Council's municipal district.

Actions in this section address section 68(A)(2)(b) to ensure that all staff involved in animal management have the necessary skills and knowledge to carry out their statutory functions.

Current situation

Currently, all of Council's Authorised Officers are trained to the required standards in order to perform the requirements under the legislation. Employees involved in animal management are provided with a mix of on-the-job training, structured courses and industry training in order to ensure that they are competent in their roles.

Duties of all officers include responsibilities under a large variety of legislation. Domestic animal management services forms only a part of each officer's role. These responsibilities includes Local Law administration, livestock control, parking enforcement, production of Local Laws Permits, preparation of infringement and offence prosecutions, administration of fundraising and events and litter control.

Council currently employs the following animal management staff:

EFT	Position	Completed certificate IV in Statutory Compliance	Completed certificate IV in Animal Control and Regulation
1 EFT	Senior Authorised Officer	Completed	Completed
1 EFT	Senior Authorised Officer	Completed	Completed
1 EFT	Authorised Officer	Completed	Completed
1 EFT	Authorised Officer	Completed	Completed
1 EFT	Authorised Officer	Completed	Completed
0.6 EFT	Administrative/Compliance Officer	Certificate IV Legal Services	Diploma of Management
1 EFT	Public Health and Regulatory Services Administration Officer		

Additional training for individual Authorised Officers is assessed annually as part of Council's performance review process to ensure ongoing development in their competencies. See appendix A for a full list of current and planned officer training.

Our plans

One of the key initiatives to facilitate the successful delivery of the Domestic Animal Management Plan is to ensure all employees involved in domestic animal management have the knowledge and skill set necessary to undertake their statutory roles in a safe and professional manner.

Key objectives:

- Develop a training policy that clearly identifies minimum training requirements
- Be aware of current trends and changes in animal management legislation and best practice
- Conduct a review of internal processes

Performance measures:

Objective 3.1: Develop a training policy that clearly identifies minimum training requirements		
Activity	When	Evaluation
3.1.1 - Identify minimum training requirements by consultation with management and staff.	30 June 2018	Documentation to be finalised and incorporated into an approved council training policy by 30 June 2018.
3.1.2 - Identify additional training opportunities by consultation with management and staff including issues related to domestic violence.	30 June 2019	To be incorporated into officers' performance reviews 2018/19.

Objective 3.2: Be aware of current trends and changes in animal management legislation and best practice		
Activity	When	Evaluation
3.2.1 - Officers to attend a relevant conference conducted by peak bodies per annum.	Annually	Attendance at conference and feedback to Regulatory Services Unit.
3.2.2 - Officers to utilise social media and websites to ensure they are up to date with current information.	Monthly	Demonstrated improved knowledge of current trends and changes in legislation reflected in practice.

Objective 3.3: Conduct a review of internal processes		
Activity	When	Evaluation
3.3.1 Review internal policies and procedures relating to investigation, compliance and enforcement processes to accommodate legal and other changes and ensure consistent application by Authorised Officers.	Annually	Procedures and other related documents are updated and approved, officers are trained and competent.
3.3.2 - Officers to utilise social media and websites to ensure they are up to date with current information.	Annually	Demonstrated improved knowledge of current trends and changes in legislation are reflected and updated in procedures.

4. Registration and identification

Context

To outline programs, services and strategies to encourage registration and identification of dogs and cats.

Actions in this section address section 68A(2)(c)(v) and 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Domestic Animal Management Act.

Current situation

The most effective way to improve animal management is to maximise the number of domestic animals that are registered and identifiable to help return animals home.

Current identification and registration activities implemented by Council include:

- Animal registration renewal notices sent out in February each year.
- Annual registration renewal follow up including:
 - Reminder notices sent out after 10 April
 - Telephone audit
 - Door knock
- All animals released from the pound facilities must be microchipped and registered.
- Council's website is used to help reunite lost pets with their owners as there is a dedicated lost pet's page.
- Staff regularly maintain and update the animal registration database.
- New animal registrations applications received from 1 January until 10 April each year will be registered until 10 April the following year.
- At least one free animal microchipping day is run each year.

Current number of animals currently registered with Council:

Animal Registration	13/14	14/15	15/16	16/17
Dogs	2777	2801	2772	2549
Cats	394	411	420	428
Number of declared dogs in municipality	6	5	6	4

Officers actively undertake compliance activities to ensure the appropriate registration and identification of animals throughout the municipality. These activities include:

- Conducting follow up of owners who have not renewed their animal registration.
- Conducting patrols of the municipality.
- The investigation of unregistered animal complaints.
- Monitoring of advertisements in local papers and newsletters relating to animals for sale to ensure microchip numbers are provided as per the Act.
- Ensuring all animals impounded are identified, registered and microchipped before release.
- Conducting follow up on registration for animals notified as sold by domestic animal businesses.
- Regularly updating and auditing Council's registration database to ensure data is correct (for example ensure notification of deceased animal, change of owner or change of address).
- If an animal is found to be unregistered, the owner is given time to register animal and information is recorded in the Animal Registration Notification Book to ensure follow up is conducted and animal is registered.

Our plans

To increase the numbers of dogs and cats registrations within the municipality and to educate the community regarding the requirement for Council registration.

Key objectives:

- Increase the number of animal registrations
- To promote community understanding of Responsible Pet Ownership

Performance measures:

Objective 4.1: To increase animal registration numbers		
Activity	When	Evaluation
4.1.1 - Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release	Review annual increase in registration numbers. Review number of dogs and cats being seized and impounded that are not registered to their owner.
4.1.2 - Continue to provide at least one annual free micro-chipping day.	Annually for life of plan	Undertake a cost benefit analysis to ascertain if the income generated is reflective of the cost output.

Objective 4.2: To promote community understanding of Responsible Pet Ownership		
Activity	When	Evaluation
4.2.1 - Improve the use of existing community networks to distribute and share information.	Annually	List of networks identified, contacted and engaged.
4.2.2 - Increase the distribution of information on Responsible Pet Ownership through media releases, social media and availability of pamphlets at key locations throughout the municipality.	Ongoing	Ensure information packs distributed to a number of locations i.e. Vets, pet stores.

5. Nuisance

Context

Actions in this section address section 68A(2)(c)(vi) and 68A(2)(a),(c)(i),(c)(ii),(d),(f) by outlining programs, services and strategies to minimise the potential for dogs and cats to create a nuisance

Current situation

The most common complaints received by Council's Regulatory Services Department are roaming animals and barking dogs. Dogs roaming or dogs not adequately confined to their premises are also a nuisance to the general public and a hazard to motorists. Council's Authorised Officers utilise the DAA and Local Laws to resolve these matters.

Wandering cats continue to be a concern. There is a lack of containment with owners allowing their cats to be outside during the day and night, wandering neighborhoods and having an impact on flora and fauna. Council Officers are collecting almost half as many stray cats as the number of registered cats each year. Unowned domestic or wild cats are a nuisance in the community and create a risk for domesticated cats. Council have provided the following numbers of cat traps to the community in the past three years:

Year	Number of traps
2014/2015	214
2015/2016	138
2016/2017	164

Council and the community continue to experience a real problem with roaming wild cats. This creates a serious problem with nuisance behavior such as spraying, fighting, home invasion and spreading diseases. Wild cats also have a large impact on the number of native birds. Through education, animal owners will be made aware of the need to de-sex their cats, confine domestic cats to their property, report wild cats and be involved in trapping programs to reduce wild cat numbers.

In the past three years the following number of roaming animal complaints have been received:

Year	Number of complaints
2014	293
2015	272
2016	238

The number of complaints received has decreased each year. This may be attributed to activities listed below under taken by Council as well as the promotion of responsible pet ownership.

Current Council activities in place to minimise the number of nuisance complaints:

- Provide barking dog information booklets and barking dog diaries to those affected;
- Information regarding nuisance animals made available on Council's website;
- Encouraging de-sexing of cats and dogs to reduce the number of wandering incidences;
- Providing information on cat enclosures;
- Providing advice to owners of pets with behavioral issues;
- Authorised Officers available to present to schools and community groups on responsible pet ownership;

- Implementing the cat trapping program and provision of cat traps to local residents for trapping trespassing cats on their property;
- Patrols of the municipality;
- Recording all animal nuisance and wandering complaints allowing Authorised Officers to detect repeat offenders;
- Issuing Notices to Comply and infringement notices where applicable, and;
- Investigating nuisance complaints in a prompt manner.

Our plans

To support and encourage animal owners to manage their domestic animals in a responsible way which minimises the potential for nuisance complaints:

Key objectives:

- Reduce the number of animals at large in particular cats/wild cats
- Educate the community about animal nuisances

Performance measures:

Objective 5.1: To reduce the number of animals at large in particular cats/wildcats		
Activity	When	Evaluation
5.1.1 - Purchase additional cat traps.	June 2019	Review number of current cat traps and number of cat trap requests. Purchase additional cat traps to meet demand.
5.1.2 – Investigate (and initiate if feasible) cat desexing funding.	August 2018	Applications for funding submitted if available.
5.1.3 - Explore new partnerships with local veterinarians and community groups to address cat nuisance issues and another animal welfare matters in the region.	June 2018	Establish community networks and collaboration with local veterinary practices, pet businesses, community groups and neighboring Councils.

Objective 5.2: Educate community about animal nuisances		
Activity	When	Evaluation
5.2.1. Review and update educational material regarding Dog and Cat nuisance issues on Council's website	Annually	Material to be reviewed and updated annually.
5.2.2 – Update links on website to provide information about wildcats including: <ul style="list-style-type: none"> • destruction of native fauna • spread of disease through domestic cat population • injuries to domestic cats from fighting • excrement and spraying • home invasions by wildcats • unwanted pregnancies / overpopulation 	March 2018	Information available on website.

6. Dog attacks

Context

Actions in this section outlines programs and strategies to minimise the risk of attacks by dogs on people and animals and is consistent with Section 68A(2)(c)(iii) and Sections 68A (2)(a),(c)(i),(c)(ii),(d),(f) of the Act.

Current situation

Confinement of dogs is a priority as wandering dogs increase the risk to other pets, humans and livestock, and consumes time and resources of Authorised officers. Reports of dog attacks on both people and animals are increasing. This is possibly due to public awareness of the need to report this issue to Council.

Often when a dog attack is reported, officers find that it is a recurrence of an offence that went unreported previously. Had initial attacks been reported, subsequent attacks may have been averted. Education is still required to encourage community members to report dogs at large, dogs rushing and dog attacks of all types (minor or serious).

In the past three years, Council has investigated and managed the following numbers of dog attacks:

Year	Attacks on people	Attacks on livestock	Attacks on other animals
2013/2014	9	7	4
2014/2015	13	19	21
2015/2016	11	15	17
2016/2017	8	19	16

Council strives to minimise the risks of dog attacks to the community and animals from menacing, dangerous or restricted breed dogs. Council regularly implements measures to ensure that risk to the community is controlled, reduced or removed completely.

Council provides the following activities to minimise the number of dog attacks within the municipality:

- Conducting thorough investigations of all dog attacks reported.
- Issuing of infringement notices where relevant, including for non-serious dog attacks.
- Seizing and impounding of dogs in circumstances where the owners properties are believed to be unsecure to ensure dogs can be secured prior to release of the dog back to owner.
- Proactive patrols of parks and streets for wandering dogs.
- Declarations of dogs deemed to be dangerous, menacing or restricted breeds.
- Issuing infringement notices for dogs at large.
- Prosecuting matters pursuant to the Domestic Animals Act 1994.

Further compliance and enforcement measures include:

- Responding to all wandering dogs reports.
- Attending after hours emergency dog complaints.
- Attending to all reports of dogs showing aggressive behavior as a matter of urgency.
- Investigating all alleged dog attacks and instigating legal action as required.
- Declaring animals as menacing or dangerous as required.
- Ensuring the effective enforcement of controls that are put in place under state legislation, local laws and council orders.
- Investigation of reported attacks, and follow up on compliance.

Council has an internal procedure in relation to dog attacks on people or other animals. Following an investigation a prosecution brief is prepared. Each brief is reviewed by the Co-ordinator of Public Health and Regulatory Services, who then makes further recommendations to the Director of Development and Planning who determines appropriate course of action and final approval.

Our plans

To minimise the risk of dog attacks on people and animals.

Key objectives:

- To reduce the number of dog attacks across the municipality
- Education regarding responsible pet ownership in particular dogs at large

Performance measures

Objective 6.1: To reduce the number of dog attacks across the municipality		
Activity	When	Evaluation
6.1.1 - Undertake routine patrols across the municipality with a focus on dogs at large.	Daily	Record to be kept of location of patrols in Sysaid when investigating complaints.
6.1.2- Publicise key dog attack prevention messages (e.g. confinement of dogs to property, such as a checklist to ensure your backyard is safe and secure for containing your dog with regular community reminders including fence heights for rural residential blocks, through media and updated website information.	Ongoing	Backyard containment material produced. Checklist developed and available on website, through mailouts and Customer Service Centres.
6.1.3 - Awareness campaign for both property/stock owner and animal owner re: potential destruction of dog found in paddock with stock.	Ongoing	Record number of media releases.

Objective 6.2: Education regarding responsible pet ownership in particular dogs at large		
Activity	When	Evaluation
6.2.1 - Media release (newspaper, Facebook), Website.	School Holiday periods	Record number of media releases .

7. Dangerous, Menacing and Restricted Breed Dogs

Context

Actions in this section address 68A(2)(c)(vi) and 68A(2)(a),(c)(i),(c)(ii),(d),(f) – by outlining programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with the DAA and the regulations.

Current situation

Swan Hill Rural City Council has the following declared dogs currently registered within the municipality:

Declared Dogs 2017	
Restricted breed dogs	1 (deceased)
Registered declared dangerous dogs	4
Registered declared menacing dogs	2

The DAA defines restricted breed dogs as any one of the following breeds:

- Japanese Tosa
- Fila Brasileiro
- Dogo Argentino
- Perro de Prasa Canario (or Presa Canario)
- American Pit Bull Terrier (or Pit Bull Terrier)

Council's Animal Management Officers are trained in identifying restricted breed dogs and respond to reports or sightings of possible restricted breed dogs.

Council undertake the following activities to monitor restricted breed, dangerous and menacing dogs within the municipality:

- Attend all complaints relating to suspected restricted breed, dangerous and menacing dogs.
- Conduct annual inspections and random audits of all declared dangerous dog sites to ensure compliance.
- Seize dogs suspected of being a Restricted Breed Dog.
- Declaration included on all registration renewal forms as to the status of the animal under restricted breed legislation.
- Infringement notices issued for detected breaches.
- Prosecution instigated where required.
- Council provides information and links on Council's website.
- Issuing media releases relating to legislative changes and updates.

Our plans

To minimise the risks of dog attacks to the community and animals from menacing, dangerous or restricted breed dogs.

Key objectives:

- To obtain a high level of compliance from the owners of dangerous, menacing or restricted breed dogs
- Increase Officer awareness of location of declared dangerous or menacing dogs to improve safety when attending premises

Performance measures:

Objective 7.1: To obtain a high level of compliance from the owners of dangerous, menacing or restricted breed dogs		
Activity	When	Evaluation
7.1.1 - Undertake inspections of all dangerous, menacing and restricted breed dogs with zero tolerance for non-compliance as detailed in the Domestic Animals Regulations 2005.	Annually	All properties audited and owners compliant with requirements.
7.1.2 - Continue community messaging with regard to dangerous, menacing and restricted breed dogs. Includes scheduled and ad-hoc topics across the year via social media, media releases, website.	Ongoing	Record number of media releases.

Objective 7.2: Increase Officer awareness of location of declared dangerous or menacing dogs to improve safety when attending premises		
Activity	When	Evaluation
7.2.1 - All locations where declared dangerous dogs are kept will be identified on Council's Exponare mapping system.	As required	Council's Exponare mapping system to be updated to record the properties where declared dangerous dogs are kept.

8. Overpopulation and high euthanasia

Context

Actions in this section address Sections 68A(2)(c)(iv) and 68A(2)(a),(c)(i),(c)(ii),(d),(f)- by outlining programs, services and strategies to address any over-population and high euthanasia rates for dogs and cats.

Current situation

Council is committed to ensuring that all unclaimed animals are given the opportunity to find a new home. Council strives for positive community and animal welfare based outcomes wherever possible and works hard to reunite animals with owners at first point, without taking animals to the pound.

Council's pound and euthanasia procedures are guided by the Domestic Animals Act 1994. Council aims to wherever possible return any lost or seized at-large animal to its owner. However, an animal must be identifiable (ID tag or microchip) to enable Council to do this. All unidentifiable animals are advertised on Council's website for eight days.

After eight days, animals unclaimed from the pound, and are suitable for rehousing, are relocated through an 84y agreement with a rehousing organisation. It is important to note that a large number of impounded and euthanised cats are wild cats.

There is a large unchecked wild cat population which creates a serious problem of uncontrolled breeding and attacks on native wildlife. It is important that community members differentiate owned from unowned cats, and take responsibility for owned animals by registering, micro-chipping, desexing and securely confining them to their property.

Council assists property owners with cat trapping to remove unwanted and unowned animals. In meeting this commitment, Council continues to advocate and work closely with animal welfare groups under a Section 84y agreement to ensure stray animals are re-homed.

Below provides an overview of impounded animals that were rehomed, rehoused and euthanased:

Impounded animals	2013/14	2014/15	2015/16	2016/17
Dogs				
Returned to Owner	129	101	102	77
Rehomed	183	141	154	98
Euthanased	26	29	24	13
Cats				
Returned to owner	9	7	20	17
Rehomed	17	75	68	68
Euthanased	241	189	180	91

In 2016/17 188 dogs were impounded. 40% of those dogs were reclaimed by their owner, 52% were adopted and 8% were euthanased as they were unsuitable to be re-homed.

In 2016/17 176 cats were impounded. 10% of cats were reclaimed by their owner, 39% were adopted and 51% were euthanased as they were wild and uncontrollable feral cats.

Council currently provides compliance activities are provided for the management of overpopulation and high euthanasia rates within the municipality:

- Ensuring all unregistered cats and dogs are micro-chipped and registered prior to being released to owner;
- Investigating all alleged breeding establishments;
- Enforcing Council Local Laws pertaining to the prescribed number of animal allowed on a property, and;
- Providing humane trigger plate traps under strict guidelines to residents to trap wild and trespassing domestic cats.

Our plans

To increase levels of responsible pet ownership of cats, reduce unwanted and uncontrolled breeding in domestic animals and retain low euthanasia rates for impounded animals.

Key objectives:

- To continue encouraging de-sexing of animals within the municipality
- Continuance of Section 84Y agreement/s with approved animal rescue organisation/s

Performance Measures:

Objective 8.1: To continue encouraging de-sexing of animals within the municipality		
Activity	When	Evaluation
8.1.1 - Discount registration fees for cats and dogs that are both de-sexed and micro-chipped.	Annually	Number of new animals registered in this category yearly.
8.1.2- Media campaigns promoting the benefits of de-sexing.	Ongoing	Record number of media releases.
8.1.3 - Seek funding opportunities at a regional level to support reducing the costs of desexing programs.	July 2018	Identification of opportunities for a regional desexing program with neighboring Councils and seek funding opportunities with State Government bodies.
Objective 8.2: Continuance of Section 84Y agreement/s with approved animal rescue organisations		
Activity	When	Evaluation
8.2.1 - Maintain current 84Y agreements.	Annually	Agreement renewed.
8.2.2 - Investigate and instigate additional 84Y agreements.	Ongoing	Suitable agreements implemented.

9. Domestic Animal Businesses

Context

This section address 68A(2)(c)(ii) and 68A(2)(a),(c)(i),(d),(f) – by outlining programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation.

Current situation

There are six Domestic Animal Businesses within the municipality. This includes two Council pound facilities, with one located in Swan Hill and the second in Robinvale. There is one pet shop and three pet boarding establishments.

Council's provides the following activities in working with domestic animal breeding businesses include:

- Annual registration and renewal of Domestic Animal Business permits.
- Conduct regular audits of the Domestic Animal Businesses to ensure compliance with regulations.
- Supply and distribution of information related to domestic animal businesses and the relevant codes of practice.
- Inspection of suspected animal business activity.
- Investigation of reports/complaints.

Our plans

Council to work in partnership with Domestic Animal Businesses to ensure compliance with relevant standards and to protect the welfare of animals.

Key objectives:

- Identify unregistered domestic animal business owners and operators
- Identified Domestic Animal Businesses to be compliant with legislation

Performance Measures:

Objective 9.1: Identify unregistered domestic animal business owners and operators		
Activity	When	Evaluation
9.1.1 - Follow up possible DAB's identified during property inspections and complaint/notifications from public.	Ongoing	Identified DAB's registered with Council.
9.1.2 - Check media sources / social media for advertisements.	Ongoing	Data entered to sysaid & reviewed quarterly.

Objective 9.2: Identified Domestic Animal Businesses to be compliant with legislation		
Activity	When	Evaluation
9.2 .1 - Conduct an annual inspection to ensure all identified Domestic Animal Businesses (DAB) within the shire are registered and comply with applicable legislation and Codes of Practice.	Ongoing	100% of all DAB's inspected prior to renewal and action taken for any non-compliance. Annual permit renewals sent.
9.2.2 – Ensure Council pounds are fit for purpose and can meet current and increase animal management demands.	July 2018	Undertake a feasibility study to determine if current pounds are adequate for current and future trend activities.
9.2.3 – Ensure Council pound processes reflect best practice standards.	Annually	Review current pound policy and procedures.

10. Other matters animals

Context

This section provides for the review of other matters related to the management of dogs and cats in the Council's municipal district.

The actions in the section address 68A(2)(e) Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.

Municipal Emergency Management - Current situation

Council's Municipal Emergency Management Plan briefly includes response and relief of animal management in an emergency. The Municipal Emergency Management Plan MEMP was endorsed by Council on 17 October 2017.

Our plans

Council's Municipal Emergency Management Plan to contain current and relevant information for the relief and recovery functions of animal management in an emergency.

Key objective:

- To conduct an annual review of Animal Management in the Municipal Emergency Management Plan

Performance measure:

Objective 10.1: To conduct an annual review of Emergency Animal Management Plan (EAMP)		
Activity	When	Evaluation
10.1.1 – Review Animal Management functions in the Municipal Emergency Management Plan to ensure current and up to date.	Annually	Reviewed animal management section submitted to Municipal Emergency Management Planning Committee.

11. Annual review of Plan and annual reporting

Context

This section provides for the annual review of the plan and annual reporting. Under section 68A(3) of the Domestic Animals Act, every Council must:

- a) Review its domestic animal management plan annually and, if appropriate, amend the plan.
- b) Provide the Department of Economic Development, Jobs, Transport and Resources Secretary with a copy of the plan and any amendments to the plan.
- c) Publish an evaluation of its implementation of the plan in its annual report.

Performance Monitoring and Evaluation Process

The monitoring of the performance of the plan will be undertaken in accordance with the requirements of the DAA. In addition, Council will continue to conduct its monthly monitoring of the performance of the Animal Management Unit.

The key performance measures within this Domestic Animal Management Plan are to be monitored on a monthly basis by the Co-ordinator of Public Health and Regulatory Services in conjunction with the Regulatory Services Team.

The results of this monthly monitoring will enable Council to adjust the Plan ahead of the annual review. The results are also reported to Council's Executive Management Team meetings, which are conducted on a weekly basis.

A review of performance under the DAMP is required to be included in Council's Annual Report. Measurements should relate to activities and targets in this Plan and should include educational programs, increased registration of domestic animals, reduction of animal's at large, decreased numbers of dog attacks, and increases in compliance and levels of community satisfaction as a measure of success.

It should be noted that if performance under the DAMP is not sufficient, further revision of the Action Plan and its methods may be required and should be recommended.

Review cycle/date for this Plan

This plan will be reviewed on an annual basis by the Co-ordinator of Public Health and Regulatory Services. The Plan will be reviewed and a new Domestic Animal Management Plan will be completed on or before 30 June 2021.

Appendix A

Current and planned training for Authorised Officers

Authorised officer training – basic	Current	Planned
Industry training:	Completed by all Authorised Officers.	Refresher courses as required.
Animal handling		
Breed identification		
Animal assessment		
Statement taking and brief preparation		
Evidence presentation and prosecution skills		
Loading and unloading animals		
Emergency first aid for domestic animals		
Court etiquette training		
Court warrants, issue and filing		
Conflict resolution		
Aggressive dog handling		
Occupational Health and Safety (OHS) training	Completed by all Authorised Officers.	Refresher courses as required.
Animal control equipment use and care		
Animal handling induction		
Animal handling practical skills and practice		
Manual handling		
Emergency evacuation procedures		
Dealing with aggressive customers		
Conflict resolution		
Council policies and procedures		
Bureau of Animal Welfare – Training and information seminars, for example dangerous, restricted breed and menacing dogs	Officers to attend on a rotational basis	As offered.
Municipal Association of Victoria and local government professionals – training and information days		
Induction Program for new staff	As required	As required
Certificate IV in Animal Control and Regulation Certificate IV Government statutory and compliance		



Swan Hill Rural City Council
Off-Leash Dog Park
Online Survey Results
January 2019

Background

Council's Domestic Animal Management Plan identifies an action to investigate the need for an off leash dog park in Swan Hill. Additionally, with the current review of Local Law No. 2, areas where dogs may be on and off leash need to be defined.

Section 76 of the proposed Local Law No. 2 states;

All dogs and cats must be on a leash at all times in or on:

- a. All streets and roads within residential areas;
- b. All public reserves, unless specifically designated as an off leash area by Council;
- c. All shopping precincts; and
- d. Within 10 metres of all playgrounds and BBQ areas

Consultation

Council's Domestic Animal Management Plan (DAMP) identified the need for off-leash areas to be investigated. As an action of this plan, in 2017 Council decided to trial four off leash dog areas over a two year period to assess community interest and use of the sites in an effort to determine whether constructing a permanent off leash dog park was viable.

Four trial sites were then chosen were chosen based on community feedback, suitability of the sites, access to parking and footpaths, safety and impact on other community group and users. Clear signage outlining the rules of use along with dog bag dispensers and bins were installed at all of the sites.

The trial off leash areas are;

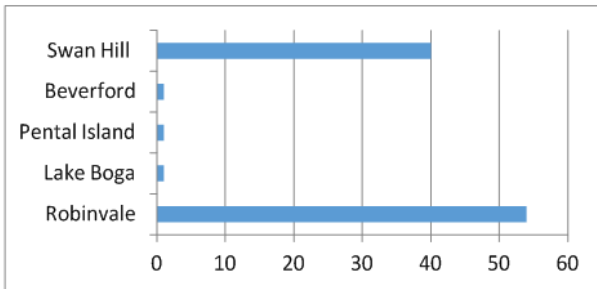
- Tower Hill Park
- Palaroo Street Park
- Centenary Park, Robinvale
- Lake Boga Sporting Complex

The trial has now reached the half way point and a second round of community consultation has occurred via an online survey. The 16 question online survey was promoted on Councils website, social media, newspapers and on the radio throughout the month of January. 103 people completed the survey.

Survey Questions

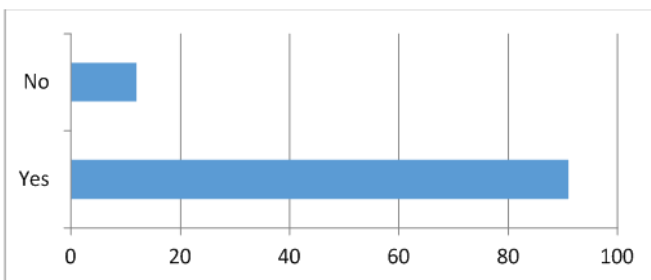
Question 1 – The respondent’s location

From the 97 responses to this question, 54 respondents were from Robinvale, 40 were from Swan Hill and one respondent each from Beverford, Pental Island and Lake Boga.

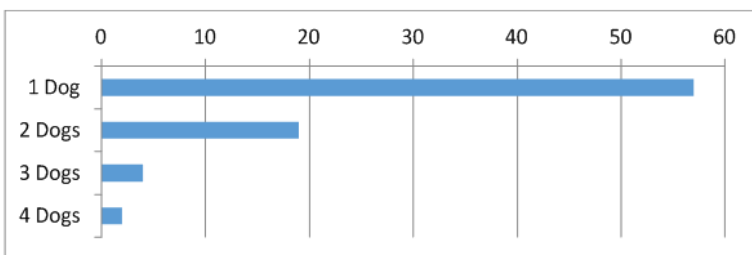


Question 2 – Do you own a dog?

103 respondents answered this question, with 91 or 88.3% saying they do own a dog and 12 or 11.7% don't own a dog.

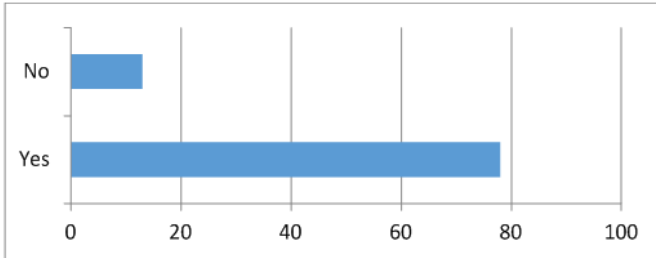


Part 2 asked the respondent to specify how many dogs they own. 82 respondents answered this question with 57 owning one dog, 19 owning two dogs, 4 owning three dogs and the remaining 1 person saying they own four dogs.



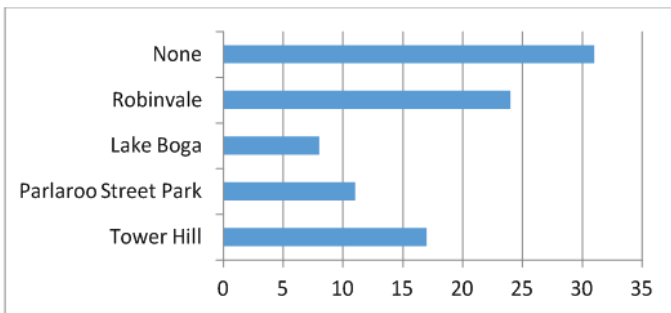
Question 3 – Do you exercise your dog(s) off leash?

91 respondents answered this question, with 78 or 86% saying their dog(s) is registered and 13 or 14% who said their dog(s) that aren't registered.



Question 4 – Please select any off leash trial sites you had used.

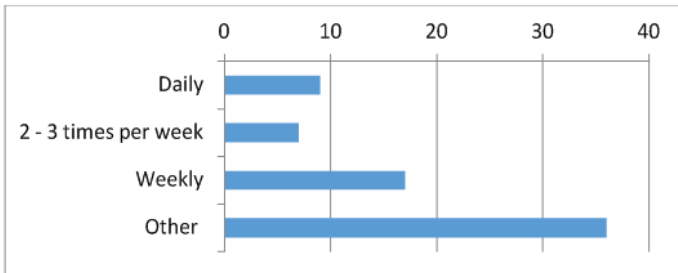
78 of the 103 respondents answered this question, with 40% saying that they had never used one of the sites. Of the respondents who had used the sites, 24 said that they had used the Robinvale site, 17 had used Tower Hill, 11 had used Palaroo Park, and 8 said that they had used Lake Boga.



Question 5 – How often do you use the off leash trial sites?

69 of the 103 respondents answered this question with 52% choosing other and providing a comment. A snapshot of these comments are detailed below.

13% of respondents said that they use the off leash areas daily, 10% people use the off leash areas 2-3 times per week, and 25% use the areas weekly. 8 people left a comment stating that they have used the trial sites once, and one person said that they occasionally use the trial sites.



“Never. It is not a safe area for my dogs to run around. It’s not fenced, there’s no grass and full of 3 quarter jacks that hurt my dogs paws.”

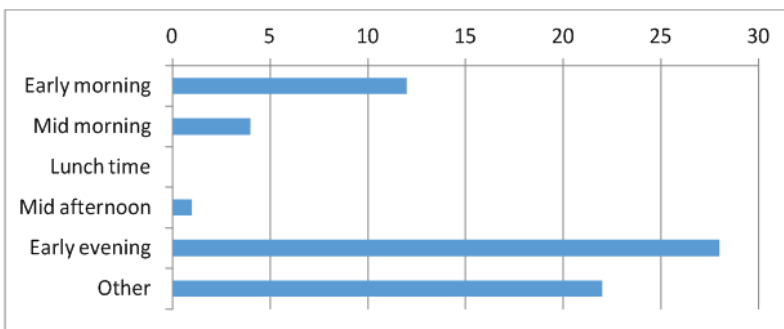
“The trial site could not be used at Robinvale due to the state of the prickles and weeds throughout. It is a safety issue for my long hair border collier and we couldn’t enter the site let alone use it which is very disappointing. If the site was grassed and prickle free I would have used it daily.”

“Went to each once and they were full of bindis.”

Question 6 – What time do you normally use the off leash trial sites?

67 of the 103 respondents answered this question with 33% choosing other and providing a comment. A snapshot of these comments are detailed below.

42% of respondents said that they use the off leash areas in the early evening, 18% people use the off leash areas in the early morning, and the remaining 6% use the areas at all other times of the day.



“All times of the day depending on the weather.”

“Varies, I am a shift worker.”

“Never”

Question 7 – Please provide any feedback about using the off leash trial sites.

67 of the 103 respondents answered this question. There were a number of passionate responses, with 40 people concerned about prickles, 30 people concerned about fencing, 11 people concerned about lack of water for drinking and/or recreation and 5 people concerned about shade. Other concerns raised include cars driving through areas, seating, lack of pathways and impact on Aboriginal Heritage. There were a small percentage of positive comments.

A snapshot of the comments are detailed below.

“As the trial sites were not properly fenced I was not able to used them. I am not prepared to risk the safety of my pet in an unfenced area. If you want to trial something it MUST be an accurate representation of the planned end result – otherwise it is a waste of time. I am very eager for an off-lead dog park to be established in Swan Hill as I hae 2 large energetic dogs that needs a safe place to exercise – but this trial has been pointless.”

“Robinvale off leash site is horrible. There are no fences and it is full of prickles. It isn't safe for dogs!! So disappointed.”

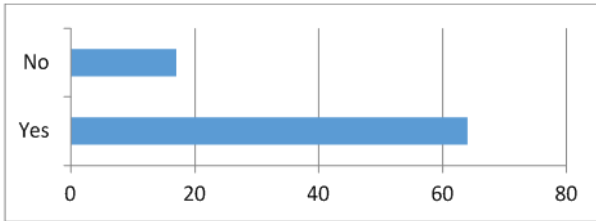
“The one in Robinvale is terrible. There is no fencing, there is no grass, it's all just red dirt and 3 quarter jacks so a decent dog owner wouldn't put their dog through that. In 20 months of living in Robinvale I have never seen another person in this area with their dog. I addition, if there is a function the area becomes a makeshift car park so you couldn't use it even if you wanted to.”

“There is no fencing at either location to prevent my dog wandering off (especially at Tower Hill near the BBQ site). The Palaroo site contains too many prickles.”

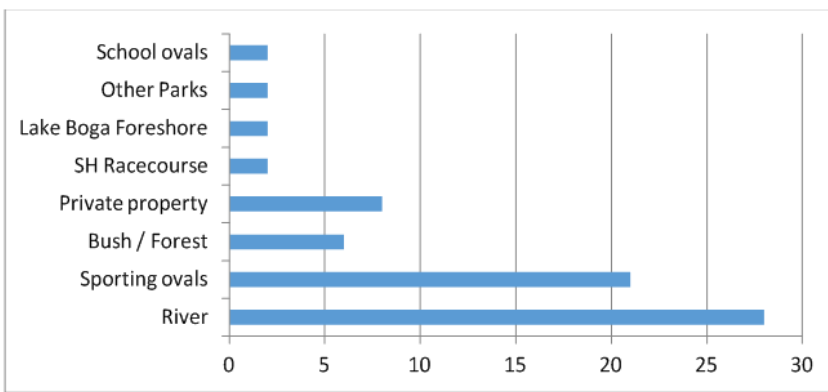
“From my understanding this site [Centenary Park, Robinvale] is an Aboriginal significant site. I have not seen any signs in that area to state this. What happens if dogs damage the specific area of significance? Is my concern. I personally will not take my dog to this place to walk and destroy my Ancestors.”

Question 8 – Do you exercise your dog(s) off leash in other areas?

81 of the 103 respondents answered this question. 79% of responders said yes and 21% said no.

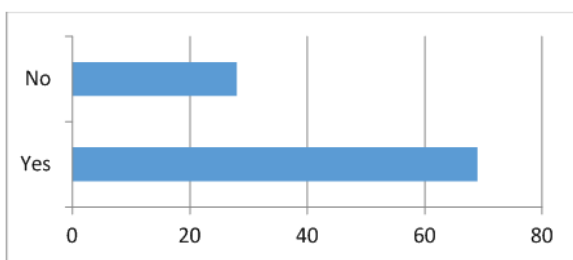


Part 2 asked the respondent to specify where they walk their dogs in other areas. 60 respondents answered this question, with the most common answers at the river (28 people), at sporting ovals (21 people), private property (8 people) and in bushland/ forests (6 people). Other areas identified included school ovals, Lake Boga foreshore, other parks, Swan Hill racecourse, the filled in channel, SES park, and along road reserves.



Question 9 – Do you think that the off leash trial sites should continue?

81 of the 103 respondents answered this question. 71% of responders said yes and 29% said no. There was also 31 written responses with some of the comments detailed below. The majority of the comments identified fencing and no prickles as issues.



“Not if they are not fenced.”

“Not the Robinvale one, unless its fixed up, weeded and fenced to provide safety for the dogs, their owners and the general public.”

“No point does not fit the brief of the proposal.”

"It needs to be in a new location"

"In Robinvale's trial area there's no grass, no place for dogs to run and play so as a trial space what's the point?"

"Too many irresponsible owners and aggressive dogs."

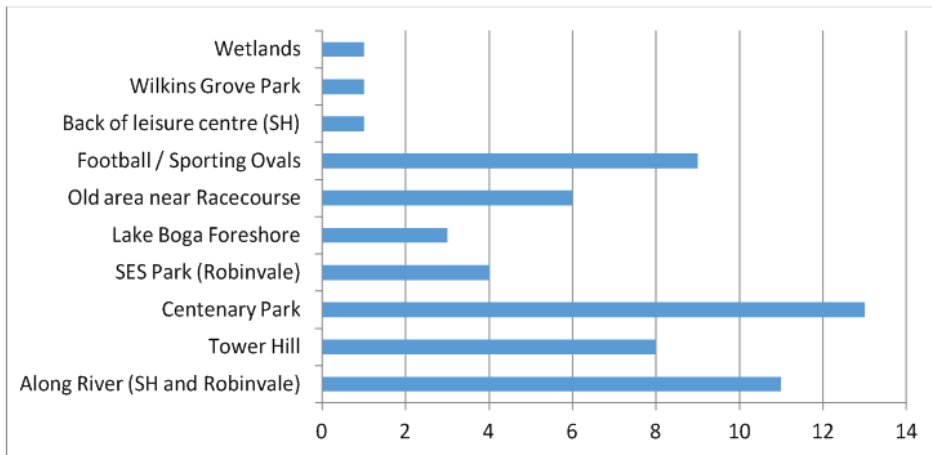
Question 10 - If Council did provide an off leash dog park, where do you think it should be located?

80 of the 103 respondents answered this question. The top four locations was Along the riverside (Robinvale and Swan Hill) with 18.75% of the total votes, at Football / Sporting Ovals (Robinvale and Swan Hill) with 16.25%, Centenary Park (with grass and fence) at 11.25% of the votes and then Tower Hill with 7.7% of the votes.

There was a number of other locations identified and they are also listed below.

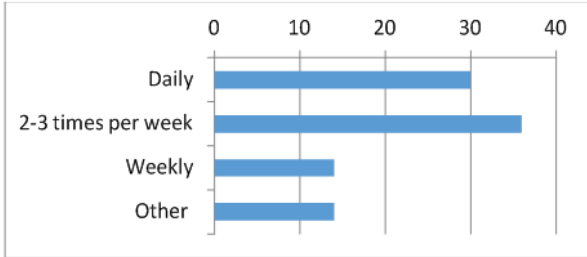
Top 4 locations identified for a dog park in Jan 2019 Survey		
1.	Along the riverside (Robinvale and Swan Hill)	18.75%
2.	Football / Sporting Ovals (Robinvale and Swan Hill)	16.25%
3.	Centenary Park, Robinvale (with grass and fencing)	12.25%
4.	Tower Hill Park, Swan Hill	7.7%

There was also a large proportion of respondents who were unsure or did not specify a location and provided feedback on desired facilities instead (fencing, no prickles, maintained). Refer to question 12 for more detail on the desired facilities.



Question 11 - If Council did provide an off leash dog park how often would you use it?

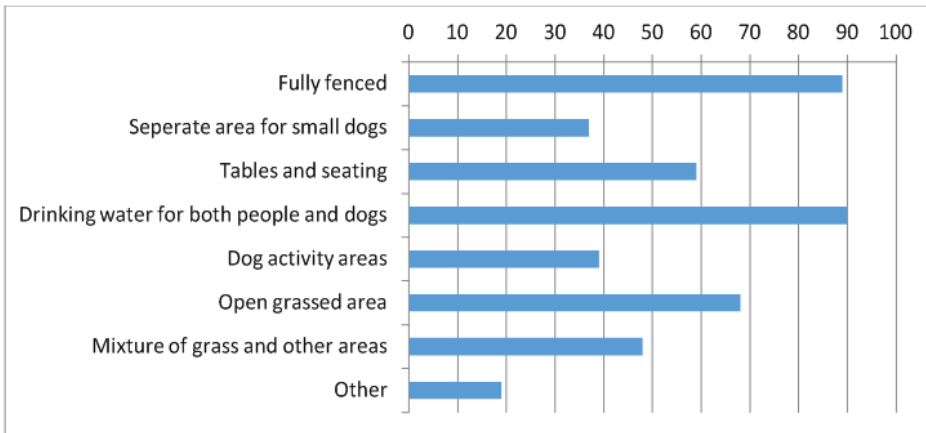
81 of the 103 respondents answered this question with the majority (36 or 38%) saying they would use an off leash dog park 2-3 times a week.



There was an option to choose 'other' and add additional comments. Some people responded to say that they would only use the park if it was safe and suitable. Three responders said that they don't have dogs. Others responded that they would use it when they felt like it.

Question 12 - If Council did provide an off leash dog park, what facilities do you think it should have? (please select three features most important to you)

81 of the 103 respondents answered this question. The main desires are drinking water for dogs and people (93%), a fully fenced site (92%) and opened grassed areas (70%).

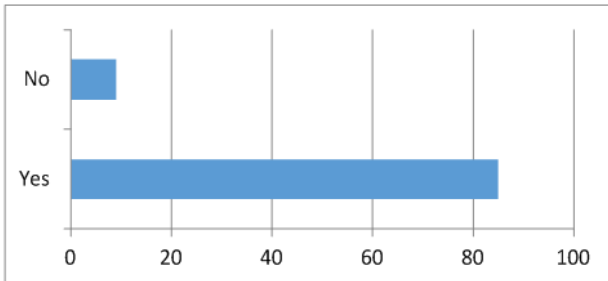


19 responders chose 'other' and left a comment. 3 responders reiterated that no prickles. 2 responders identified the Bendigo dog parks as an example of a good dog park.

Some other suggestions included; bins and dog excrement bags, access to toilets, shade, mix of open space and scrubby vegetation, small pools of water, channels/creeks or dams for dogs to swim in, paths, automated irrigation with watering times on display.

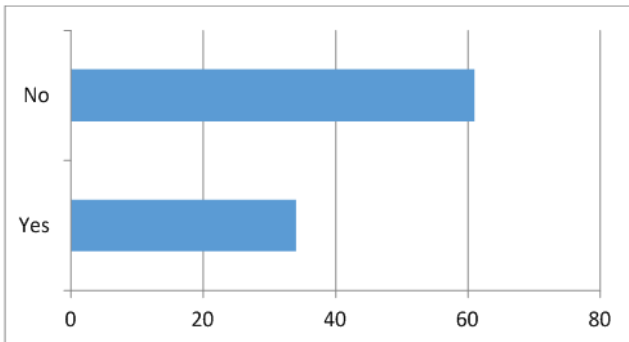
Question 13 - If Council did provide an off the leash park, are you supportive of the position in Draft Local Law No. 2 that dogs should be on a lead at all times, except in designated areas?

94 of the 103 respondents answered this question. The majority (90%) said they agree that dogs should be on a lead at all times except in designated areas. Only 9 responders (10%) said no.



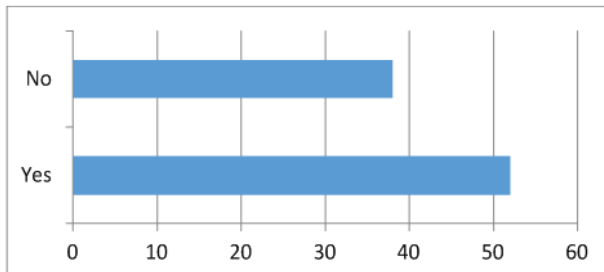
Question 14 - Depending on the facilities provided would you be willing to pay a small fee each time you used the park to go towards maintenance and renewal?

95 of the 103 respondents answered this question. 36% answered yes and 64% said no to paying a fee to use the park.



Question 15 - In addition to a 'formal off-leash dog park' do you think Council should designate any other areas as suitable for dogs to be off-leash e.g. particular parks or recreation reserves?

90 of the 103 respondents answered this question. 58% said that Council should designate other areas to be off-leash. There was an option to add additional comments.



Suggestions included;

- There should be more than one park.
- All parks and ovals should be off-leash at designated times.
- The Swan Hill Racecourse should be off leash at designated times.
- Ken Harrison Reserve.
- Heritage Park, Nyah.
- All areas along the river should be off leash.
- Lake Boga foreshore.
- Away from residences and childrens play equipment.
- Somewhere with swim access.

Question 16 – Any other feedback or comments?

35 of the 103 respondents provided additional feedback or comment. Two people only wrote 'no' or 'N/A'. A further three respondents wrote 'Idiots', 'wow' or 'disgraceful' with no further comments.

Of the remaining 30 responses, 17 were in relation to Robinvale and the lack of grass and fencing, as well as lots of prickles at Centenary Park. Two people complained about the number of roaming dogs in Robinvale. 1 person wanted to know why there was no signage stating that Centenary Park in Robinvale had Aboriginal Cultural Heritage.

12 of the 30 respondents provided comments in relation to Question 14 of the survey which asked whether people would be willing to pay a fee to use a permanent dog park. 9 of those responders said that they should not have to pay a fee because that's what their rates and dog registration should fund. 1 responder was suggested that the price should be under \$5, 1 responder said that they had never attended a park that they had to pay a fee before and another suggested keeping it free but holding community working bees to maintain it.

Three people suggested that Council look at other established dog parks in Port Elliot, Adelaide and Bendigo for guidance on how to set up a dog park within our municipality.

"The walking trail along the river is frequently used as an off leash area by other residents making it stressful for those of us who keep our dogs on a lead."

"The trial area in Robinvale is neglected yet perfect for people and dogs if actually grassed with paths, trees, tables, seating and water for people and dogs. It can't honestly be a trial park in its current state!!"

"Prickel park in Robinvale is a disgrace for any usage."

"Obedient dogs under owners control should be able to run off leash between certain hours provided that no other people are in sight and the dog will return to leash on command. Preferably down the river where there is swim access."

"As I stated previously have a squiz at the off leash areas in Adelaide they are absolutely wonderful and would bring more pet loving tourists to town."

"Start thinking about Robinvale!"

"Take a look at Bendigo's off leash fenced park. I take my dog there often and have met lovely people and their dogs. It is a wonderful area and Swan Hill could model their park off this one."

B.19.84 LABOUR SUPPLY TO THE HORTICULTURAL SECTOR

Responsible Officer: Director Development and Planning
File Number: S12-01-07 & S12-01-10
Attachments: 1 Action Table

Declarations of Interest:

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

Summary

This report recommends Council advocate for the concept of the Agricultural Visa as espoused by the Victorian Farmers Federation (VFF) and to call for all states and territories to adopt Labour Hire Licensing laws to create a level playing field for industries *and to support the fair treatment of workers* nationwide.

Discussion

- Ag Visa

During consultation with the horticulture industry, it has been identified that in order to partially solve the issue of reliable and suitably skilled labour in the horticultural sector, an Agricultural Visa (the Ag Visa), as supported by the VFF needs to be implemented.

As detailed in the background paper attached to this report, an Ag Visa fit for purpose for horticultural labour would be open to many more countries such as Malaysia where a lot of current employees are from. It would also encourage employees that are skilled and willing to work on farms, flexibility and so not required to only work in one location and employees would be required to source their own accommodation to not financially burden growers.

- Uniform Labour Hire Licensing Laws

Labour Hire Licensing Laws are taking effect in Victoria from October 2019 and contractors are presently in the process of registering with the Victorian Labour Hire authority to be able to employ workers in the agricultural industry.

Laws regulating labour hire are designed to ensure that workers are properly paid and have good working and living conditions. These new laws are seen as being beneficial and should be supported.

However, Queensland and Victoria are the only two States with Labour Hire Licensing Laws. This creates a disadvantage for the Swan Hill municipality as some labour hire companies operating outside the Victorian borders may be able to provide cheaper labour which results in reduced costs of production and cheaper produce to the national and international market. This is not a level playing field for Victorian farmers and creates unfair competition.

More importantly it may result in farm workers across the Victorian Boarder being exploited.

Consultation

Extensive consultations with growers, the VFF and NFF, the Agribusiness Advisory Committee, other Government Departments and the Labour Hire Licensing Authority have been held.

Financial Implications

Not applicable.

Social Implications

Support a prosperous and growing workforce and maintain a diverse and stable community

Economic Implications

Enable horticultural industries large and small to be viable and to expand

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Economic growth - Have a region with an equipped and productive workforce.

Options

An action table attached to this report suggests actions by Council to address the issues detailed in this report

1. Council to adopt the recommendations from the Action Table
2. Council to propose different actions

Recommendations

That Council adopt the recommendations of the Action Table

Ag Visa					
Action	When by	Who to	How	Whom by	
Organise meeting with VFF representative to discuss options	September 2019		Invite VFF representative to address Council Assembly	EDC/DDP	
Letter of support for Ag Visa outlining reasons for Council support	October 2019	<ul style="list-style-type: none"> Bridget McKenzie, Minister for Agriculture Australia Jaclyn Symes Minister for Agriculture Victoria Peter Walsh Member for Murray Plains Ali Cupper Member for Mildura Ann Webster Member for Mallee 		Draft EDC/DDP Ratified Council Signed Mayor	
Lobby relevant organisations and departments	ongoing	<p>Suggested but not limited to:</p> <ul style="list-style-type: none"> Murray River Group of Councils MAV RDV Visiting Government Officials and Ministers Local Government representatives 	All Councillors to be provided with a fact sheet to help with debate and to distribute for easy summary	Draft EDC/media dept Delivery by Elected Members	

Uniform Labour Hire Laws					
Action	When by	Who to	How	Whom by	
Organise meeting with VFF representative to discuss options	September 2019		Invite VFF representative to address Council Assembly	EDC/DDP	
Letter of support outlining reasons for Council support	October 2019	<ul style="list-style-type: none"> Christian Porter Minister for Industrial Relations, Australia Tony Burke Shadow Minister for Industrial Relations, Australia Tim Pallas Minister for Industrial Relations Victoria Peter Walsh Member for Murray Plains Ali Cupper Member for Mildura Ann Webster Member for Mallee 		Draft EDC/DPP Ratified Council Signed Mayor	
Submission paper	TBA	Council of Australian Governments (COAG)			
Lobby relevant organisations and departments	ongoing	<p>Suggested <i>but not limited to</i>:</p> <ul style="list-style-type: none"> Murray River Group of Councils MAV RDV Visiting Government Officials and Ministers Local Government representatives 	All Councillors to be provided with a fact sheet to help with debate and to distribute for easy summary	Draft EDC/media dept Delivery by Elected Members	

B.19.85 2019 LOCAL GOVERNMENT COMMUNITY SATISFACTION SURVEY

Responsible Officer: Chief Executive Officer
File Number: S01-28-01-V2
Attachments: 1 2019 Local Government Community Satisfaction Survey

Declarations of Interest:

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

Summary

This report provides a snapshot of the community satisfaction survey results for the Swan Hill Rural City Council following the 2019 survey.

The 2019 Local Government Community Satisfaction Survey, provided as an attachment, offers a comprehensive review of the survey results.

Discussion

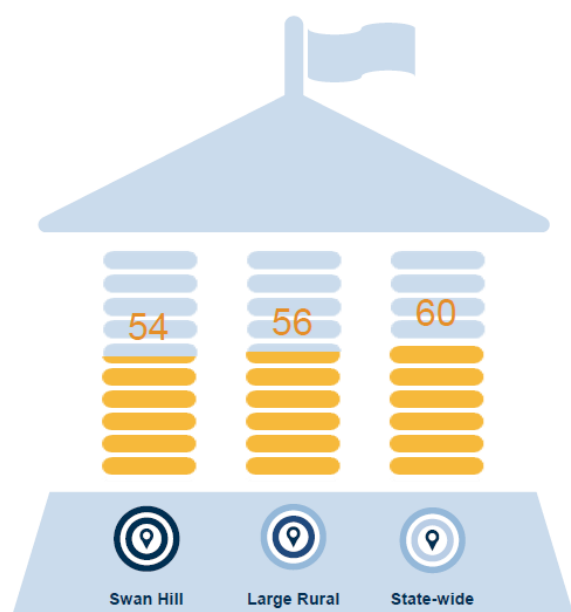
Each year the State Government engages a consulting firm to undertake a telephone survey of constituents of each municipality in Victoria to gain an understanding of the community's level of satisfaction within their Local Government.

A total of 400 telephone interviews within the Municipality are conducted and efforts are made to ensure that the phone surveys reach a representative cross-section of the community.

The overall performance index score of 54 for Swan Hill Rural City Council represents a five point decline on the 2018 result. Council's overall performance rating has remained relatively consistent over the past three years. The overall performance index score for all municipalities sits at 60 which indicates that the community considers Swan Hill Rural City Council's performance to be slightly lower than the average Victorian citizen's view on their municipality. Council's overall performance index score of 54 is slightly lower than the average score of 56 received by the group of large rural municipalities.

Council's two top performing areas are customer service with a score of 70, and lobbying with a score of 52.

Council's bottom two performing service areas are sealed local road maintenance with a score of 46, and decisions made in the interest of the community with a score of 51. It is suggested that Council look deeper into these areas and look for ways to understand our community's concerns in relation to these areas and seek ways in which to better meet the expectations of our community.



Overall Council performance

Results shown are index scores out of 100.

Performance Measures	Swan Hill 2019	Swan Hill 2018	Large Rural 2019	State-wide 2019	Highest score	Lowest score
Overall Performance	54	59	56	60	Central	Robinvale
Community Consultation (Community consultation and engagement)	54	55	54	56	Central	Robinvale
Advocacy (Lobbying on behalf of the community)	52	55	52	54	Central	Robinvale
Making Community Decisions (Decisions made in the interest of the community)	51	54	52	55	Lakes, Central	Robinvale
Sealed Local Roads (Condition of sealed local roads)	46	50	47	56	Aged 65+ years	Robinvale
Customer Service	70	67	69	71	Aged 18-34 years	Robinvale
Overall Council Direction	48	54	51	53	Central	Robinvale

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 - Positive community engagement through appropriate and constructive consultation.

Options

Council may choose to alter or amend the recommendation.

Recommendations

That Council:

- 1. Note the Community Satisfaction Survey 2019.**
- 2. Upload the Community Satisfaction Survey 2019 results to Council's website.**

2019 Local Government Community Satisfaction Survey

Swan Hill Rural City Council

Coordinated by the Department of
Environment, Land, Water and Planning
on behalf of Victorian councils



J W R E S E A R C H

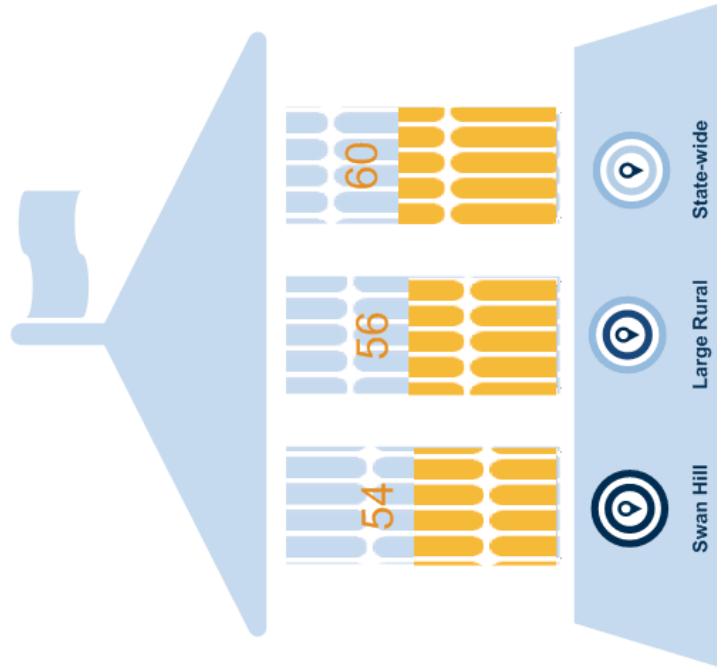


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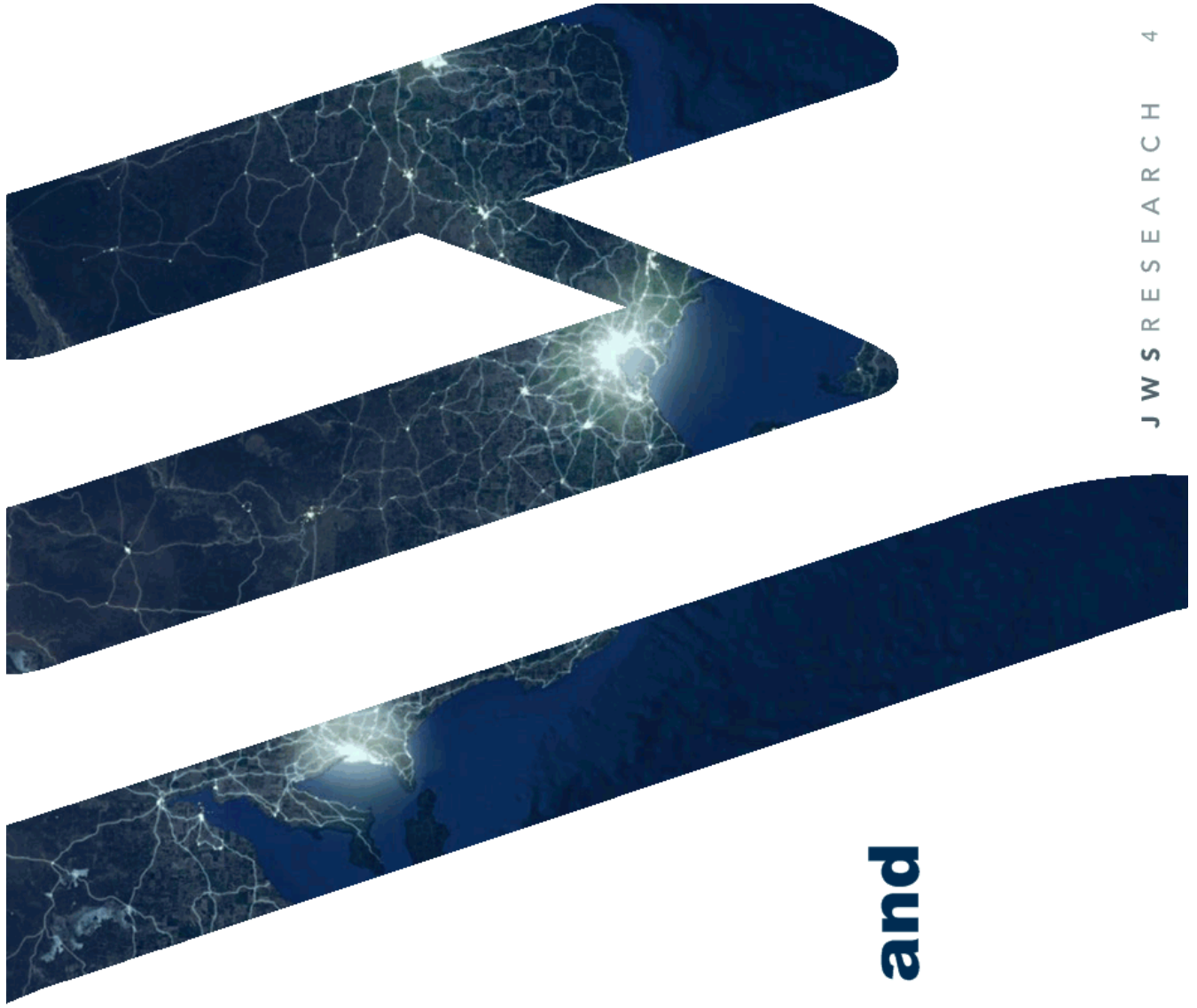
Swan Hill Rural City Council – at a glance



Overall Council performance

Results shown are index scores out of 100.

Note: Net differentials are calculated based on the un-rounded importance and performance scores, then rounded to the nearest whole number.



Background and objectives

J W S R E S E A R C H 4



Background and objectives

The Victorian Community Satisfaction Survey (CSS) creates a vital interface between the council and their community.

Held annually, the CSS asks the opinions of local people about the place they live, work and play and provides confidence for councils in their efforts and abilities.

Now in its twentieth year, this survey provides insight into the community's views on:

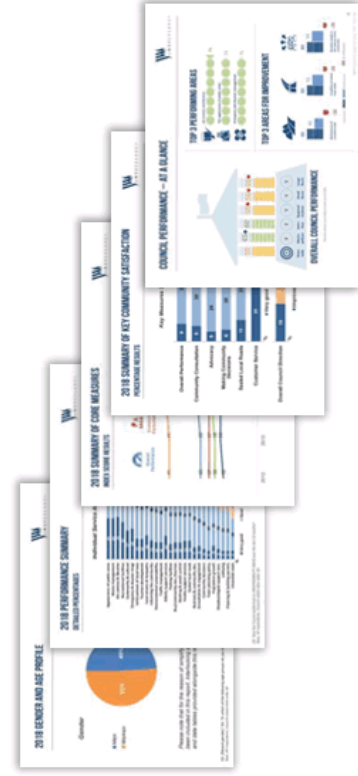
- councils' overall performance with benchmarking against State-wide and council group results
- community consultation and engagement
- advocacy and lobbying on behalf of the community
- customer service, local infrastructure, facilities and overall council direction.

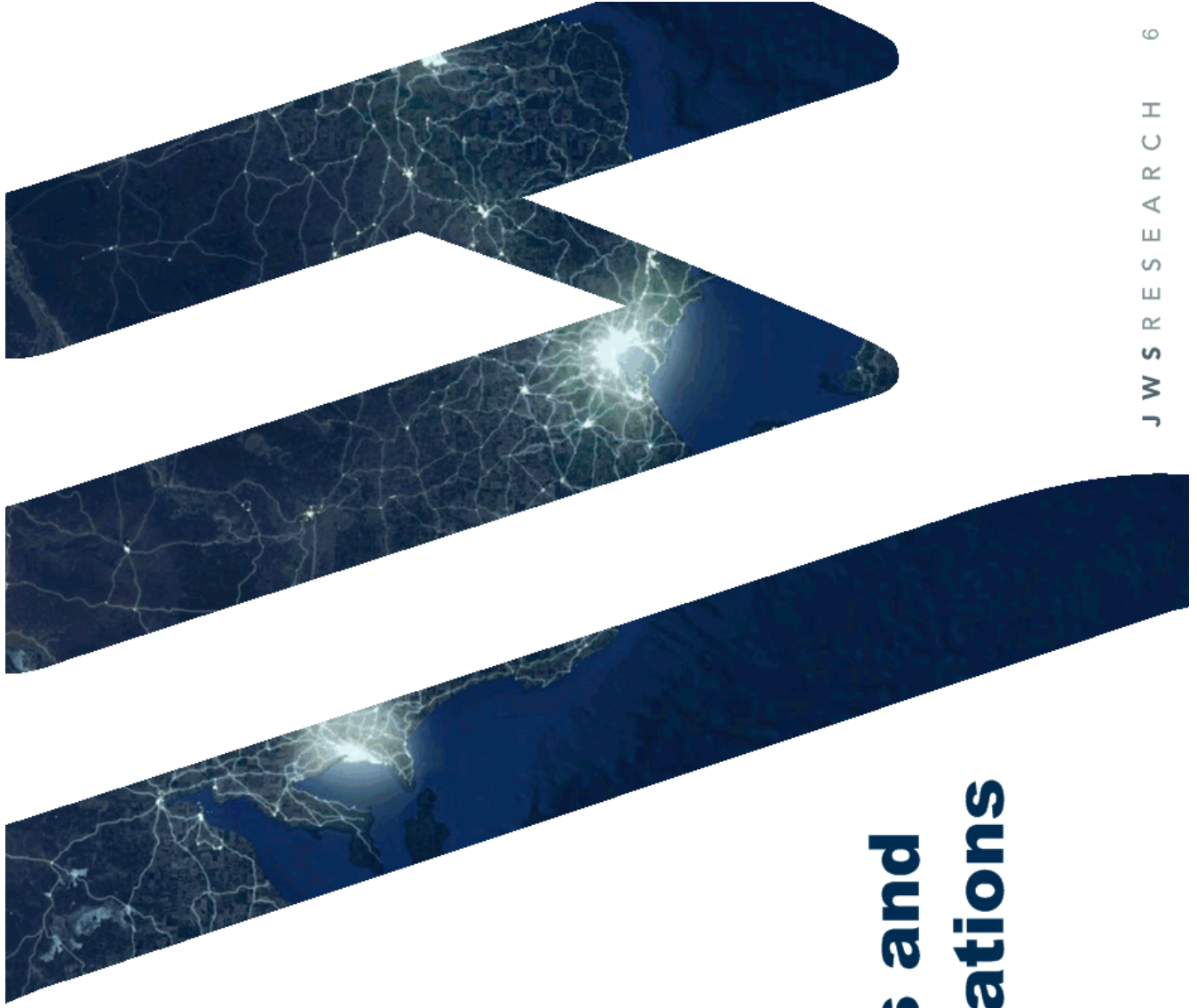
When coupled with previous data, the survey provides a reliable historical source of the community's views since 1998. A selection of results from the last seven years shows that councils in Victoria continue to provide services that meet the public's expectations.

Serving Victoria for 20 years

Each year the CSS data is used to develop the State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 20 years of results, the CSS offers councils a long-term, consistent measure of how they are performing – essential for councils that work over the long term to provide valuable services and infrastructure to their communities.

Participation in the State-wide Local Government Community Satisfaction Survey is optional. Participating councils have various choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.





Key findings and recommendations

J W S R E S E A R C H 6



Overall performance

The overall performance index score of 54 for Swan Hill Rural City Council represents a significant decrease on the 2018 result. Overall performance remains five points down on the peak performance experienced both last year and in 2015 (index scores of 59).

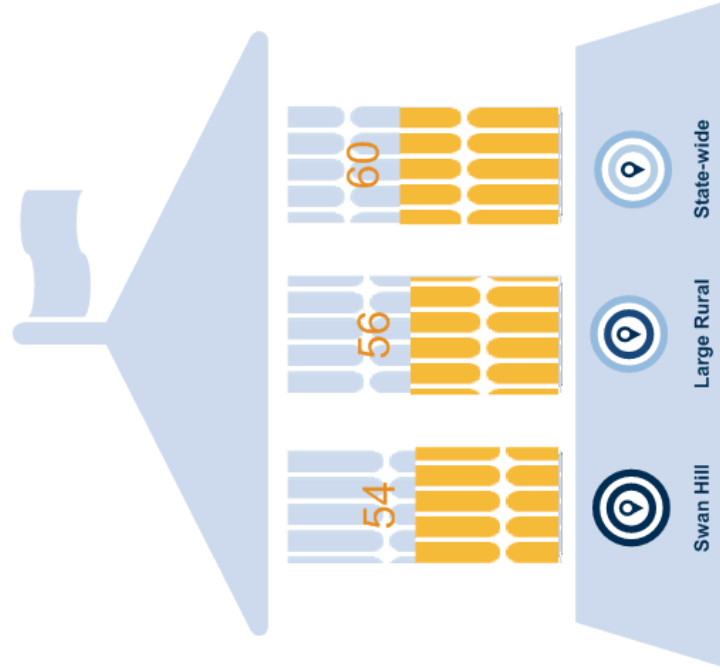
- The decline in perceptions is driven by residents aged 50 to 64 years and over 65+ years (51 and 58 respectively). Index scores declined by a significant seven index points among each age group.

Swan Hill Rural City Council's overall performance is rated statistically significantly lower (at the 95% confidence interval) than the State-wide average and on par with councils in the Large Rural group (index scores of 60 and 56 respectively).

- Residents in Central (index score of 59) rate overall performance significantly higher than average although there has been a significant four point decrease from 2018.
- Conversely, Robinvale residents (index score of 32) rate performance significantly lower than average.

Residents are almost twice as likely to rate Swan Hill Rural City Council's overall performance as 'very good' or 'good' (39%) than those who rate it as 'very poor' or 'poor' (21%). A further 39% sit mid-scale, rating Council's overall performance as 'average'.

Overall Council performance





Customer contact and service

Contact with council

Almost six in ten residents (59%) of Swan Hill Rural City Council have had contact with Council in the last 12 months. This is not significantly different to 2018 (56%).

- Residents from the Robinvale area were significantly more likely to have had contact with Council compared to 2018 results (up from 48% to 71%).
- There are no other significant differences across the demographic or geographic cohorts compared to the Council average.

The main methods of contacting Council are 'in person' (34%) and 'by telephone' (28%).

Overall, newsletters sent via mail (26%) and email (19%) are the preferred methods for Council to inform residents about news, information and upcoming events.

- The preference for newsletters sent via mail is, however, higher among residents aged 50 years or older (32%). Residents under 50 years of age prefer social media (26%).

Customer service

Swan Hill Rural City Council's customer service index of 70 is up three points from last year, although this doesn't represent a significant change. Council is now only one-point off its highest recorded score for customer service, recorded in 2013.

Just under a third of residents (28%) rate Council's customer service as 'very good', representing a five-point increase in 'very good' ratings compared with 2018. A further 39% rated Council's customer service as 'good'.

- Robinvale residents rate Council's customer service significantly lower than the average (index score of 51).
- Perceptions of customer service among residents aged 18 to 34 years (index score of 75) are significantly higher compared to 2018.



Top performing areas and areas for improvement

Top performing areas

After customer service (index score of 70), the top performing service area for Swan Hill Rural City Council is consultation and engagement (index score of 54).

While not significantly different to 2018 (down one index point), this is however Council's equal lowest rating for this service area.

- Central residents rate Council significantly higher than average on consultation and engagement (index score of 59), while Robinvale residents rate Council significantly lower (index score of 35).
- Among residents aged 65+ years, perceptions have declined significantly compared to 2018 (index score of 54, down seven points).

Council's next top performing service area is lobbying (index score of 52). Again here, this is Council's lowest rating for this service area – previously recording an index score of 57 in 2013.

- As with consultation and engagement, Central residents rate Council significantly higher than average for lobbying (index score of 57). Robinvale residents rate Council significantly lower (28).
- Perceptions of lobbying declined significantly among 18 to 34 year olds (index score of 48, down eight points) compared to 2018.

Areas for improvement

Council's two poorest performing service areas are:

- Sealed local roads (index score of 46)
- Community decisions (index score of 51).

While on par with the Large Rural group averages, Council's performance is significantly lower than the State-wide averages for these measures (index scores of 56 and 55 respectively).

Residents aged 65 years and over rate Council significantly higher than average on sealed local roads (index score of 53). Robinvale residents rate Council significantly lower (index score of 36).

'Sealed road maintenance' is also the area residents volunteer as most in need of improvement (17%). It is followed by community consultation (12%) and communication (9%).

On community decisions, Central residents rate Council significantly higher than average (index score of 55). Here again, Robinvale residents rate Council significantly lower (index score of 30).

Relative to 2018, there was a significant decrease in perceptions of community decisions among residents aged 65+ years (index score of 53, down seven points).



Focus areas for coming 12 months

No significant declines were noted for individual service areas in the past year, which is a good result. However, Council’s overall performance and overall direction index scores have decreased significantly in 2019 (to 54 and 48 respectively).

More residents believe the direction of Council’s overall performance deteriorated in the past year (18%) than improved (15%). In particular, significant decreases in ratings of Council’s overall direction relative to 2018 were experienced among:

- 18 to 34 year olds (index score of 49, down eight index points)
- 65+ year olds (index score of 48, down nine points)
- Men (index score of 47, down eight points)
- Lakes residents (index score of 46, down 13 points)
- Robinvale residents (index score of 29, down 13 points).

Focusing on good communication and transparency with residents about decisions Council has made in the community’s interest, along with community consultation and engagement, could help drive up opinion of Council’s overall direction.

More generally, consideration should also be given to residents in Robinvale who appear to be driving negative opinion on all core measures this year.

- It is also important not to ignore, and to learn from, what is working amongst other groups, especially residents in the Central area, and use these lessons to build on performance experience and perceptions.

In all service areas evaluated, Council is not performing significantly differently to the Large Rural group average. However, in many instances, Council has previously achieved higher performance index scores on individual service areas – demonstrating that scope for improvement on existing scores remains.

- A key focus area for Council over the next 12 months should be sealed local roads. This is the service area where Council has recorded its lowest performance index score to date.



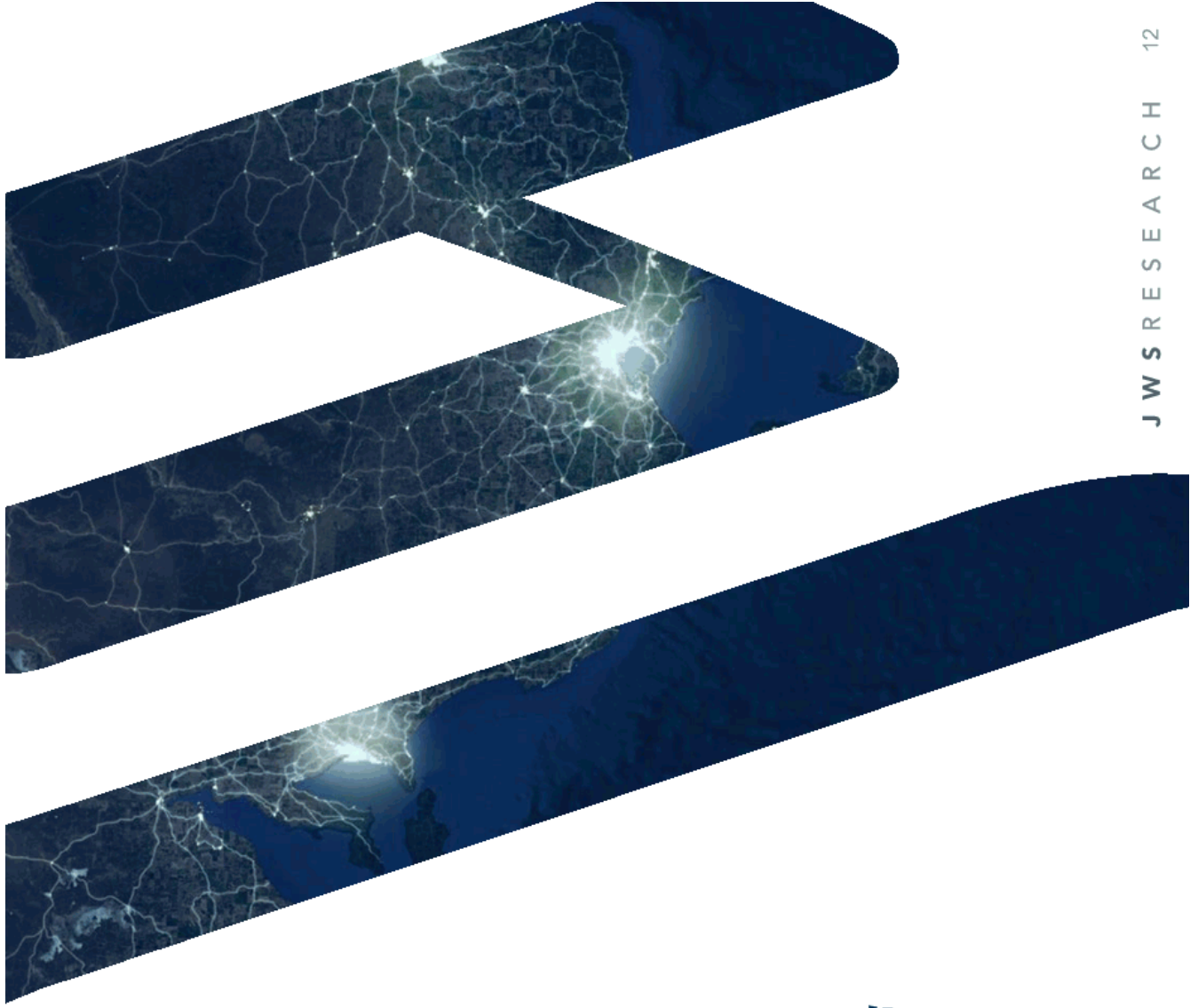
Further areas of exploration

An approach we recommend is to further mine the survey data to better understand the profile of these over and under-performing demographic groups. This can be achieved via additional consultation and data interrogation, self-mining the SPSS data provided, or via the dashboard portal available to the council.

Please note that the category descriptions for the coded open-ended responses are generic summaries only. We recommend further analysis of the detailed cross tabulations and the actual verbatim responses, with a view to understanding the responses of the key gender and age groups, especially any target groups identified as requiring attention.

A personal briefing by senior JWS Research representatives is also available to assist in providing both explanation and interpretation of the results. Please contact JWS Research on:

03 8685 8555

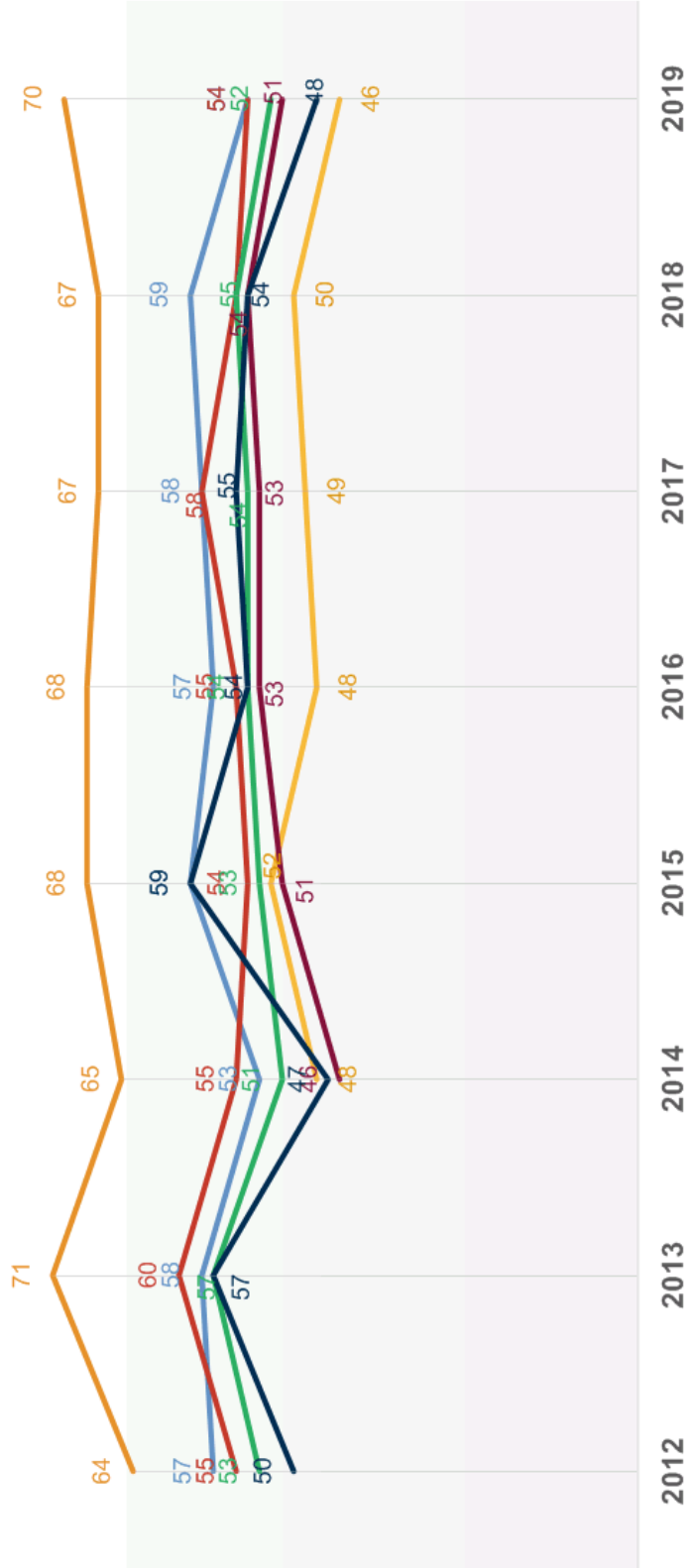


Summary of findings

J W S R E S E A R C H 12



Summary of core measures





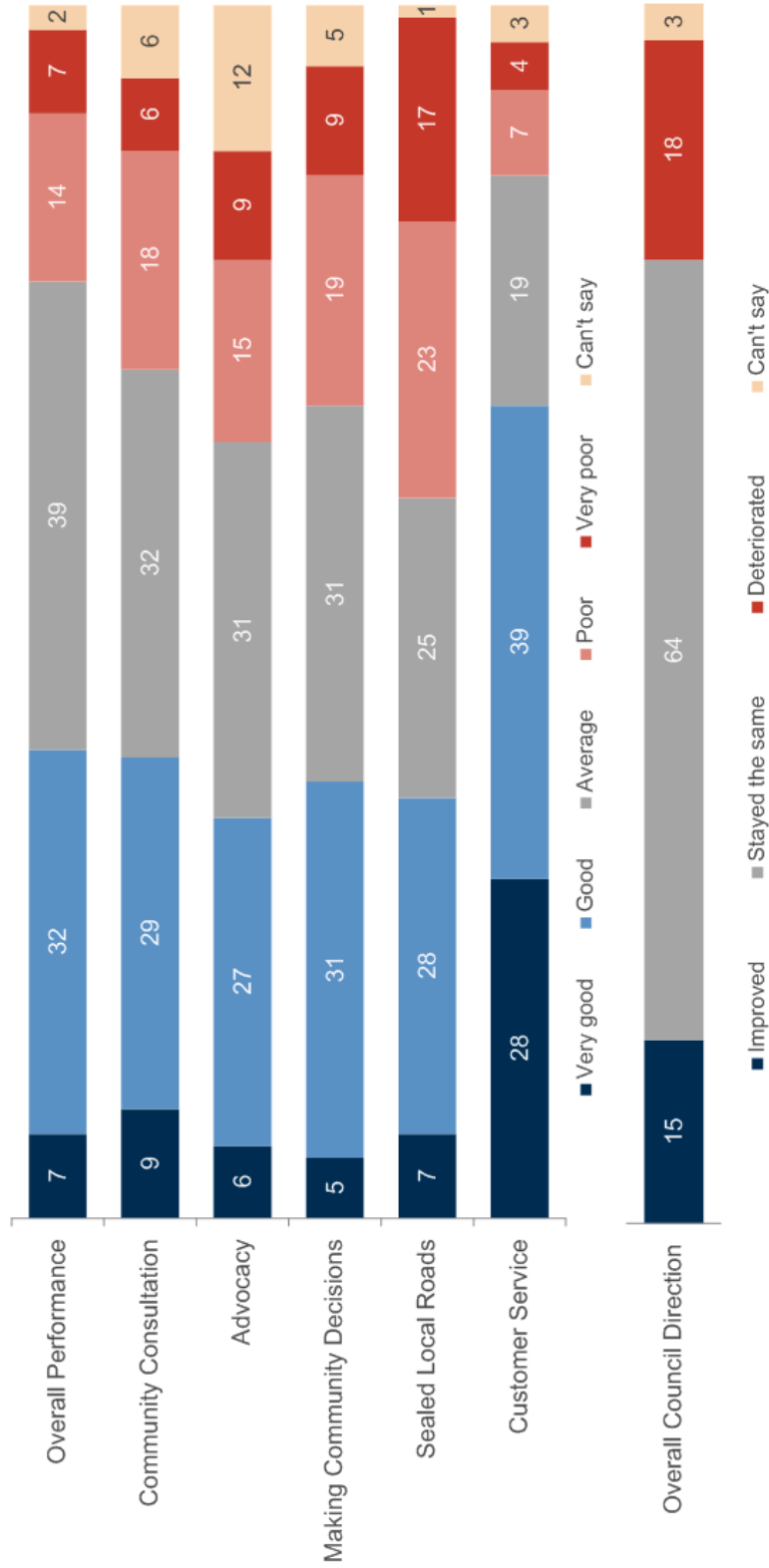
Summary of core measures

Performance Measures	Swan Hill 2019	Swan Hill 2018	Large Rural 2019	State-wide 2019	Highest score	Lowest score
Overall Performance	54	59	56	60	Central	Robinvale
Community Consultation (Community consultation and engagement)	54	55	54	56	Central	Robinvale
Advocacy (Lobbying on behalf of the community)	52	55	52	54	Central	Robinvale
Making Community Decisions (Decisions made in the interest of the community)	51	54	52	55	Lakes, Central	Robinvale
Sealed Local Roads (Condition of sealed local roads)	46	50	47	56	Aged 65+ years	Robinvale
Customer Service	70	67	69	71	Aged 18-34 years	Robinvale
Overall Council Direction	48	54	51	53	Central	Robinvale



Summary of key community satisfaction

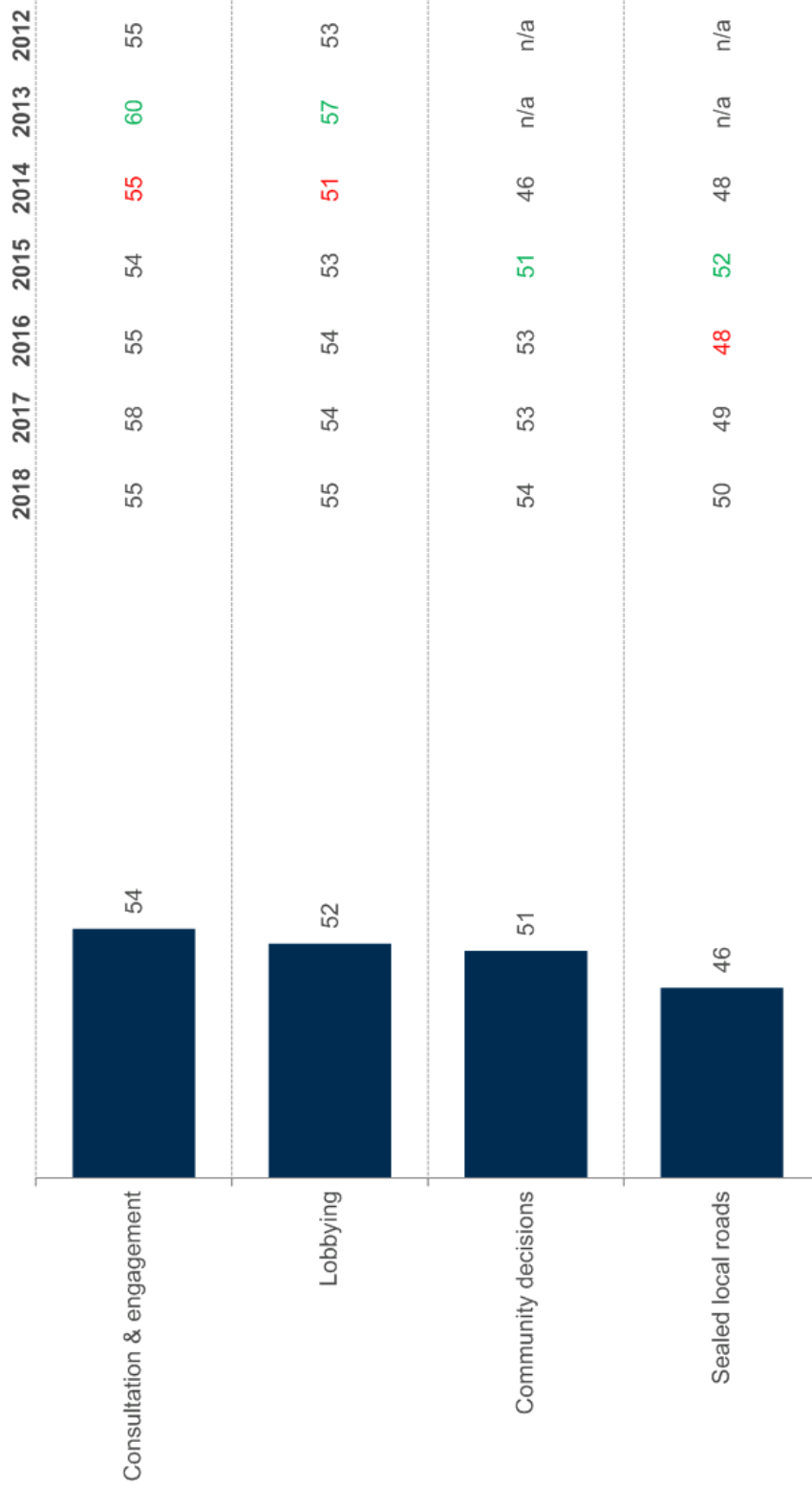
Key measures summary results (%)





Individual service area performance

2019 individual service area performance (index scores)

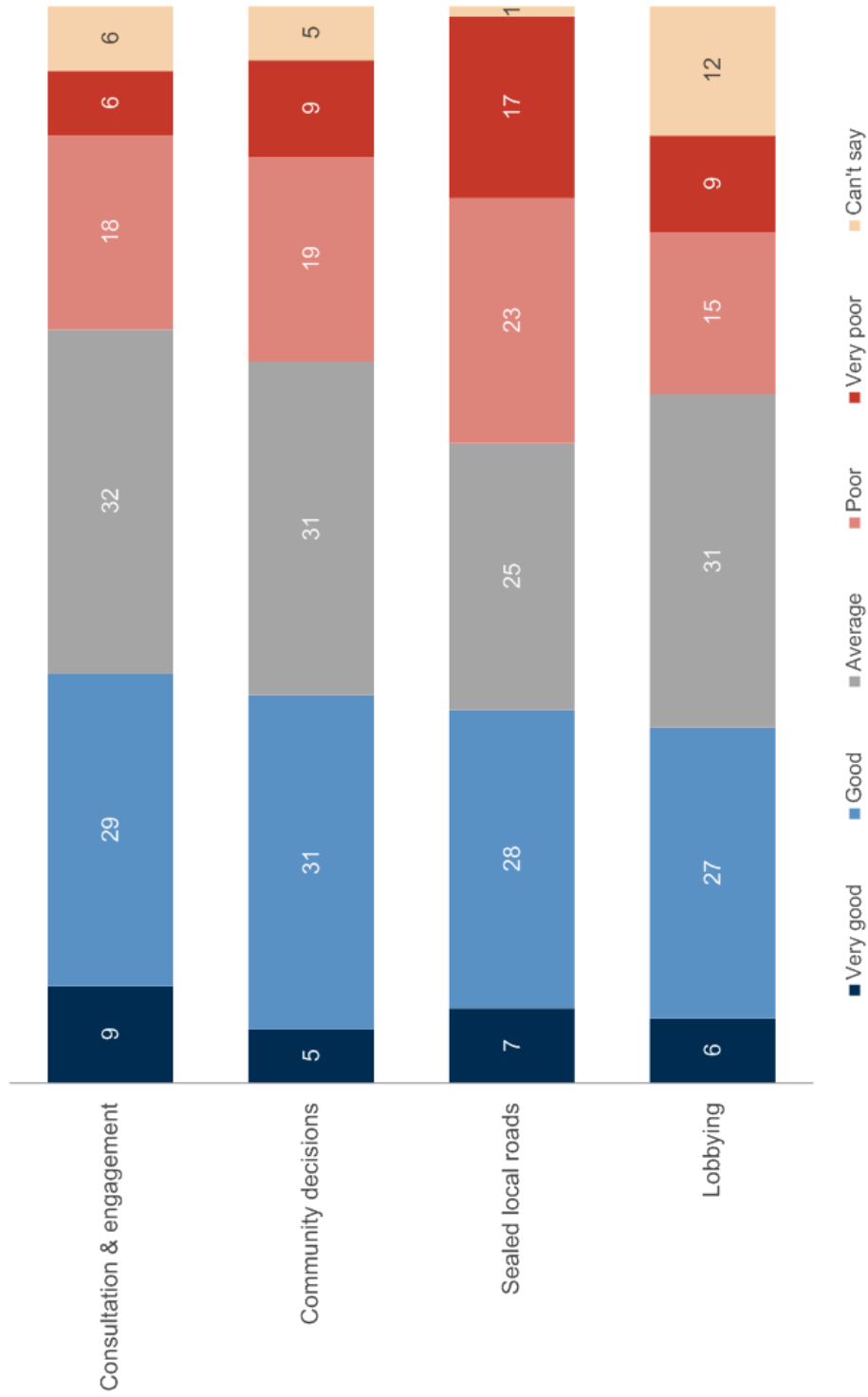


Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.



Individual service area performance

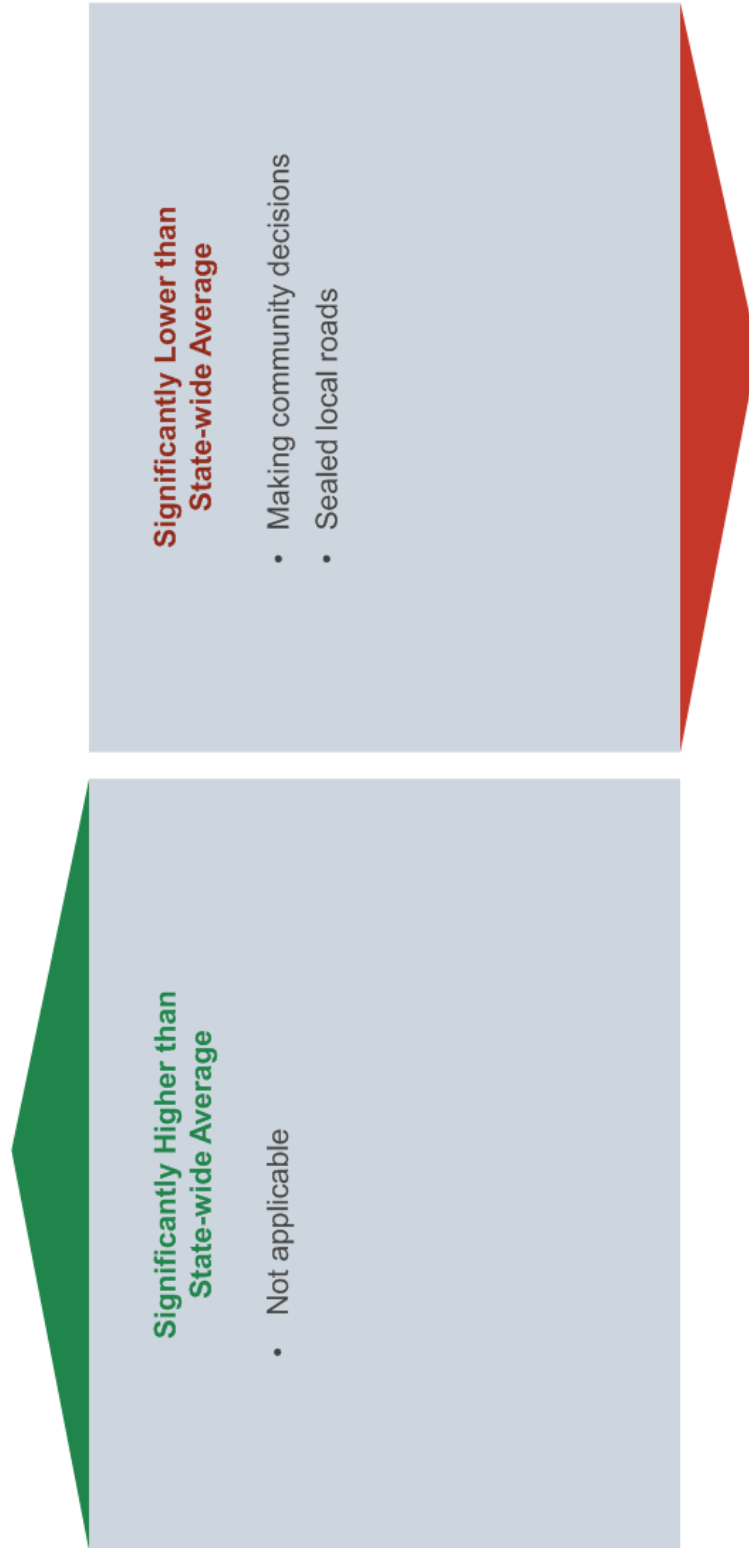
2019 individual service area performance (%)



Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18



Individual service area performance vs State-wide average





Individual service area performance vs group average

Significantly Higher than Group Average

- Not applicable

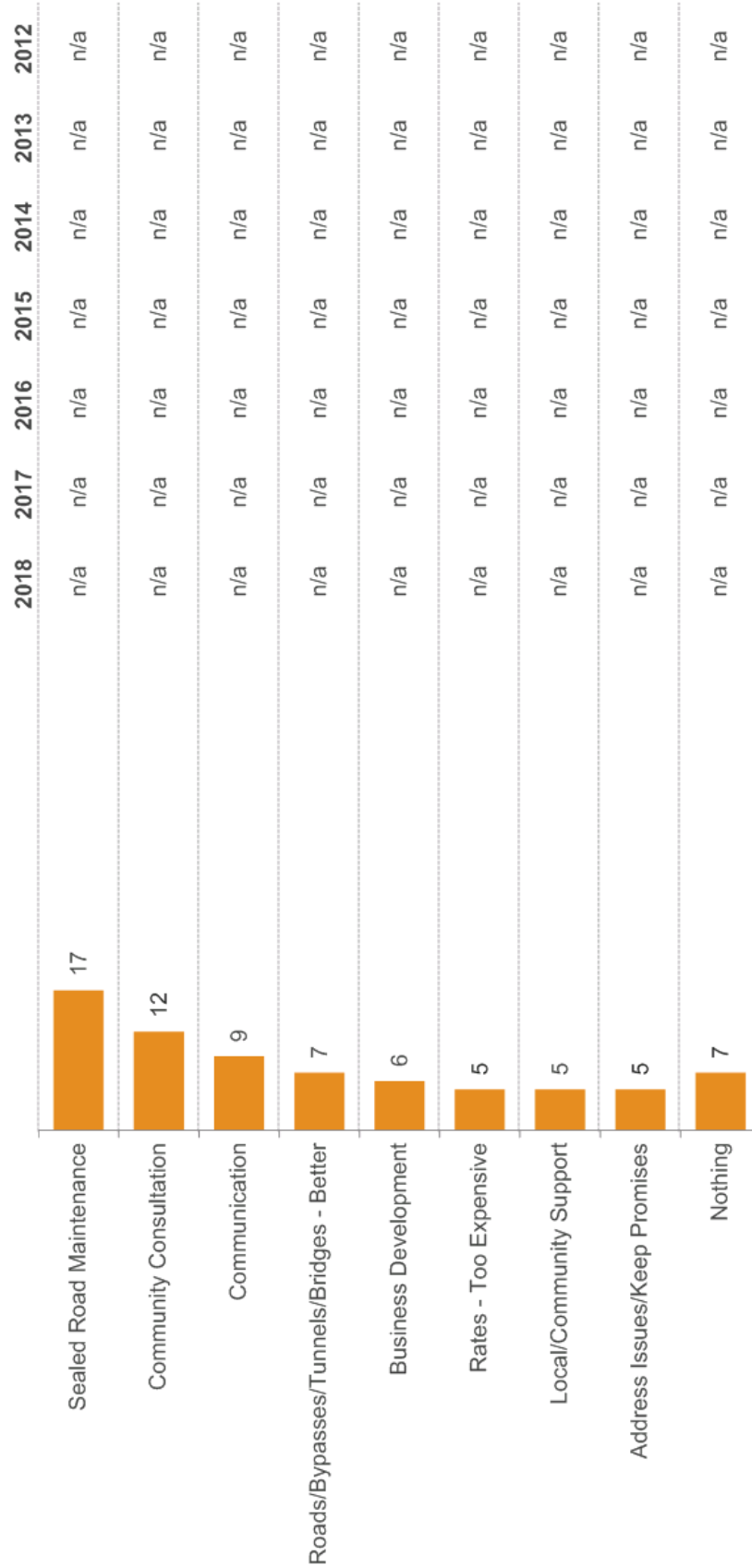
Significantly Lower than Group Average

- Not applicable



Areas for improvement

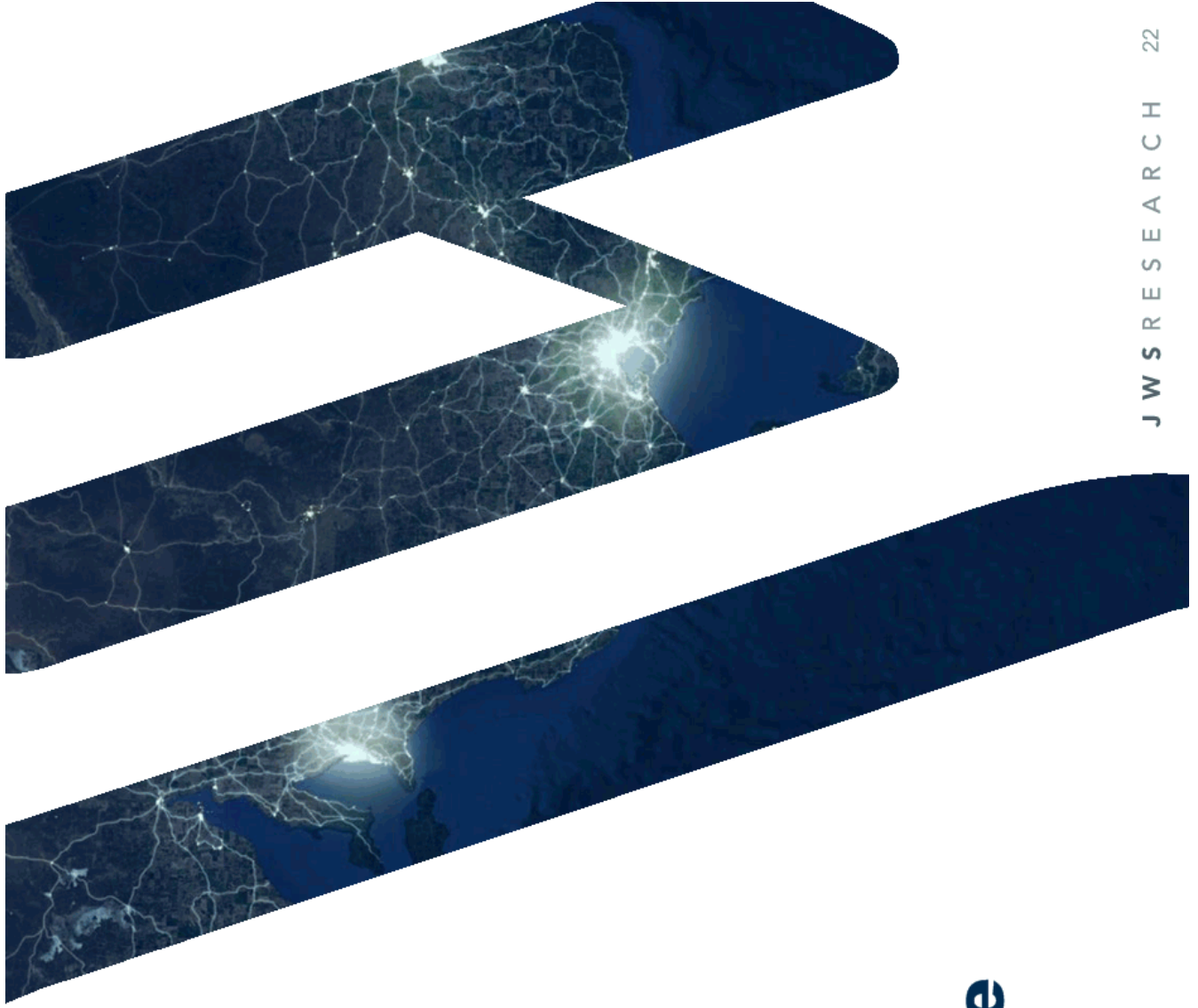
2019 areas for improvement (%)
- Top mentions only -



Q17. What does Swan Hill Rural City Council MOST need to do to improve its performance?
Base: All respondents. Councils asked state-wide: 43 Councils asked group: 12
Note: Significant differences have not been applied to this chart.
A verbal list of responses to this question can be found in the accompanying dashboard.



DETAILED FINDINGS



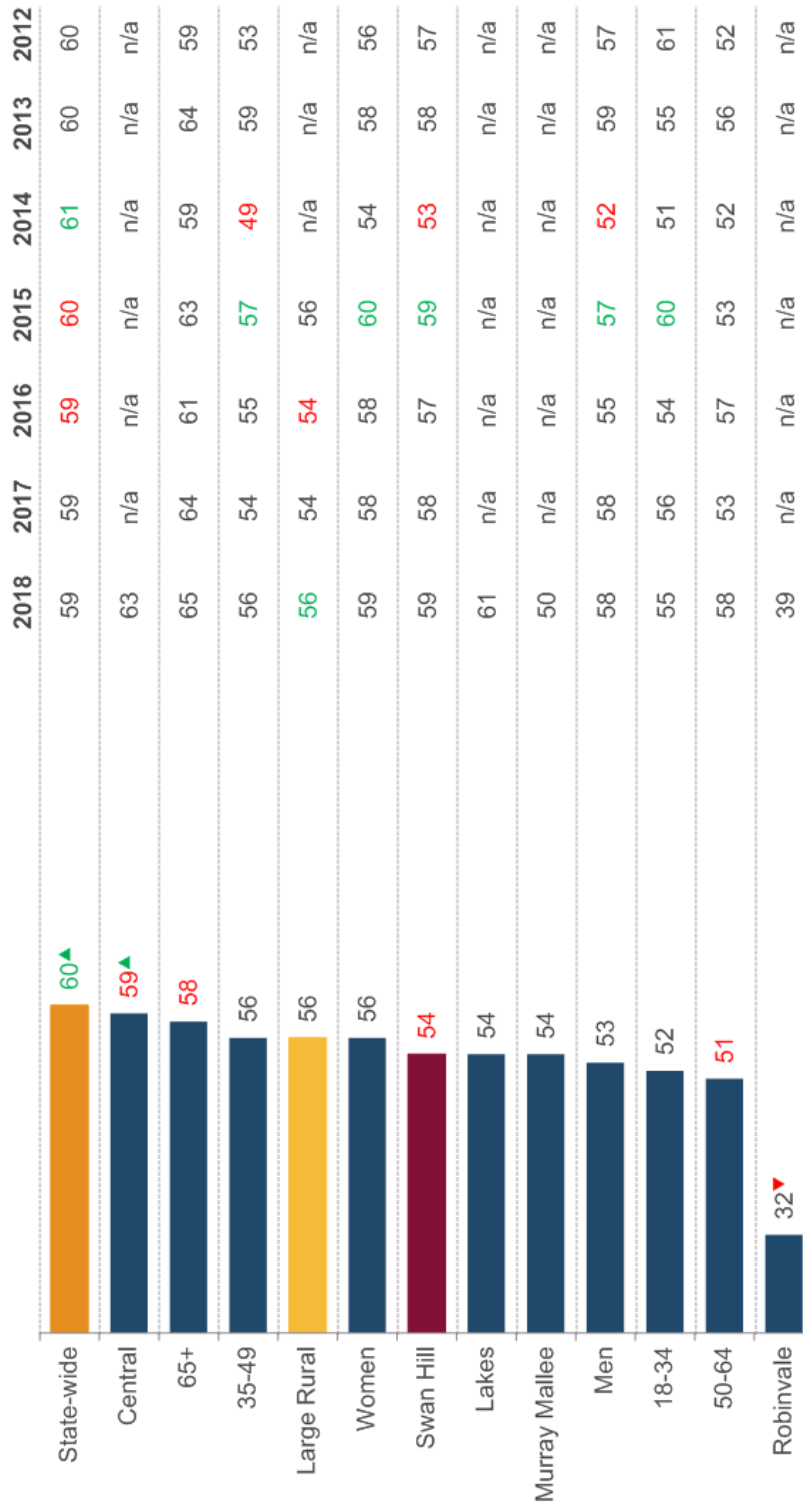
Overall performance

J W S R E S E A R C H 22



Overall performance

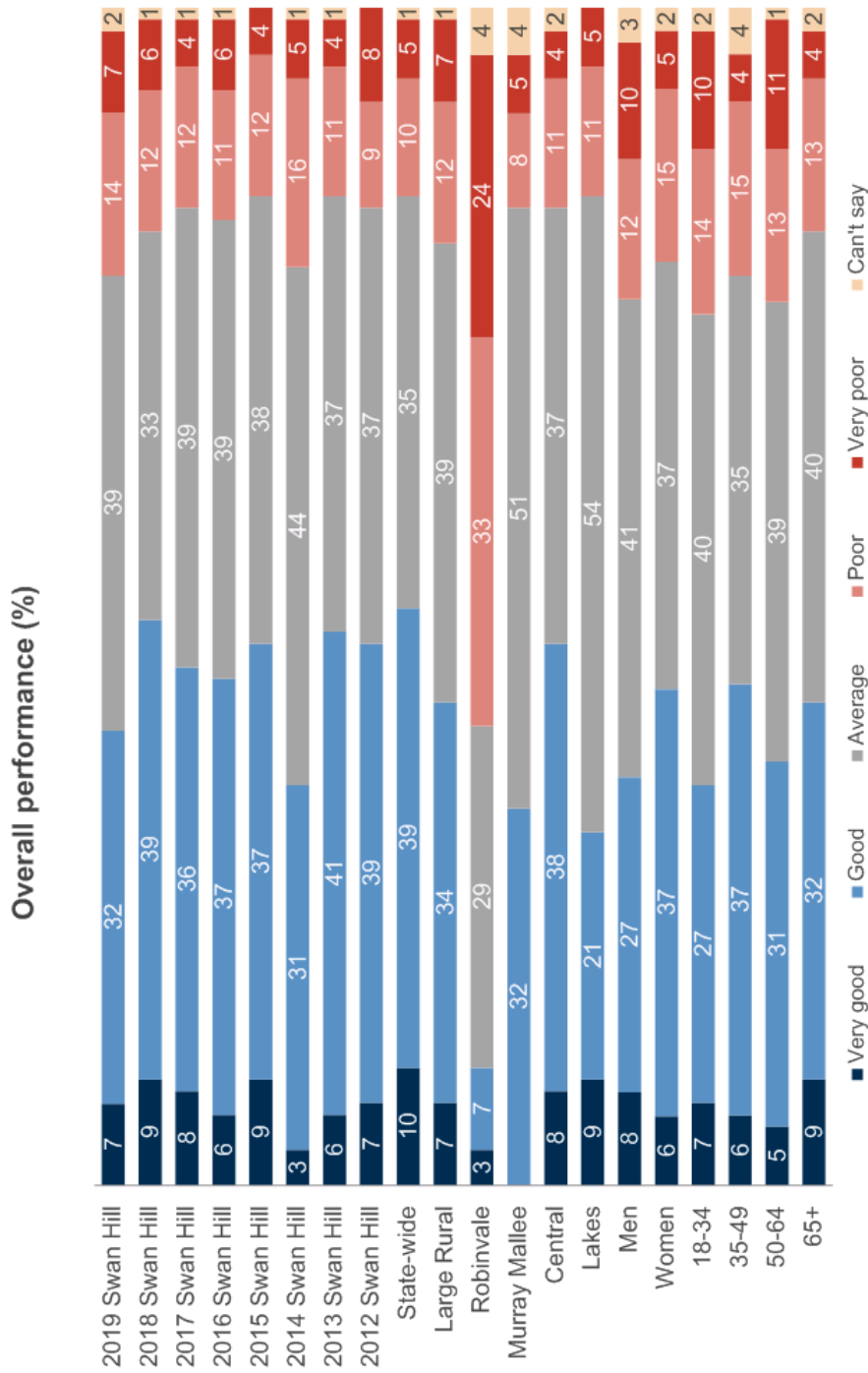
2019 overall performance (index scores)



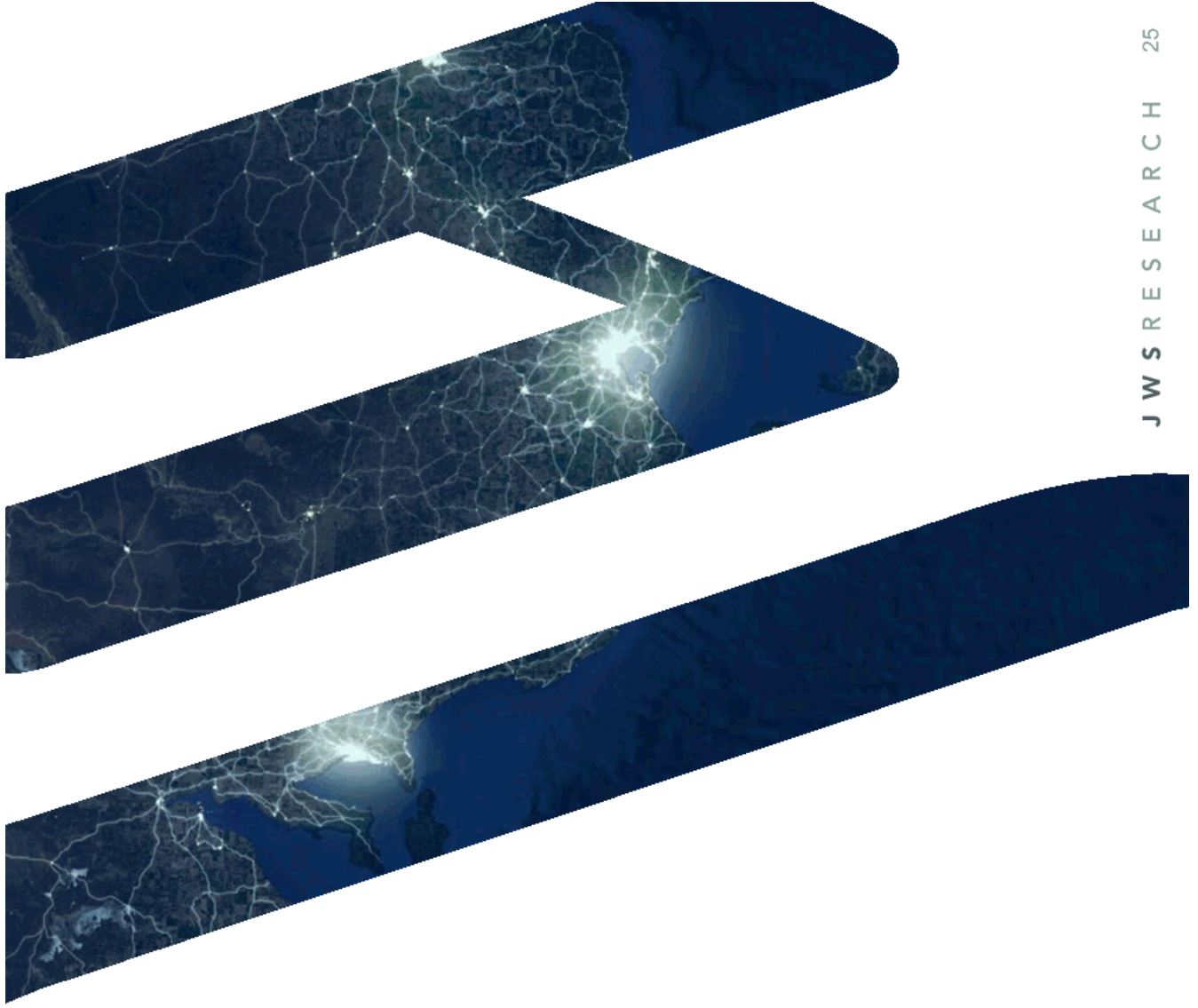
Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Swan Hill Rural City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.



Overall performance



Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Swan Hill Rural City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18



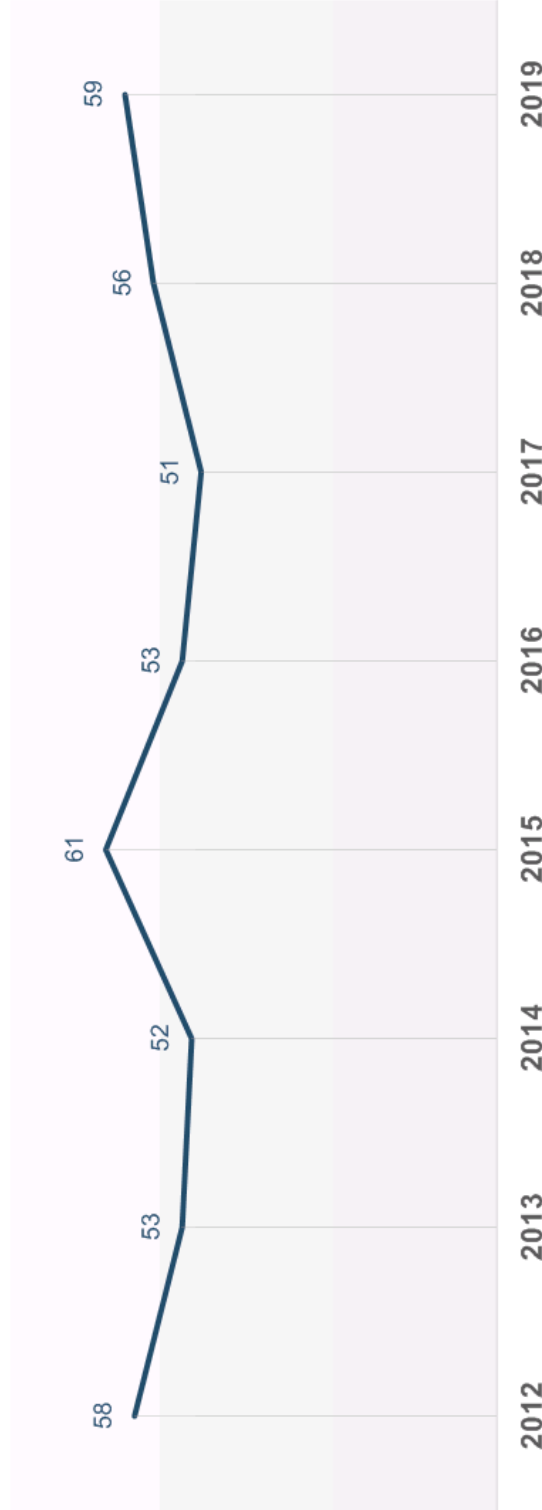
Customer service

J W S R E S E A R C H 25



Contact with council

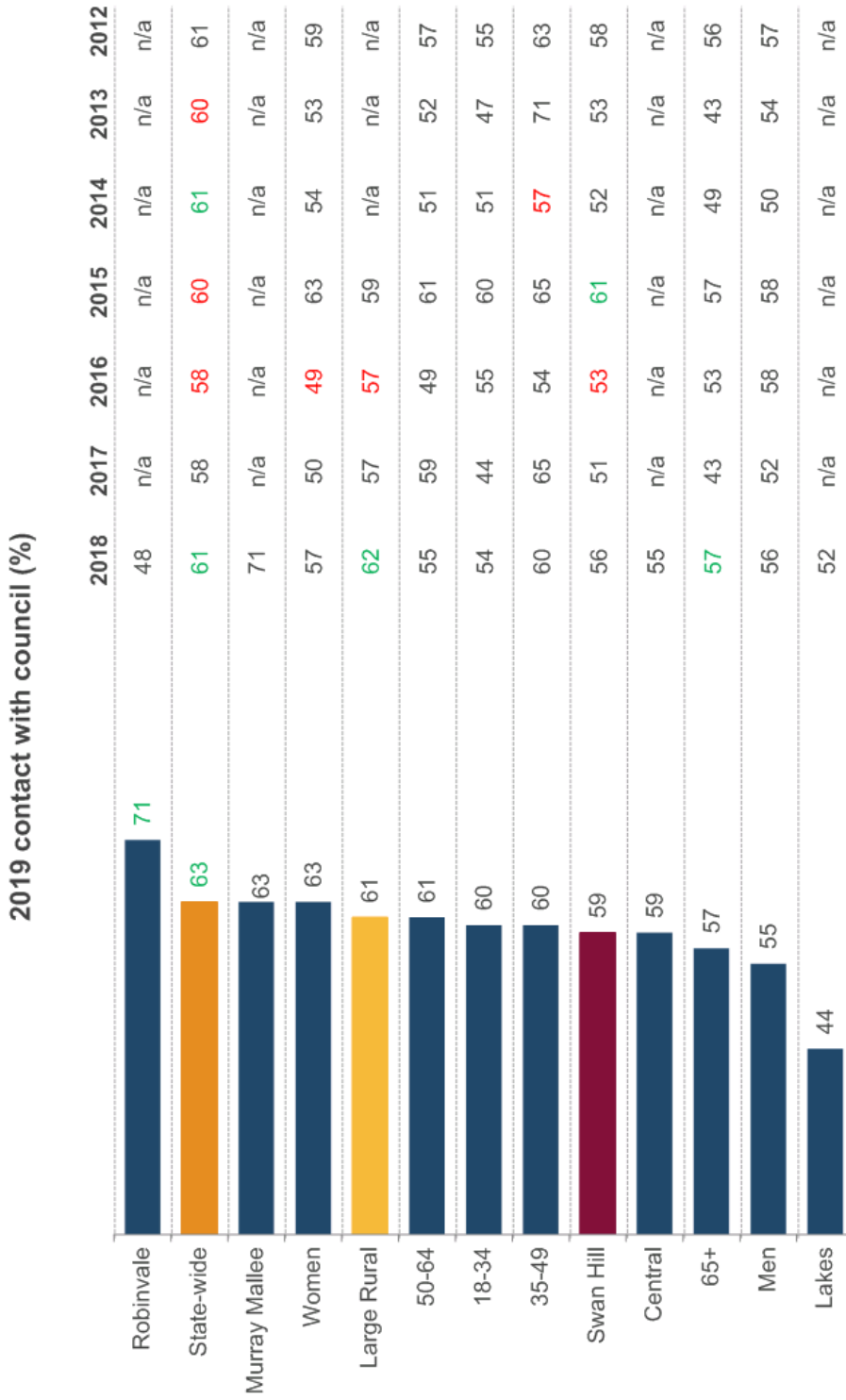
2019 contact with council (%)
Have had contact



Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 25 Councils asked group: 7



Contact with council

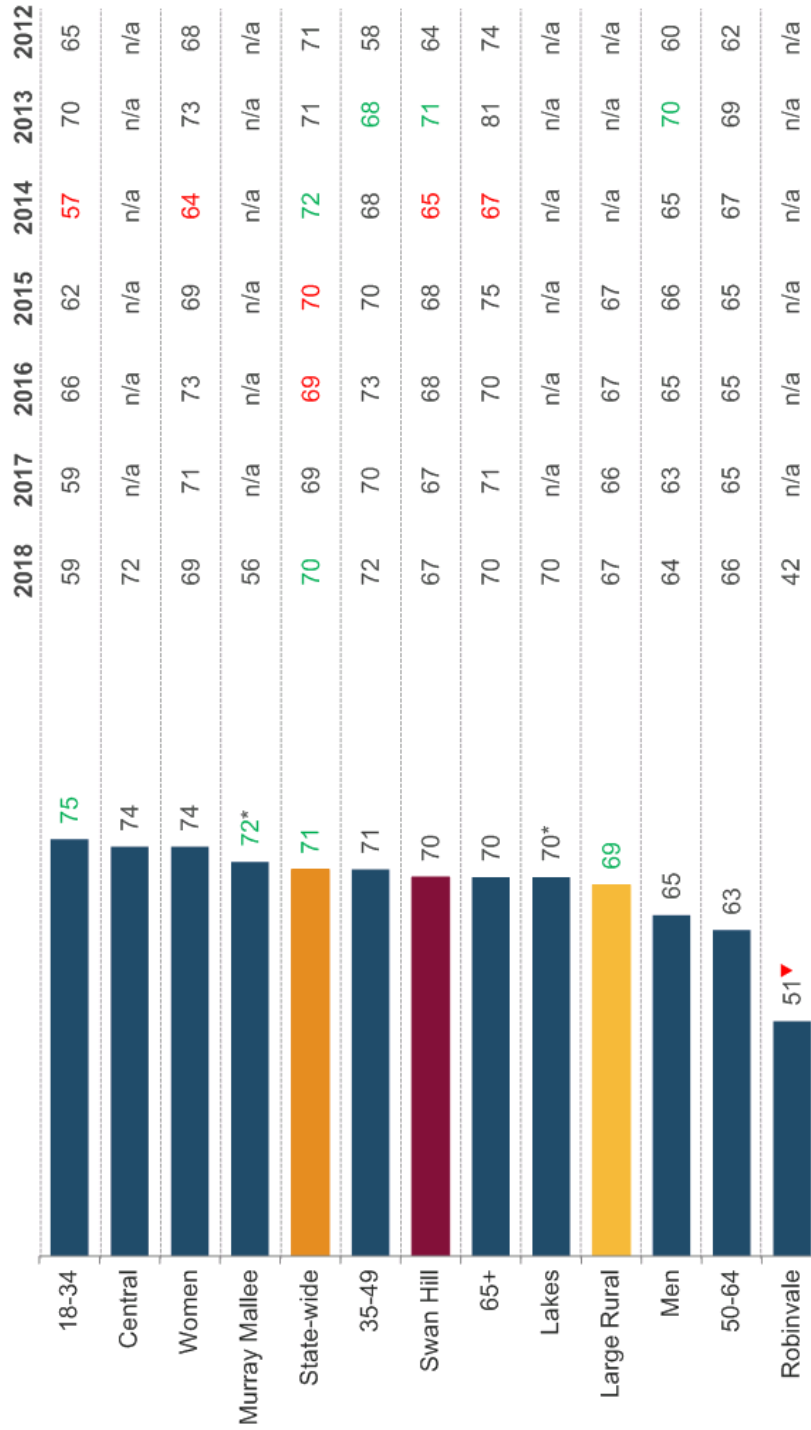


Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
 Base: All respondents. Councils asked state-wide: 25 Councils asked group: 7
 Note: Please see Appendix A for explanation of significant differences.



Customer service rating

2019 customer service rating (index scores)

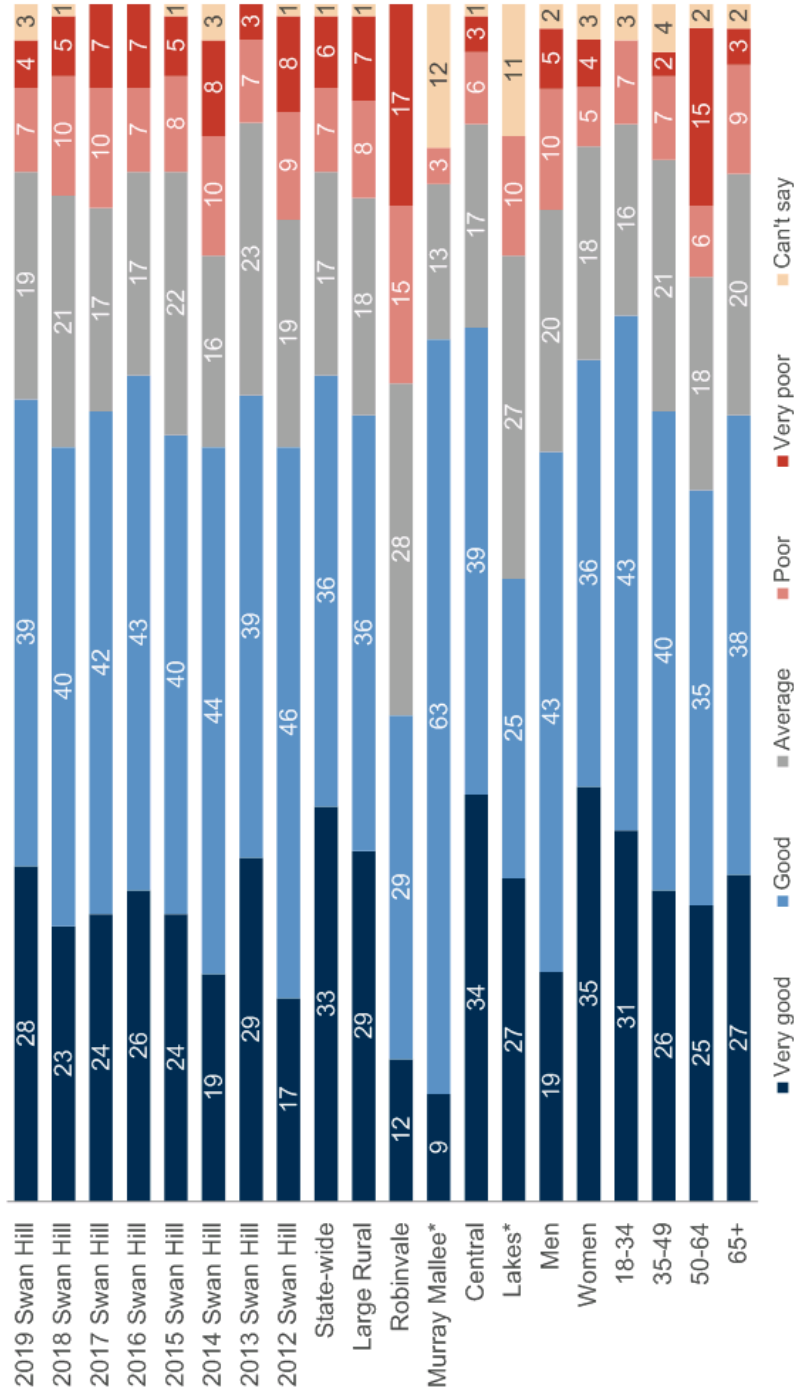


Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
 Base: All respondents who have had contact with Council in the last 12 months.
 Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Customer service rating

Customer service rating (%)



Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 63 Councils asked group: 18

*Caution: small sample size < n=30



Method of contact with council

2019 method of contact (%)



Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?

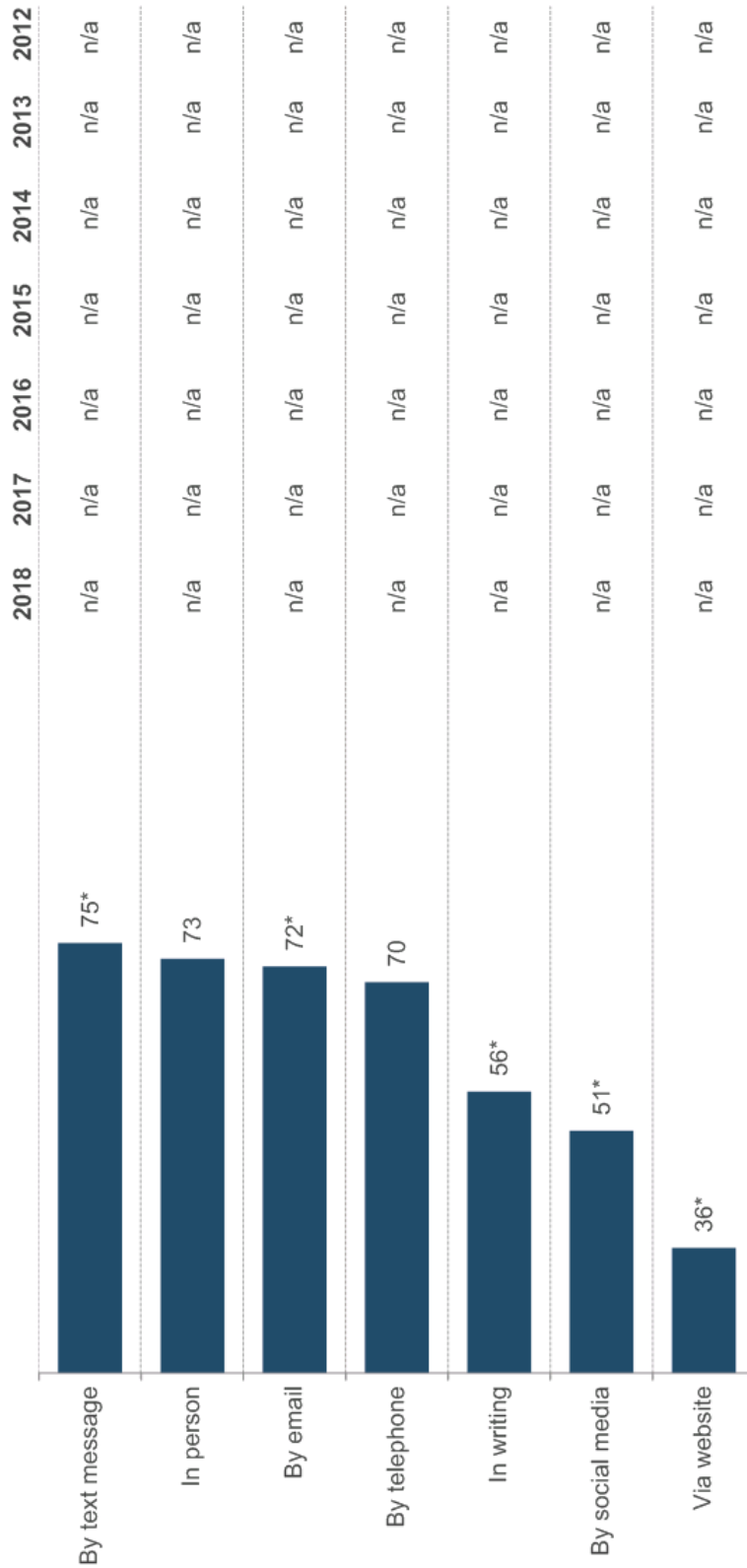
Base: All respondents. Councils asked state-wide: 25 Councils asked group: 7

Note: Respondents could name multiple contacts methods so responses may add to more than 100%



Customer service rating by method of last contact

2019 customer service rating (index score by method of last contact)



Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 63 Councils asked group: 18

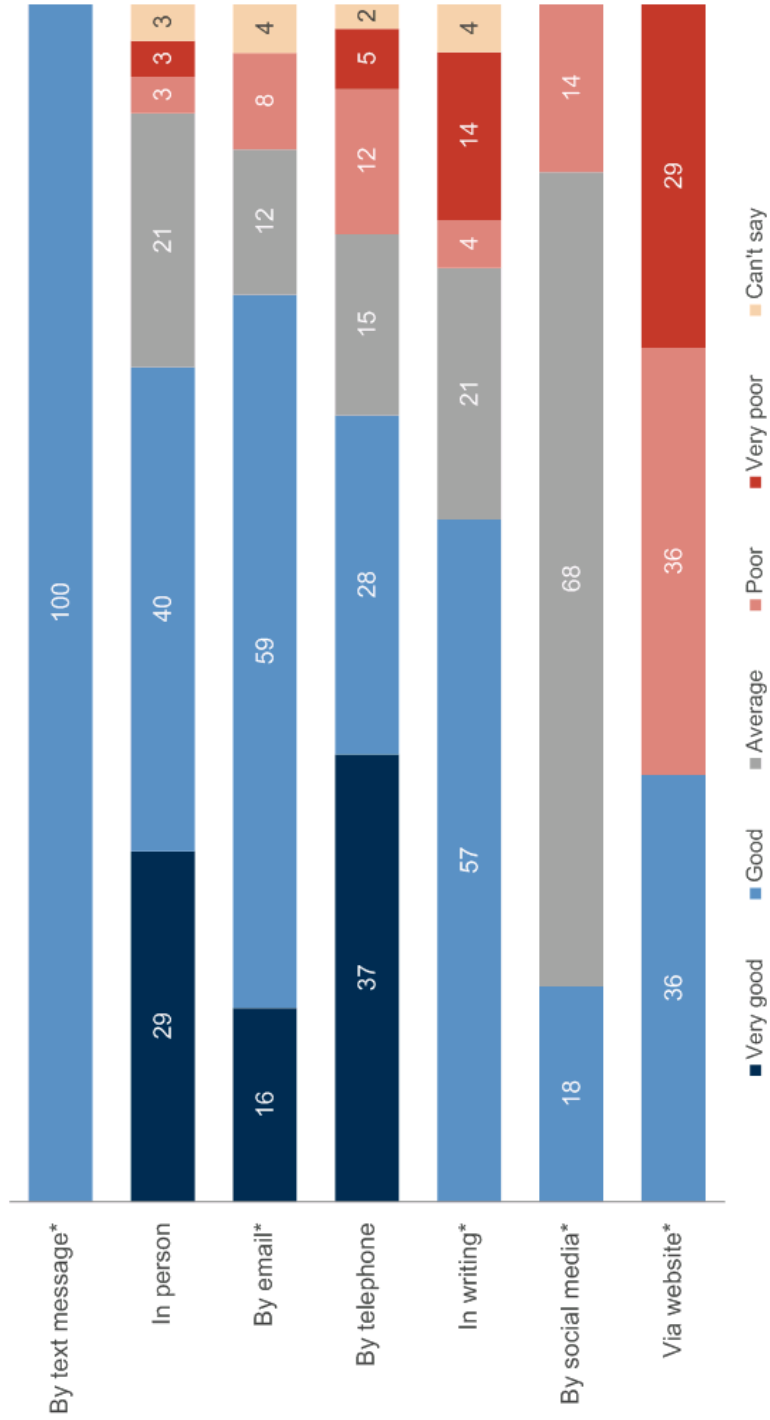
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30



Customer service rating by method of last contact

2019 customer service rating (% by method of last contact)

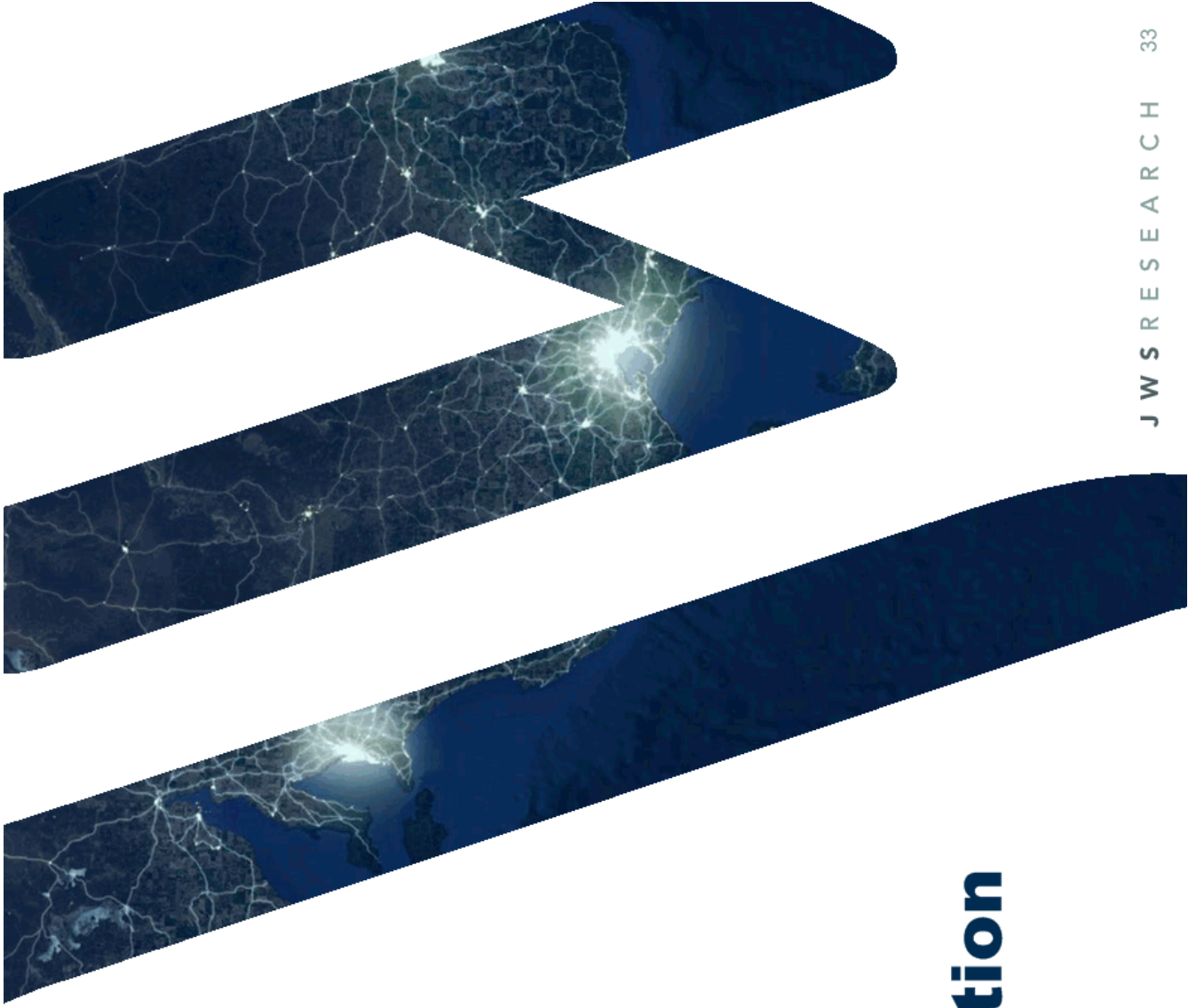


Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

Councils asked state-wide: 25 Councils asked group: 7

*Caution: small sample size < n=30



Communication

J W S R E S E A R C H 33



Communication summary





Best form of communication

2019 best form of communication (%)

- 

Advertising in
a Local
Newspaper
- 

Council
Newsletter
via Mail
- 

Council
Newsletter
via Email
- 

Council
Newsletter as
Local Paper Insert
- 

Council
Website
- 

Text
Message
- 

Social
Media



Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?
Base: All respondents. Councils asked state-wide: 31 Councils asked group: 10



Best form of communication: under 50s

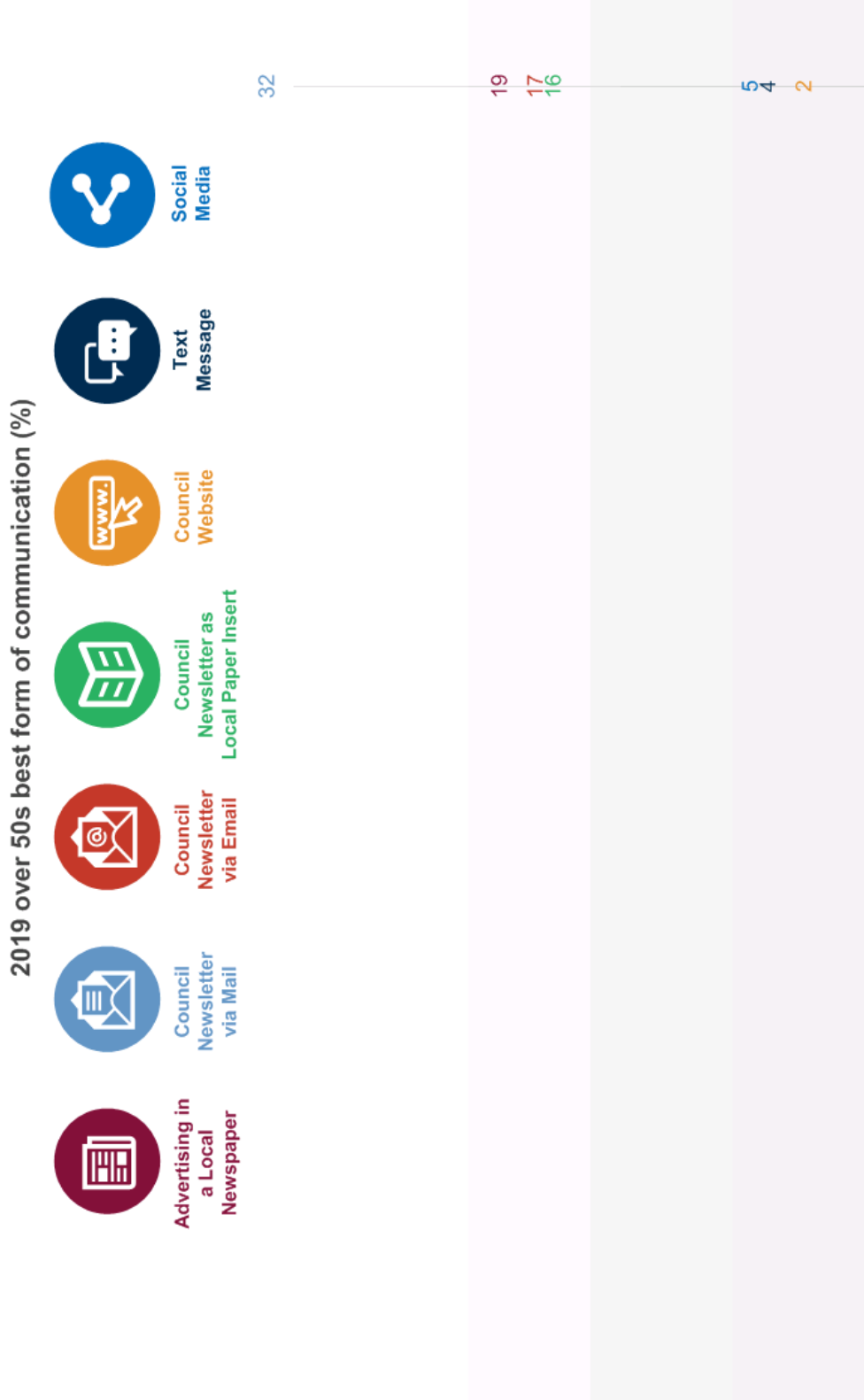
2019 under 50s best form of communication (%)



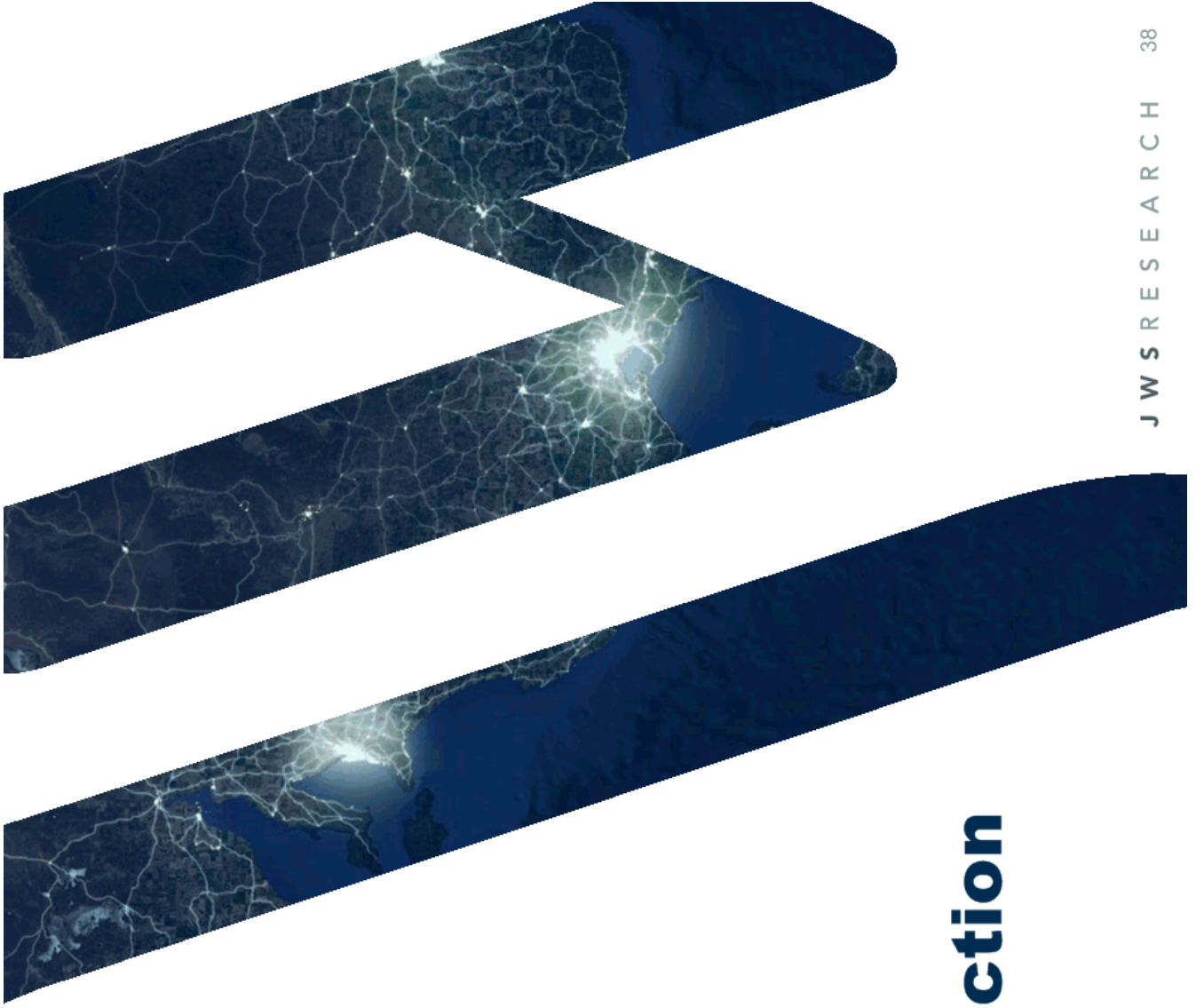
Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?
 Base: All respondents aged under 50. Councils asked state-wide: 31 Councils asked group: 10



2019 best form of communication: over 50s



Q13. If Swan Hill Rural City Council was going to get in touch with you to inform you about Council news and information and upcoming events, which ONE of the following is the BEST way to communicate with you?
 Base: All respondents aged over 50. Councils asked state-wide: 31 Councils asked group: 10



J W S R E S E A R C H 38

Council direction



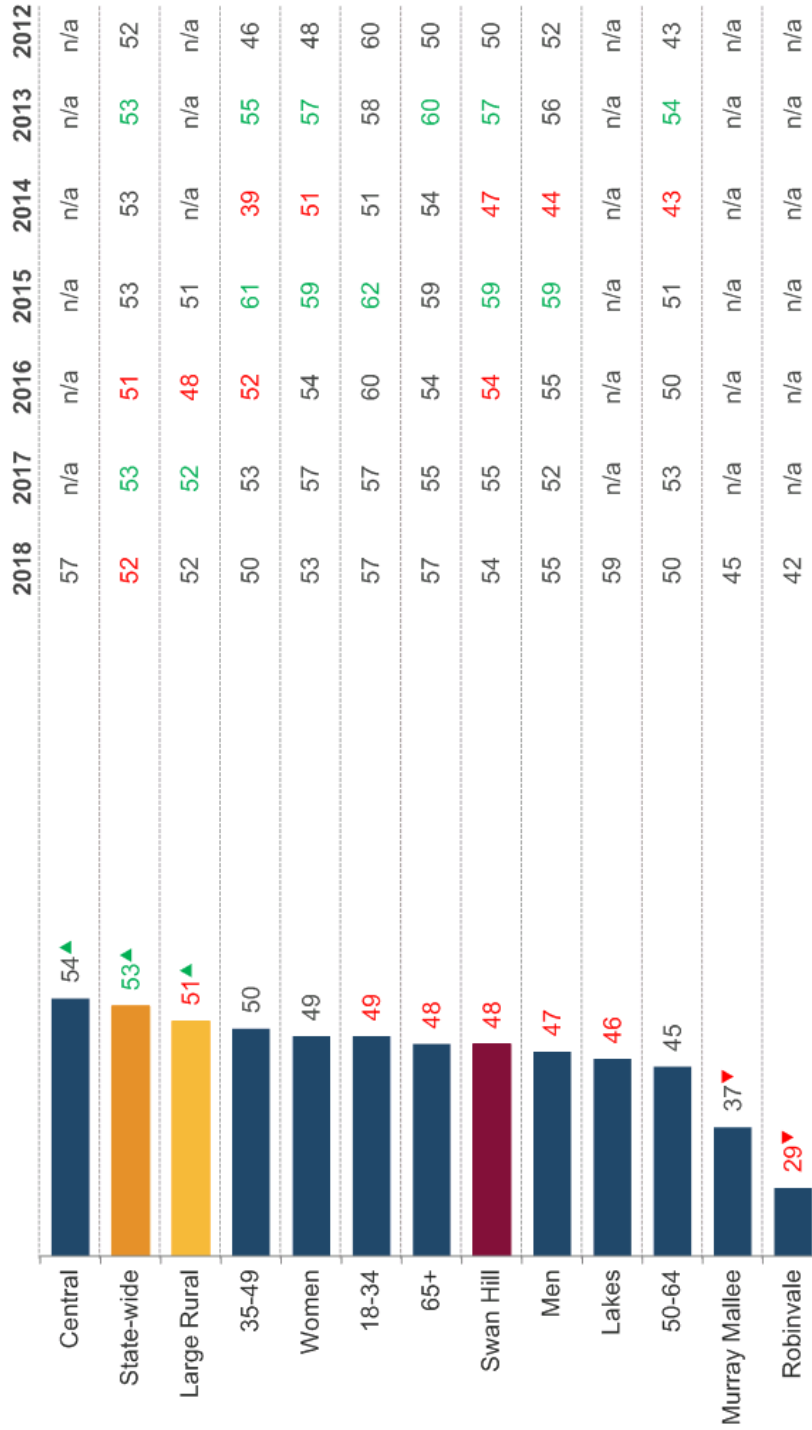
Council direction summary

<p>Council direction</p>	<ul style="list-style-type: none"> • 64% stayed about the same, down 5 points on 2018 • 15% improved, down 3 points on 2018 • 18% deteriorated, up 8 points on 2018
<p>Most satisfied with Council direction</p>	<ul style="list-style-type: none"> • Central residents
<p>Least satisfied with Council direction</p>	<ul style="list-style-type: none"> • Robinvale residents



Overall council direction last 12 months

2019 overall direction (index scores)

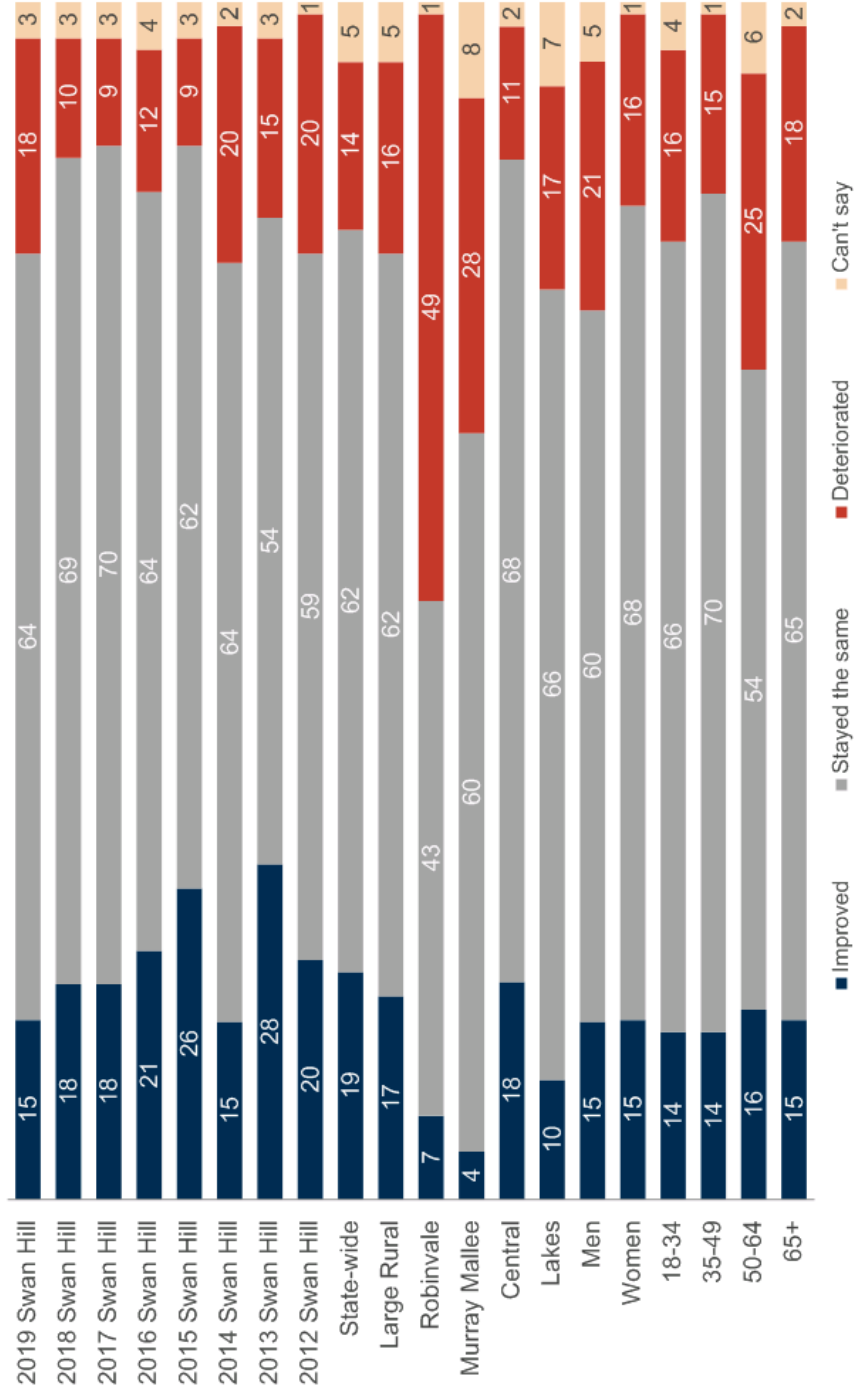


Q6. Over the last 12 months, what is your view of the direction of Swan Hill Rural City Council's overall performance?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.

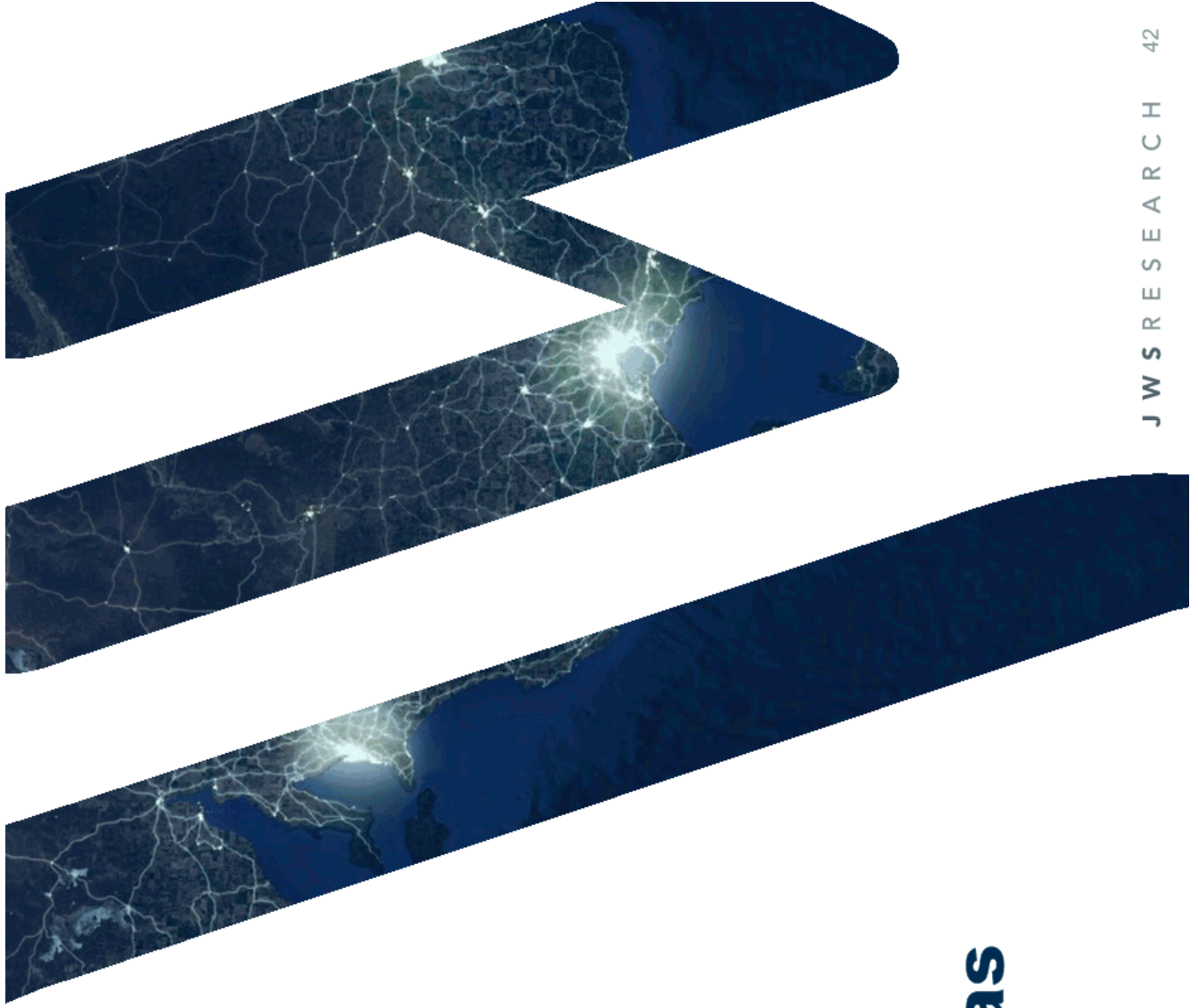


Overall council direction last 12 months

2019 overall council direction (%)



Q6. Over the last 12 months, what is your view of the direction of Swan Hill Rural City Council's overall performance?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18



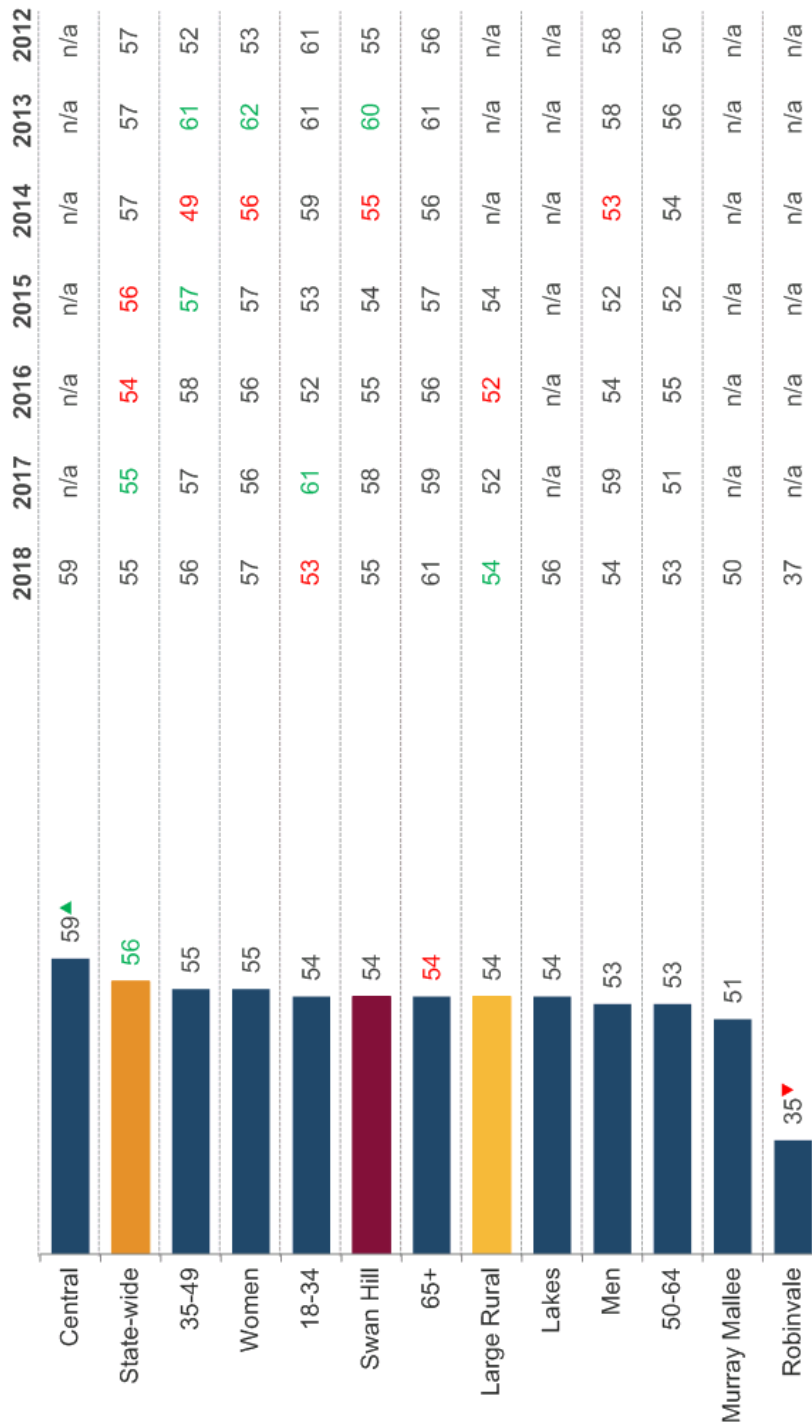
Individual service areas

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Community consultation and engagement performance

2019 Consultation and engagement performance (index scores)

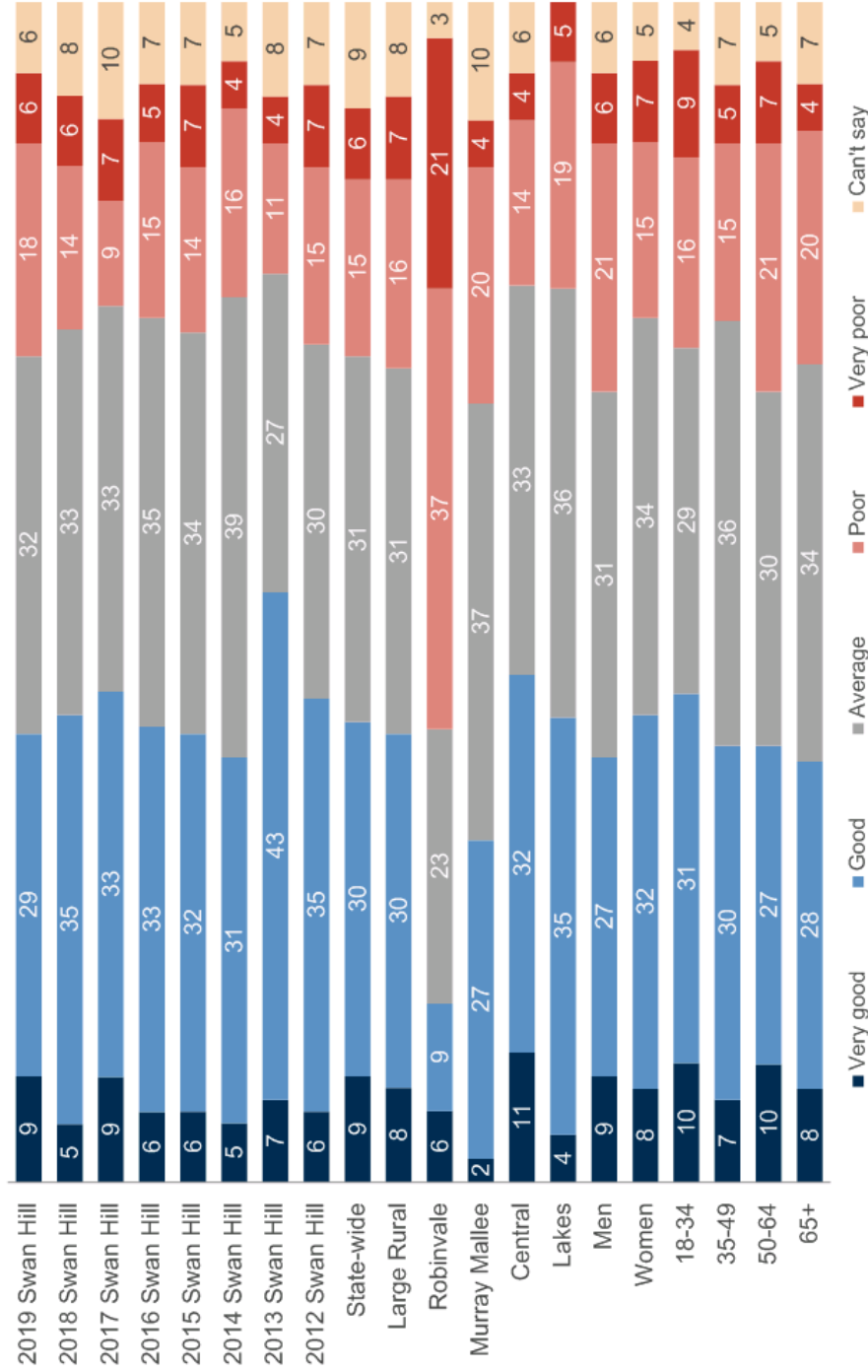


Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.



Community consultation and engagement performance

2019 Consultation and engagement performance (%)

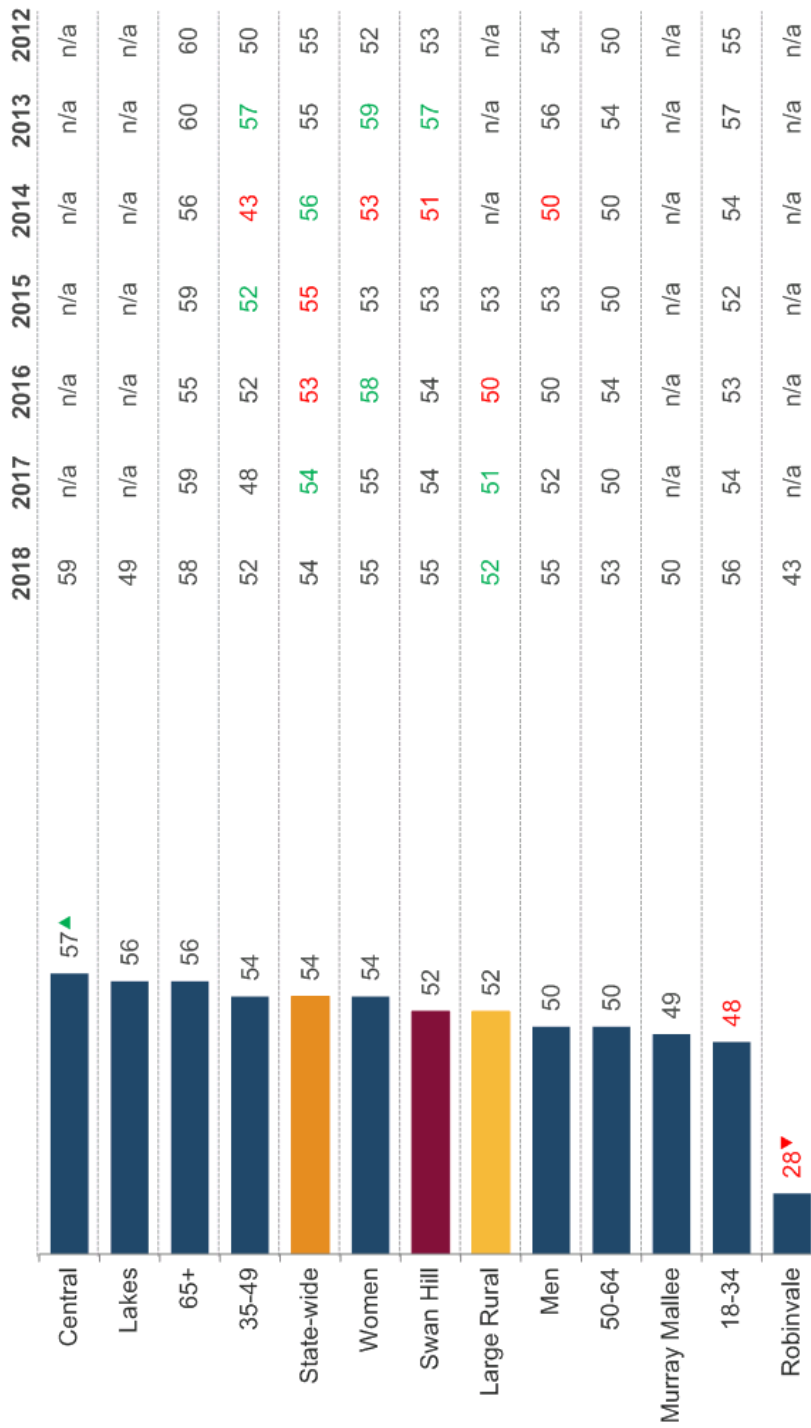


Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18



Lobbying on behalf of the community performance

2019 Lobbying performance (index scores)

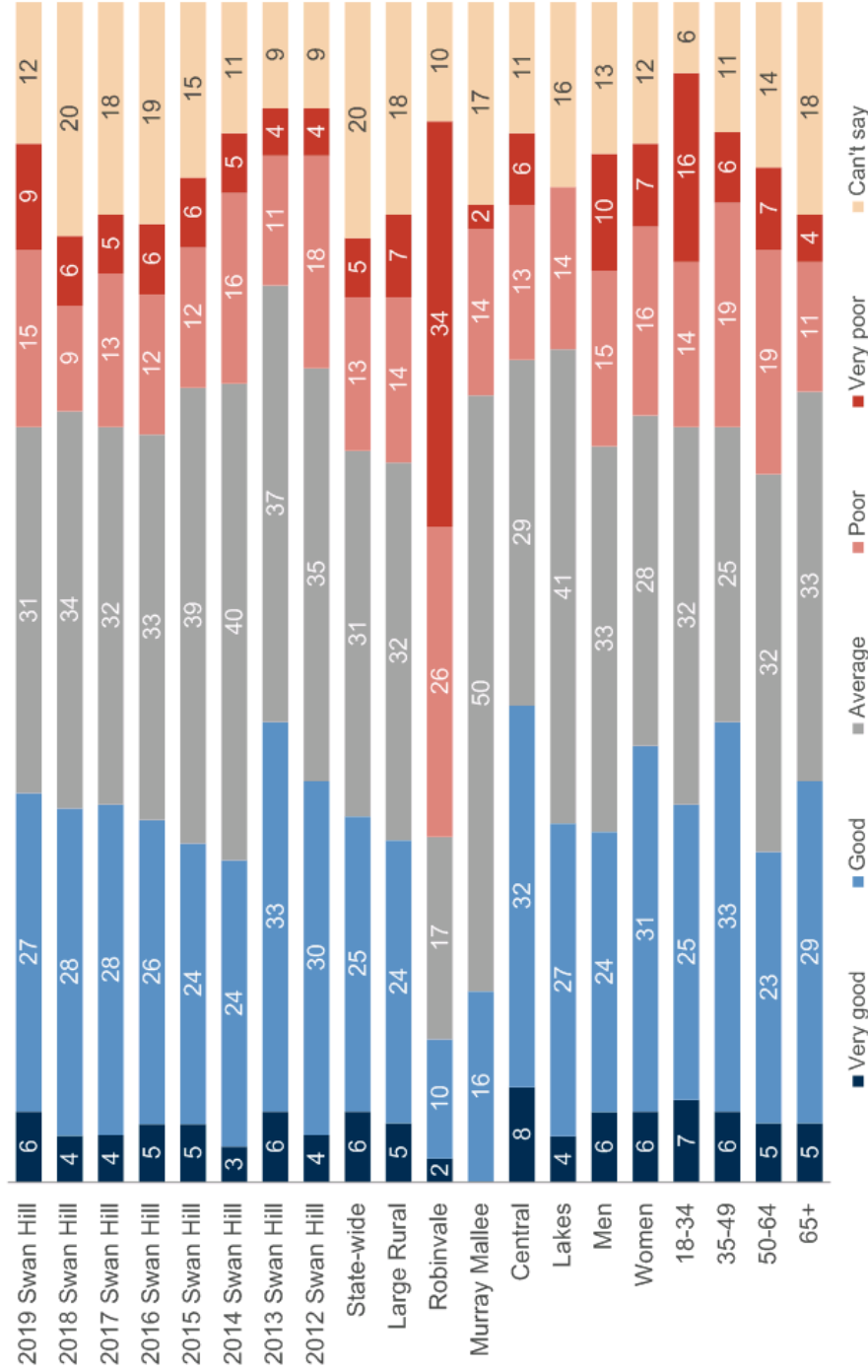


Q2. How has Council performed on 'Lobbying on behalf of the community' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.



Lobbying on behalf of the community performance

2019 Lobbying performance (%)

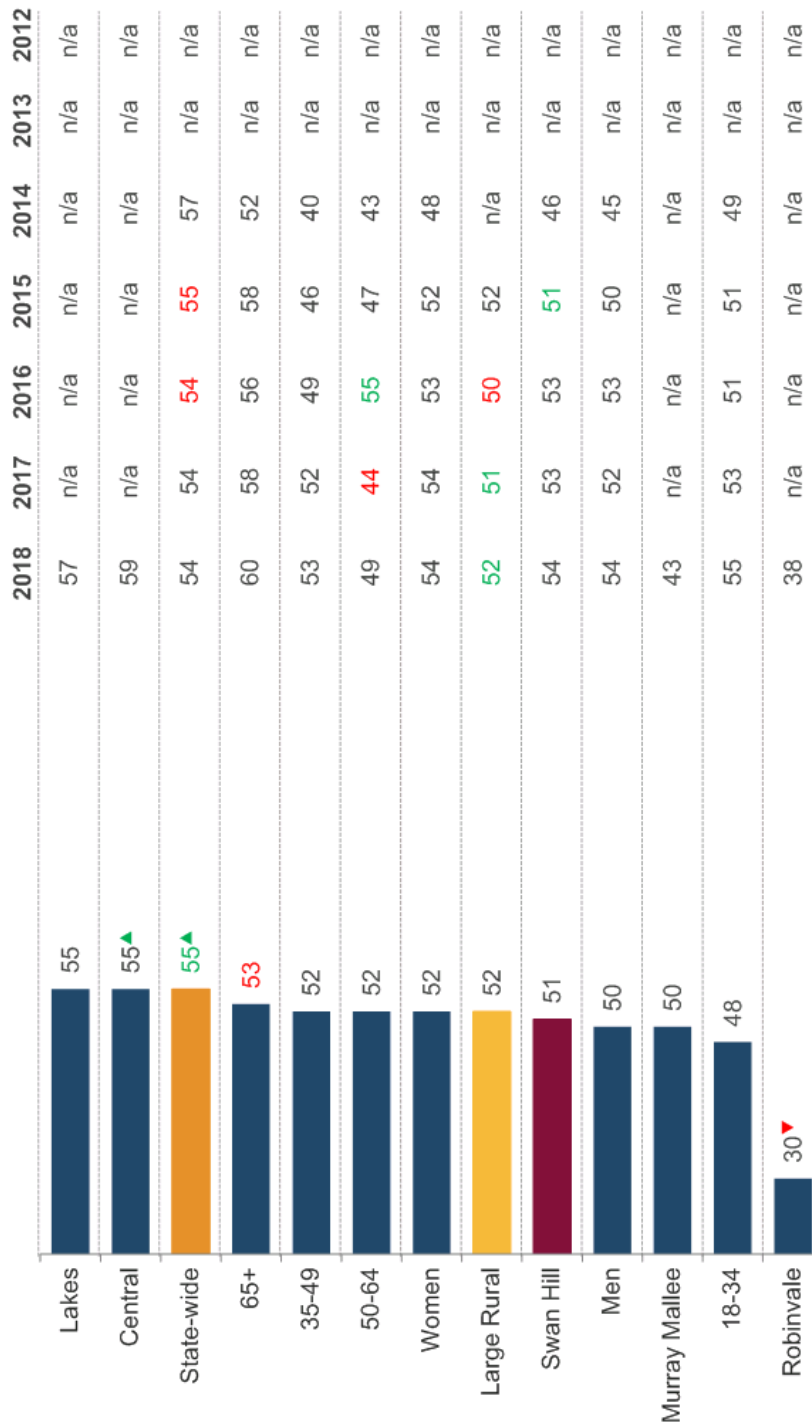


Q2. How has Council performed on 'Lobbying on behalf of the community' over the last 12 months?
Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18

Decisions made in the interest of the community performance



2019 Community decisions made performance (index scores)

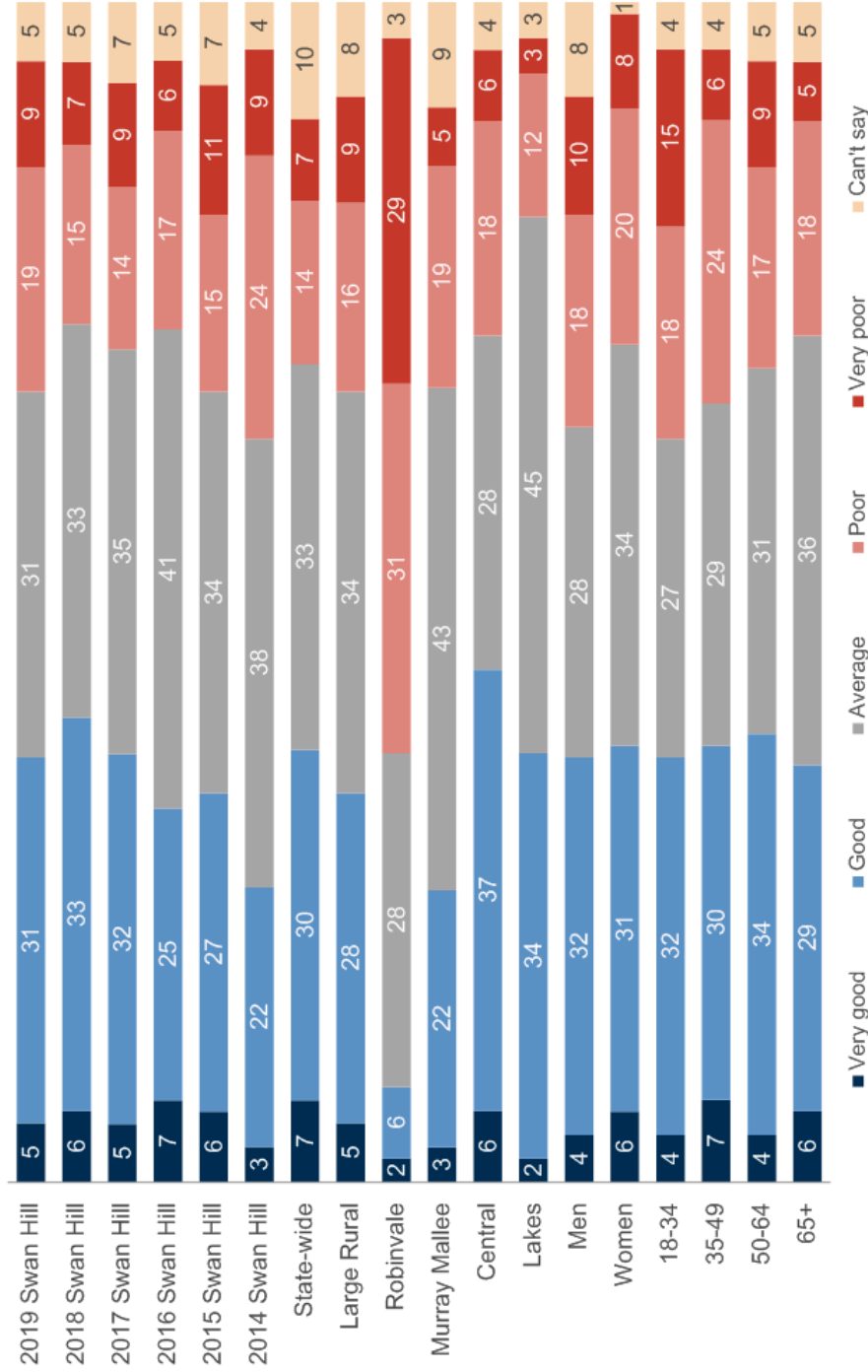


Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.

Decisions made in the interest of the community performance



2019 Community decisions made performance (%)

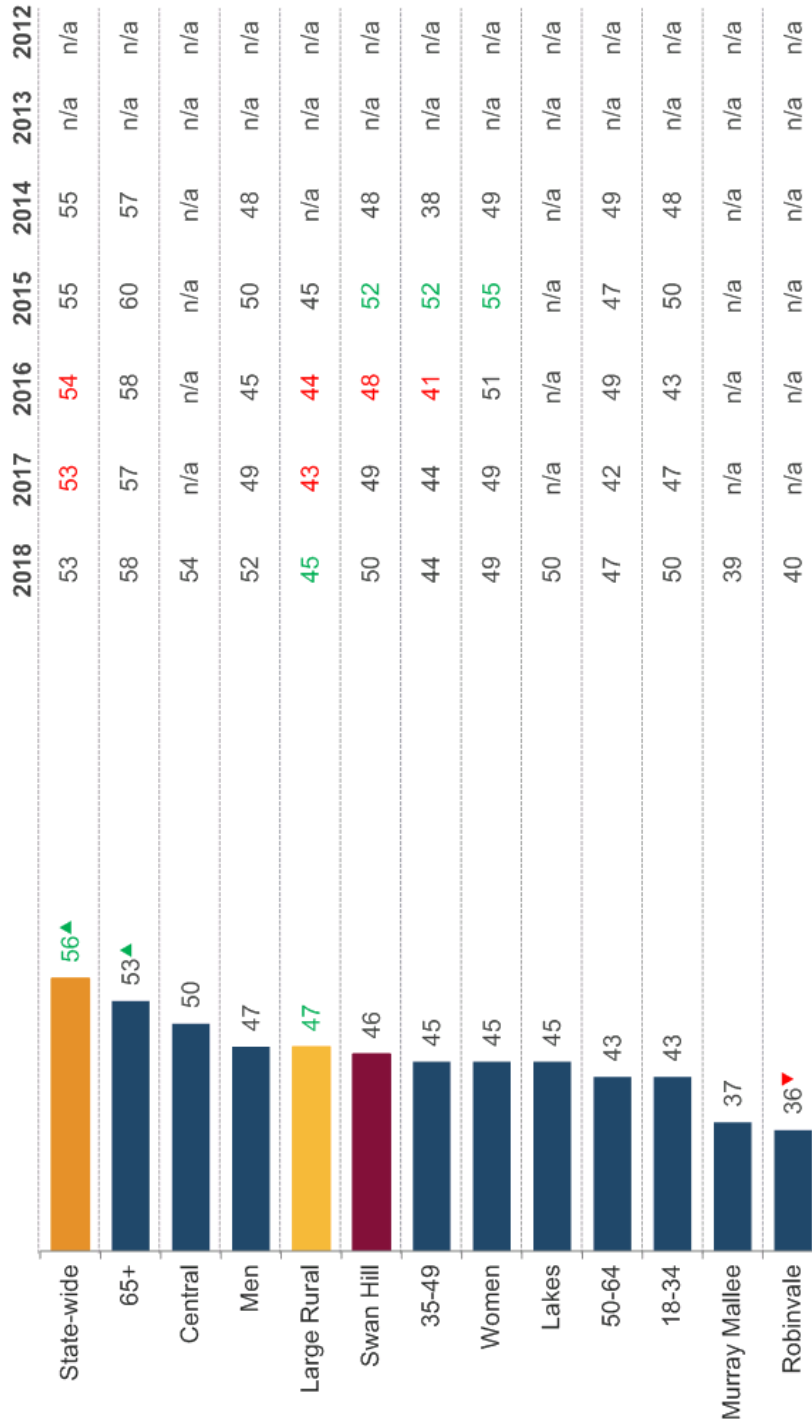


Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18

The condition of sealed local roads in your area performance



2019 Sealed local roads performance (index scores)

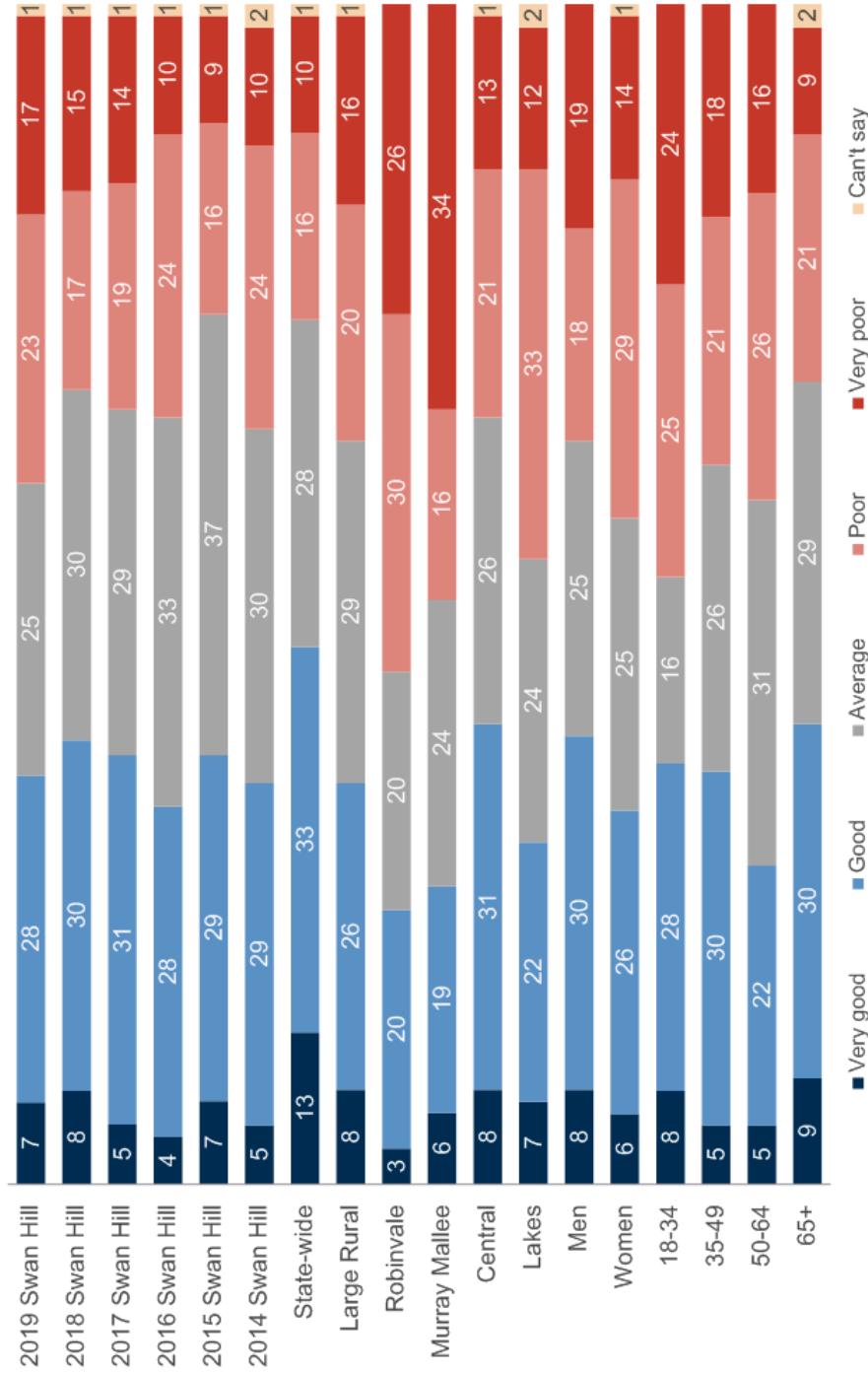


Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Note: Please see Appendix A for explanation of significant differences.

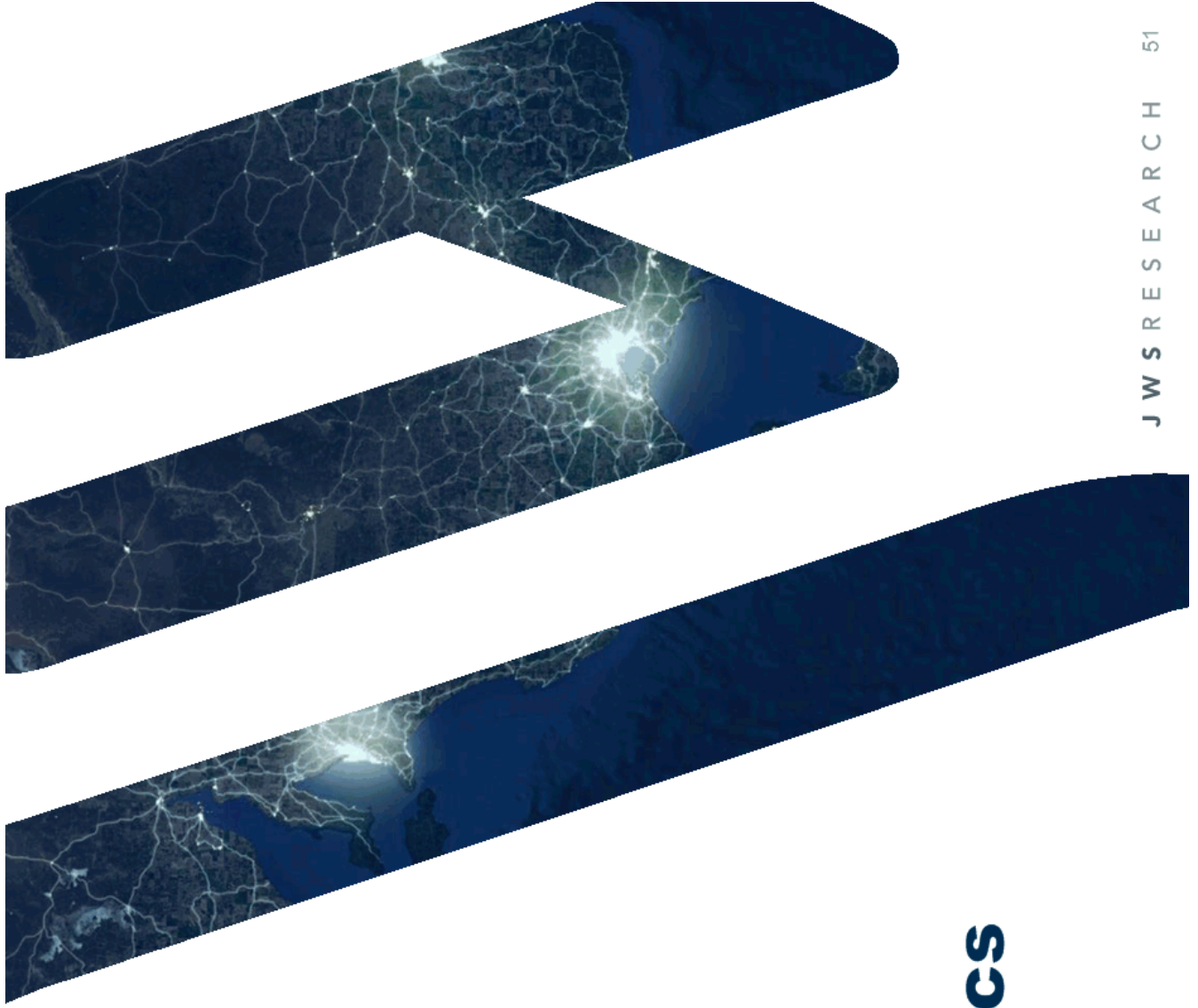
The condition of sealed local roads in your area performance



2019 Sealed local roads performance (%)



Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18

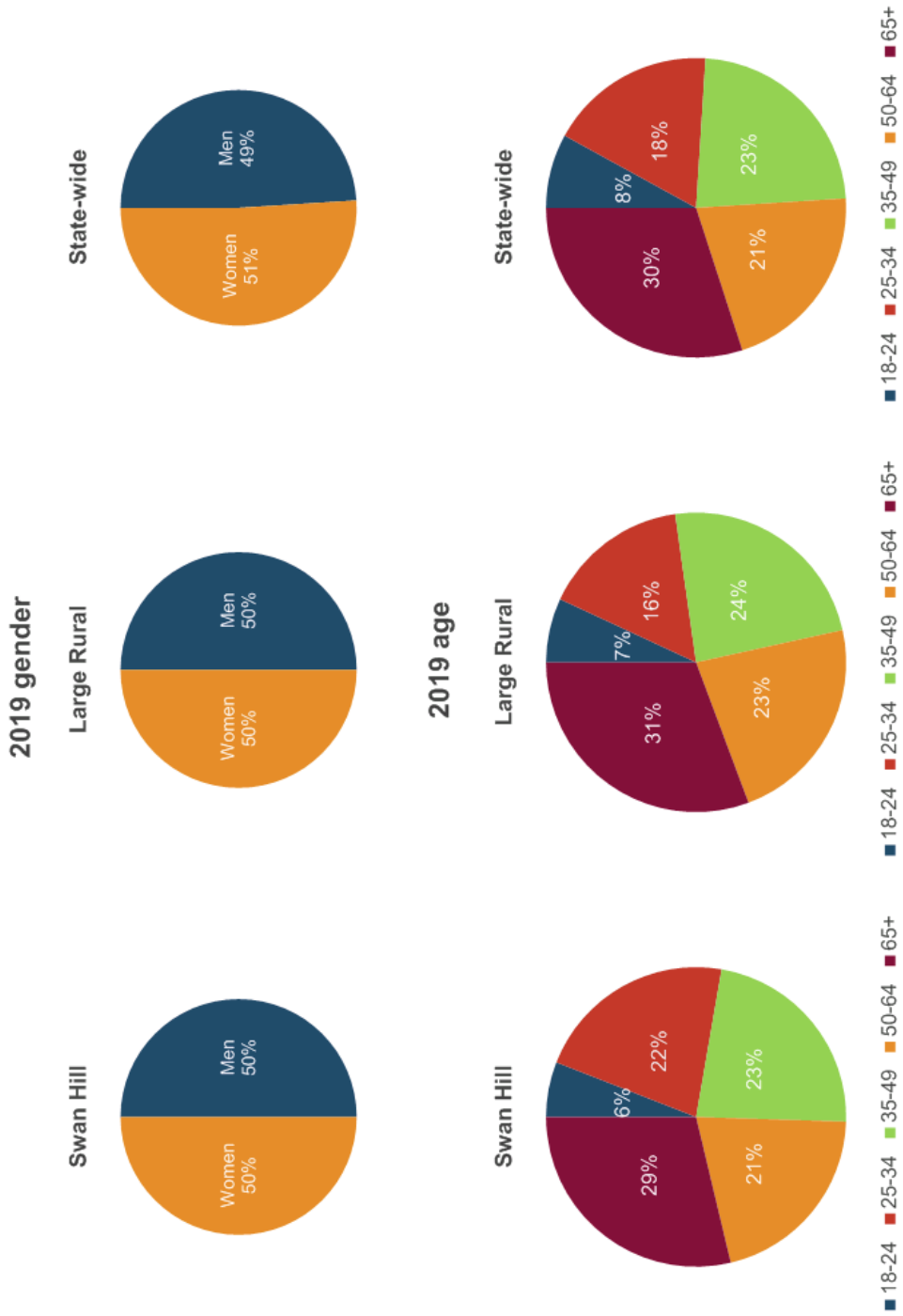


Detailed demographics

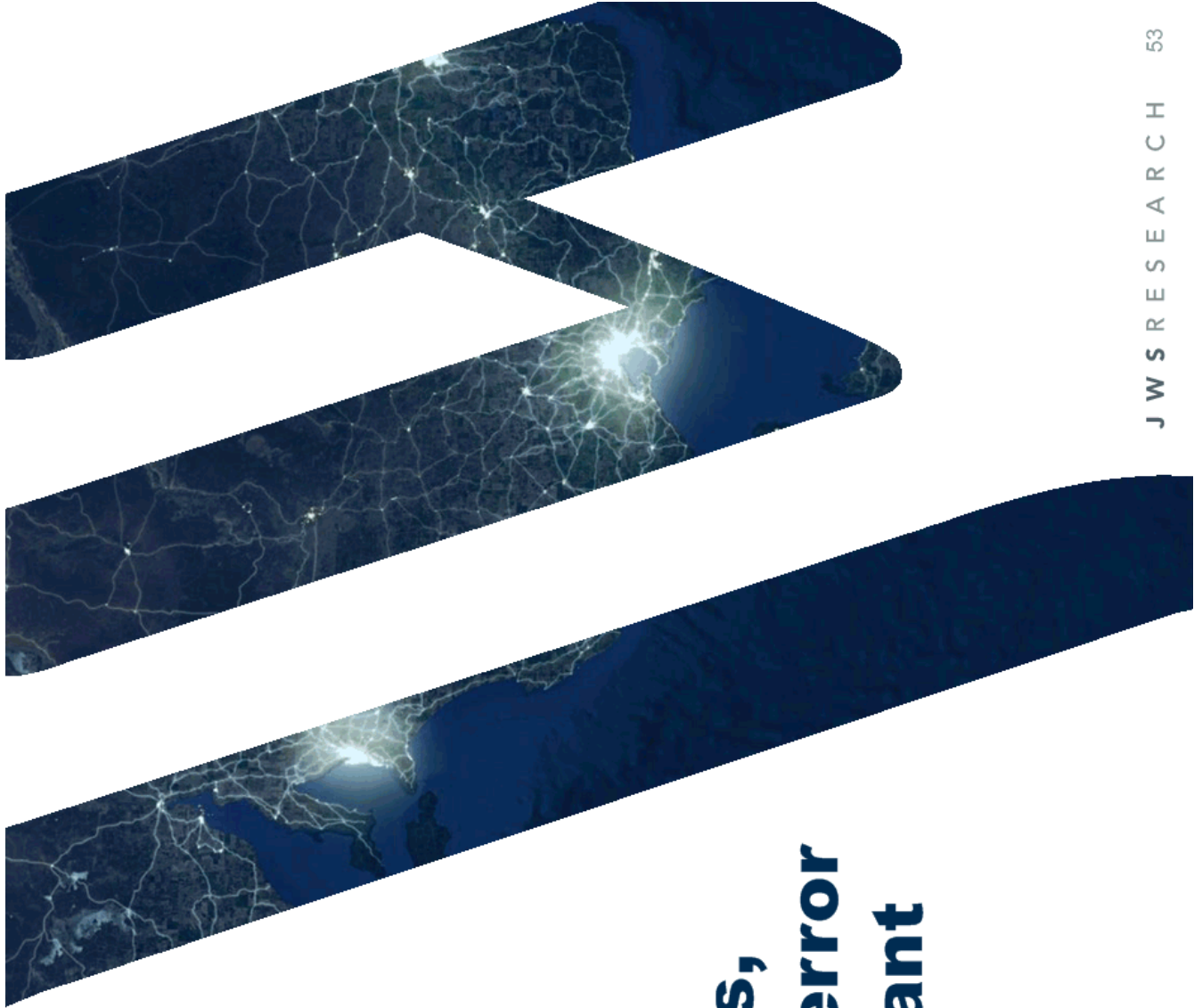
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Gender and age profile



S3. [Record gender] / S4. To which of the following age groups do you belong?
 Base: All respondents. Councils asked state-wide: 63 Councils asked group: 18
 Please note that for the reason of simplifying reporting, interlocking age and gender reporting has not been included in this report.
 Interlocking age and gender analysis is still available in the dashboard and data tables provided alongside this report.



Appendix A: Index scores, margins of error and significant differences



Appendix A: Index Scores

Index Scores

Many questions ask respondents to rate council performance on a five-point scale, for example, from 'very good' to 'very poor', with 'can't say' also a possible response category. To facilitate ease of reporting and comparison of results over time, starting from the 2012 survey and measured against the state-wide result and the council group, an 'Index Score' has been calculated for such measures.

The Index Score is calculated and represented as a score out of 100 (on a 0 to 100 scale), with 'can't say' responses excluded from the analysis. The '% RESULT' for each scale category is multiplied by the 'INDEX FACTOR'. This produces an 'INDEX VALUE' for each category, which are then summed to produce the 'INDEX SCORE', equating to '60' in the following example.

Similarly, an Index Score has been calculated for the Core question 'Performance direction in the last 12 months', based on the following scale for each performance measure category, with 'Can't say' responses excluded from the calculation.

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Very good	9%	100	9
Good	40%	75	30
Average	37%	50	19
Poor	9%	25	2
Very poor	4%	0	0
Can't say	1%	--	INDEX SCORE 60

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Improved	36%	100	36
Stayed the same	40%	50	20
Deteriorated	23%	0	0
Can't say	1%	--	INDEX SCORE 56



Appendix A: Margins of error

The sample size for the 2019 State-wide Local Government Community Satisfaction Survey for Swan Hill Rural City Council was n=400. Unless otherwise noted, this is the total sample base for all reported charts and tables.

The maximum margin of error on a sample of approximately n=400 interviews is +/-4.8% at the 95% confidence level for results around 50%. Margins of error will be larger for any sub-samples. As an example, a result of 50% can be read confidently as falling midway in the range 45.2% - 54.8%.

Maximum margins of error are listed in the table below, based on a population of 16,000 people aged 18 years or over for Swan Hill Rural City Council, according to ABS estimates.

Demographic	Actual survey sample size	Weighted base	Maximum margin of error at 95% confidence interval
Swan Hill Rural City Council	400	400	+/-4.8
Men	188	202	+/-7.1
Women	212	198	+/-6.7
Robinvale	57	54	+/-13.1
Murray Mallee	40	36	+/-15.7
Central	270	275	+/-5.9
Lakes	33	35	+/-17.3
18-34 years	51	111	+/-13.8
35-49 years	80	90	+/-11.0
50-64 years	112	84	+/-9.3
65+ years	157	115	+/-7.8



Appendix A: Significant difference reporting notation

Within tables and index score charts throughout this report, statistically significant differences at the 95% confidence level are represented by upward directing green (▲) and downward directing red arrows (▼).

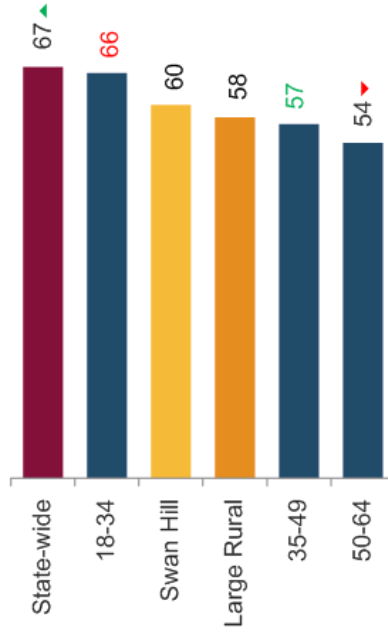
Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 'Total' result for the council for that survey question for that year. Therefore in the example below:

- ▲ The state-wide result is significantly higher than the overall result for the council.
- ▼ The result among 50-64 year olds is significantly lower than for the overall result for the council.

Further, results shown in green and red indicate significantly higher or lower results than in 2018. Therefore in the example below:

- The result among 35-49 year olds in the council is significantly higher than the result achieved among this group in 2018.
- The result among 18-34 year olds in the council is significantly lower than the result achieved among this group in 2018.

Overall Performance – Index Scores
(example extract only)





Appendix A: Index score significant difference calculation

The test applied to the Indexes was an Independent Mean Test, as follows:

$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$5^2 / \$3) + (\$6^2 / \$4))$$

Where:

- \$1 = Index Score 1
- \$2 = Index Score 2
- \$3 = unweighted sample count 1
- \$4 = unweighted sample count 2
- \$5 = standard deviation 1
- \$6 = standard deviation 2

All figures can be sourced from the detailed cross tabulations.

The test was applied at the 95% confidence interval, so if the Z Score was greater than +/- 1.954 the scores are significantly different.



Appendix B: Further project information

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Appendix B: Further information

Further information about the report and explanations about the State-wide Local Government Community Satisfaction Survey can be found in this section including:

- Survey methodology and sampling
- Analysis and reporting
- Glossary of terms

Detailed survey tabulations

Detailed survey tabulations are available in supplied Excel file.

Contacts

For further queries about the conduct and reporting of the 2019 State-wide Local Government Community Satisfaction Survey, please contact JWS Research on

(03) 8685 8555 or via email:
admin@jwsresearch.com



Appendix B: Survey methodology and sampling

The 2019 results are compared with previous years, as detailed below:

- 2019, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2018, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2017, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2016, n=400 completed interviews, conducted in the period of 1st February – 30th March.
- 2015, n=401 completed interviews, conducted in the period of 1st February – 30th March.
- 2014, n=400 completed interviews, conducted in the period of 31st January – 11th March.
- 2013, n=400 completed interviews, conducted in the period of 1st February – 24th March.
- 2012, n=400 completed interviews, conducted in the period of 18th May – 30th June.

Minimum quotas of gender within age groups were applied during the fieldwork phase. Post-survey weighting was then conducted to ensure accurate representation of the age and gender profile of the Swan Hill Rural City Council area.

Any variation of +/-1% between individual results and net scores in this report or the detailed survey tabulations is due to rounding. In reporting, '—' denotes not mentioned and '0%' denotes mentioned by less than 1% of respondents. 'Net' scores refer to two or more response categories being combined into one category for simplicity of reporting.

This survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Swan Hill Rural City Council.

Survey sample matched to the demographic profile of Swan Hill Rural City Council as determined by the most recent ABS population estimates was purchased from an accredited supplier of publicly available phone records, including up to 40% mobile phone numbers to cater to the diversity of residents within Swan Hill Rural City Council, particularly younger people.

A total of n=400 completed interviews were achieved in Swan Hill Rural City Council. Survey fieldwork was conducted in the period of 1st February – 30th March, 2019.



Appendix B: Analysis and reporting

All participating councils are listed in the State-wide report published on the DELWP website. In 2019, 63 of the 79 Councils throughout Victoria participated in this survey. For consistency of analysis and reporting across all projects, Local Government Victoria has aligned its presentation of data to use standard council groupings. Accordingly, the council reports for the community satisfaction survey provide analysis using these standard council groupings. Please note that councils participating across 2012-2019 vary slightly.

Council Groups

Swan Hill Rural City Council is classified as a Large Rural council according to the following classification list:

Metropolitan, Interface, Regional Centres, Large Rural & Small Rural

Councils participating in the Large Rural group are: Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, Southern Grampians, Surf Coast, Swan Hill and Wellington.

Wherever appropriate, results for Swan Hill Rural City Council for this 2019 State-wide Local Government Community Satisfaction Survey have been compared against other participating councils in the Large Rural group and on a state-wide basis. Please note that council groupings changed for 2015, and as such comparisons to council group results before that time can not be made within the reported charts.



Appendix B: Analysis and reporting

2012 survey revision

The survey was revised in 2012. As a result:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local councils, whereas previously it was conducted as a 'head of household' survey.
- As part of the change to a representative resident survey, results are now weighted post survey to the known population distribution of Swan Hill Rural City Council according to the most recently available Australian Bureau of Statistics population estimates, whereas the results were previously not weighted.
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As such, the results of the 2012 State-wide Local Government Community Satisfaction Survey should be considered as a benchmark. Please note that comparisons should not be made with the State-wide Local Government Community Satisfaction Survey results from 2011 and prior due to the methodological and sampling changes. Comparisons in the period 2012-2019 have been made throughout this report as appropriate.



Appendix B: Analysis and reporting

Core, optional and tailored questions

Over and above necessary geographic and demographic questions required to ensure sample representativeness, a base set of questions for the 2019 State-wide Local Government Community Satisfaction Survey was designated as 'Core' and therefore compulsory inclusions for all participating Councils.

These core questions comprised:

- Overall performance last 12 months (Overall performance)
- Lobbying on behalf of community (Advocacy)
- Community consultation and engagement (Consultation)
- Decisions made in the interest of the community (Making community decisions)
- Condition of sealed local roads (Sealed local roads)
- Contact in last 12 months (Contact)
- Rating of contact (Customer service)
- Overall council direction last 12 months (Council direction)

Reporting of results for these core questions can always be compared against other participating councils in the council group and against all participating councils state-wide. Alternatively, some questions in the 2019 State-wide Local Government Community Satisfaction Survey were optional. Councils also had the ability to ask tailored questions specific only to their council.

Appendix B: Analysis and reporting



Reporting

Every council that participated in the 2019 State-wide Local Government Community Satisfaction Survey receives a customised report. In addition, the state government is supplied with a state-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all council areas surveyed.

Tailored questions commissioned by individual councils are reported only to the commissioning council and not otherwise shared unless by express written approval of the commissioning council.

The overall State-wide Local Government Community Satisfaction Report is available at <http://www.delwp.vic.gov.au/local-government/strengthening-councils/council-community-satisfaction-survey>.



Appendix B: Glossary of terms

Core questions: Compulsory inclusion questions for all councils participating in the CSS.

CSS: 2019 Victorian Local Government Community Satisfaction Survey.

Council group: One of five classified groups, comprising: metropolitan, interface, regional centres, large rural and small rural.

Council group average: The average result for all participating councils in the council group.

Highest / lowest: The result described is the highest or lowest result across a particular demographic sub-group e.g. men, for the specific question being reported. Reference to the result for a demographic sub-group being the highest or lowest does not imply that it is significantly higher or lower, unless this is specifically mentioned.

Index score: A score calculated and represented as a score out of 100 (on a 0 to 100 scale). This score is sometimes reported as a figure in brackets next to the category being described, e.g. men 50+ (60).

Optional questions: Questions which councils had an option to include or not.

Percentages: Also referred to as 'detailed results', meaning the proportion of responses, expressed as a percentage.

Sample: The number of completed interviews, e.g. for a council or within a demographic sub-group.

Significantly higher / lower: The result described is significantly higher or lower than the comparison result based on a statistical significance test at the 95% confidence limit. If the result referenced is statistically higher or lower then this will be specifically mentioned, however not all significantly higher or lower results are referenced in summary reporting.

Statewide average: The average result for all participating councils in the State.

Tailored questions: Individual questions tailored by and only reported to the commissioning council.

Weighting: Weighting factors are applied to the sample for each council based on available age and gender proportions from ABS census information to ensure reported results are proportionate to the actual population of the council, rather than the achieved survey sample.

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Director of Client Services
kcox@jwsresearch.com



J W S R E S E A R C H



B.19.87 NO BALLOON RELEASE – EVENTS POLICY

Responsible Officer: Chief Executive Officer
File Number: S01-07-04
Attachments: 1 Events Policy

Declarations of Interest:

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

Summary

Council has received correspondence from a community member requesting that Council adopt a local law banning balloon releases in this Municipality.

This report suggests that Council adopt a change to the “Events policy” banning balloon releases at Council managed events.

Discussion

The level of concern over balloon releases within our community appears to be growing year-on-year with Council receiving more regular correspondence from concerned community members in relation to the environmental damage and the hazard to wildlife the debris from balloon releases causes.

Members of the community point to the fact that balloon debris pollutes our waterways and oceans in parkland and wildlife ingest the brightly coloured balloon debris that mimics the appearance of food. They also make similar claims in relation to the brightly coloured ties that are associated with balloons, including the ribbons and strings attached to balloons it is claimed these entrap wildlife, resulting in injury to or the death of our wildlife.

Council's most recent correspondence came from the curator of the Zero Waste Swan Hill Facebook page Ms Sarina Kelly.

Concerns have also been raised in relation to the use of helium which is seen as a nonrenewable limited resource and those who object to balloon releases claim that it is irresponsible to use this finite resource in such a way.

It appears that community sentiment in relation to the merits of balloon releases is swinging towards a view that these are no longer an appropriate means of celebration in today's climate. Council's asked to consider this point of view and consider whether it may be possible to develop a policy limiting or banning balloon releases for Council managed or Council sponsored events.

The most recent correspondence calls for the inclusion of a clause within Council's local law banning balloon releases within the municipality by all groups. It is

suggested that our community may not be ready for such a strong response and it is suggested that Council limit any action to policy control over Council managed events.

Consultation

There has been no community consultation in relation to this matter.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Implementing this policy will reduce pollution to the environment and reduce the consumption of helium.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Environment - Sound policies and practices that protect and enhance our environment.

Options

Council may choose to adopt or make any changes to the recommendation.

Recommendation

That Council include a “no balloon release” clause into the Events policy and Council’s “Event Management Guidelines”.

Date Adopted December 2017
 Date Reviewed-current as at August 2019
 To be Reviewed August 2023

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



POLICY TITLE EVENTS
POLICY NUMBER POL/STAFF128

1. PURPOSE

Events and festivals are an important function of the Swan Hill Rural City Council (Council). In addition to Council-run or supported events, there are many events that are held on Council managed or owned land that are run by community groups or organisations.

The purpose of this policy is to provide clear guidelines for Council’s role in approving, supporting and delivering events.

2. SCOPE

The policy applies to events held by individuals, groups or committees on Council-owned or managed land which are not currently approved activities within Council’s Recreation Reserve and Pavilion User Agreement.

A documented Event Management Guide has been developed to assist event organisers to deliver safe, well-managed and documented events.

3. DEFINITIONS

Event is an organised promoted public gathering on Council owned or managed property, not including normal business operations.

Managed property Crown land of which Council has been appointed a Committee of Management and is responsible for the hire of the property.

4. POLICY

Events must comply with all event management requirements in accordance with Council’s Event Management: A Guide for Event Organisers document, and evidence of the necessary documentation must be provided.

Council does not support the organised release of helium balloons at Council managed or funded events, or events held on property of which Council has been appointed a Committee of Management and is responsible for the hire of the property.

This prohibition is not intended to prevent the supply and/or sale of individual balloons or their accidental release.

5. RELATED POLICIES/DOCUMENTS

- Events Procedure PRO/STAFF
- Risk Management Policy POL/CORP216
- Occupational Health and Safety Policy POL/OHS901
- Events Management: A Guide for Organisers of Events

6. RELATED LEGISLATION

Occupational Health and Safety Act 2004

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

B.19.88 COUNCILLOR ATTENDANCE AT FUNCTIONS POLICY

Responsible Officer: Chief Executive Officer
File Number: S16-25P-02-009
Attachments: 1 Councillor Attendance at Functions Policy

Declarations of Interest:

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

Summary

The Councillor Attendance at Functions Policy POL/GOV009 has been reviewed and is presented for the approval of Council. The policy provides guidance to Councillors on representing Council at official functions or community meetings or events.

Discussion

This policy applies to all Councillors including the Mayor, representing Council at official functions or community meetings or events. It does not apply to meetings or functions open to all members of the public and where a Councillor attends in a private rather than in an official capacity.

The Councillor Attendance at Functions Procedure PRO/GOV009 outlines how invitations to events should be received, identification of support to attend functions, and the representatives of Council.

Consultation

This policy and procedure was reviewed by the CEO and discussed by the Executive Leadership Team.

Financial Implications

Nil

Social Implications

Councillor attendance at functions promotes positive engagement within the municipality.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and leadership - Effective partnerships and relationships with key stakeholders and staff.

Options

Council can choose to adopt, amend or not adopt the Councillor Attendance at Functions Policy.

Recommendations

That Council adopt the Councillor Attendance at Functions Policy.

POLICY TITLE COUNCILLOR ATTENDANCE AT FUNCTIONS

POLICY NUMBER POL/GOV009

1. PURPOSE

This policy provides guidance to Councillors on representing Council at official functions or community meetings or events.

2. SCOPE

This policy applies to all Councillors including the Mayor.

This policy does not apply to meetings or functions open to all members of the public and where a Councillor attends in a private rather than in an official capacity.

3. POLICY

As the elected chair of Council, the Mayor is the principal representative of Council. All Councillors support the Mayor in representing Council at public occasions. Where the Mayor is unable to attend as the principal representative, he/she shall nominate a Councillor to represent Council, as per the Councillor Attendance at Functions Procedure PRO/GOV009.

If a speech is required by the Councillor representative, the Councillor will comply with the requirement to acknowledge traditional, indigenous land owners in accordance with the Aboriginal Community Partnership Strategy.

All invitations for a Council representative to attend a function or event shall be in writing, addressed to the Mayor.

4. RELATED POLICIES

Councillor Expense Reimbursement Policy POL/GOV004

Media Policy POL/GOV003

Aboriginal Community Partnership Strategy –Implementation Plan

5. RELATED LEGISLATION

Nil

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

PROCEDURE TITLE COUNCILLOR ATTENDANCE AT FUNCTIONS**PROCEDURE NUMBER PRO/GOV009****1. ENABLING POLICY**

COUNCILLOR ATTENDANCE AT FUNCTIONS POLICY CPOL/GOV009

2. ENABLING LEGISLATION

Nil

3. PURPOSE

This procedure provides guidance to employees on implementing the Councillor Attendance at Functions Policy, which deals with Councillors representing Council at official functions or community meetings or events.

4. SCOPE

This procedure applies to all events identified in the Councillor Attendance at Functions Policy.

This procedure does not apply to meetings or functions open to all members of the public and where a Councillor attends in a private rather than in an official capacity.

5. PROCEDURE**5.1 Invitations**

All invitations for a Swan Hill Rural City Council (Council) representative to attend a function or event shall be in writing addressed to the Mayor.

Any invitations for events that fall within the Councillor Attendance at Functions Policy POL/GOV009, that are received by Councillors (not via the Municipal Office) shall be forwarded to the Chief Executive Officer (CEO) as soon as practicable.

5.2 Identification of Support for Attending Councillor

The Mayor and the CEO will discuss each invitation and identify whether:

- an officer should accompany the nominated Councillor,
- whether a speech needs to be developed for the Mayor/Councillor, and
- whether the event shall be used as an opportunity for a Media release.
-

A Function Information Form (Appendix A) will be forwarded to the inviting organisation for completion and return to the executive support department two weeks prior to the event.

In the event of the Mayor delegating attendance of a function to a Councillor, the Executive Support department will communicate with the nominated Councillor to ensure that the Councillor is aware of relevant issues, and is prepared for the function.

Representatives Any Councillor may substitute for the Mayor for a civic or ceremonial function of a municipal wide nature where the Mayor is unable to attend.

When the Mayor nominates another Councillor, they will consider the following issues:

- Whether the function is associated with a Councillor's ward.

- Whether the function is associated with a group or committee to which a Councillor has been appointed as Council’s representative.

Where the event relates to an issue relevant to a designated Councillor ward, then a Councillor from the ward shall be the designated attendee.

Where the event is of relevance to a group or committee to which a Councillor has been appointed, then one of the appointed Councillors shall be the designated attendee.

In making the above determination, the Mayor will have regard to whether the invitation is made to an individual Councillor or Councillors.

In the event that the nominated Councillor/s cannot attend, the Mayor shall nominate a substitute representative.

RELATED LEGISLATION

Nil

RELATED POLICIES/DOCUMENTS

Function Information Form

Councillor Expense Reimbursement and Support – PRO/GOV004

Media Policy PRO/GOV003

Aboriginal Community Partnership Plan

Signed: _____

CEO

Date: _____

B.19.89 VICTORIA POLICE SWAN HILL BICYCLE SQUAD

Responsible Officer: Chief Executive Officer
File Number: S13-22-08
Attachments: 1 Swan Hill Police Bicycle Squad

Declarations of Interest:

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

Summary

The Swan Hill Rural City Council has had a long partnership with Victoria Police in improving public safety outcomes in the municipality. Recent initiatives have included the co-funding of CCTV surveillance in the Swan Hill CBD, which has led to better policing outcomes and increased public safety around nightspot venues.

Discussion

Senior Sgt Brad Bennett, Swan Hill Station Commander is putting together an initiative to reintroduce a bicycle squad for Swan Hill as confirmed in his letter that is attached.

The intention of the bicycle squad/patrols is to be more a face of policing rather than an enforcement agency with the aim of increasing the community's perception of safety. He goes on to say that the main tasking for the bicycle squad is for the members to patrol areas such as but not limited to, the river walks and parks as well as all caravan parks in Lake Boga and in the Swan Hill CBD, especially during holiday seasons.

The squad would also be utilised at feature events such as the food and wine festival, horse racing carnival and the food van festival and include other high impact events such as football finals etc. Bicycle patrols will provide a visible police presence, for the residents of this wonderful community.

Victoria police have committed \$12,000 to the establishment of a bicycle squad which will include the training of four current members and the provision of appropriate police safety/riding equipment. Sgt Bennett has written to Council requesting a contribution of \$4,000 for the purchase of two new bicycles for the Swan Hill bicycle squad.

He has indicated that if Council is able to make this contribution he will ensure that the bicycles are purchased from within the municipality, thus keeping the money within our economy if possible.

Consultation

It is suggested that Council should support this initiative.

Financial Implications

Council has not provided funds within its 19/20 budget as this initiative was not known of at the time of budget preparation, however. Council does have surplus funds from the operation of our 2018/19 budget and it is recommended that the \$4,000 requested by Victoria police be sourced from the surplus from last year's operations.

Social Implications

Supporting this initiative contributes to Council's aims of making Swan Hill and it's smaller communities liveable places.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Bicycle squads are proven to increase the perception of public safety, and create a greater visible police presence on our streets.

Council Plan Strategy Addressed

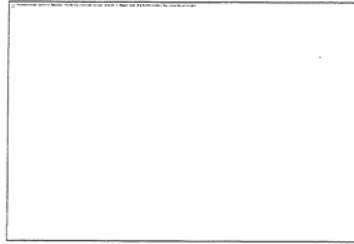
Community enrichment - Provide services and support initiatives that create a Healthy and Safe Community.

Options

Nil

Recommendation

That Council support the Swan Hill Police bicycle squad by providing an amount of \$4,000 towards the purchase of two bicycles and that these funds be sourced from Council's surplus.



Tuesday, 30 July 2019

Mr John McLinden
Chief Executive Officer
Swan Hill Rural City Council
45 Splatt Street
Swan Hill VIC 3585

Western Region, Division 6
Swan Hill PSA
Campbell Street
Swan Hill VIC 3585

Re: Swan Hill Police Bicycle Squad

Dear Mr McLinden

As discussed, Swan Hill Police would like to try something a little different by introducing bicycle patrols throughout the shire.

The intention for the Bicycle Squad/Patrols is to be more of a face of policing rather than an enforcement agency with the aim of increasing the community's perception of safety. They will, however, have with them at all times council by laws infringement books so that any fines generated will go directly back to the council for further safety upgrades.

The main tasking for the Bicycle Squad is for the members to patrol areas such as, but not limited to, the river walks and parks as well as all caravan parks, Lake Boga and the CBD, especially during holiday seasons. The squad would also be utilised at feature events such as food and wine festival, horse racing carnival and food van festival and include other high impact events such as football finals etc.

Bicycle patrols will provide a visible police presence for the residents in this wonderful community and allow for greater interaction between the community and the police. They would also work as a deterrent for any person who may cause disruption at community events or in any other community location.

I am seeking to make this squad a joint community effort between Swan Hill Police and the Swan Hill Rural City Council. Victoria Police has committed approximately \$12,000.00 to this effort in order to train four members, which must be conducted in Melbourne, and to fit them out with Police safety/riding equipment.

I am seeking assistance from the council in the amount of \$4,000.00 to purchase two new bicycles from the Bicycle Shop (Bikes and Trikes) in Swan Hill, keeping the money in the town.

Bicycle Patrols would provide benefits for Victoria Police and the Swan Hill Rural City Council as well as the community in general with increased safety being a key element to promoting tourism and in the longer term, as a great place to live and work.

Yours sincerely

Senior Sergeant Brad Bennett
Swan Hill Station Commander

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.19.13 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
23 July 2019 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Use & Development for Dwelling-Lake Rd Woorinen South
- Kilter house excisions
- 45 & 47 Butterworth Street Subdivision
- 34 Pioneer Street Manangatang – Boarding Kennels Refusal
- On Farm Workers
- C73
- Community Satisfaction Survey Results
- Insurance Contents – User Groups
- Sub-Lease Catalina Café
- Helium Balloon Release Ban – Policy
- Lake Boga Equestrian Centre
- Councillor Attendance at Functions Policy & Procedure
- Bromley Road land sale proposal
- Rail Freight Alliance
- Road Management Plan 2019

ADDITIONAL ITEMS DISCUSSED

- Robinvale Population Strategy – Recent press

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Bill Moar
- Cr Jade Benham
- Cr Nicole McKay

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- David Lenton, Director Corporate Service
- Helen Morris, Organisational Development Manager
- Stefan Louw, Development Manager
- Rachael Blandthorn, Principal Planner
- Muriel Scholz, Senior Economic Development Officer

Other

- Warrick Fisher and Rocky Infantino

CONFLICT OF INTEREST

- Cr Les McPhee declared in indirect conflict of interest in item C73.

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
30 July 2019 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- S5 & S6 Delegations
- Piangil Bus Stop
- Gillespie Street
- 98 & 108 Hungerford Lane, Vinifera - Re-Subdivision of Land (house excision) in the farming zone
- 65 Lake Road, Woorinen South - Re-Subdivision of Land (house excision) in the farming zone
- 6 & 103 Nadzab Road, Robinvale - Re-Subdivision of Land (house excision) in the farming zone
- Planning Dept Discussion on Re-subdivisions
- Corner Happy Valley Road and Anzac Road, Robinvale (Happy Valley Shop Site) Rezone to Commercial Zone
- Dissolution of Alan Garden Netball Centre Special Committee
- Manangatang Fuel
- Medical Services in Robinvale
- Robinvale Residential Land

ADDITIONAL ITEMS DISCUSSED

- Robinvale Population Strategy – Recent press
- Proposed legal action

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham

Apologies

- Cr Bill Moar
- Cr Nicole McKay

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
- Rachael Blandthorn, Principal Planner

Other

- Nil

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
23 July 2019 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Councillor Only Session
- Regional Roads Victoria – Various Road Matters
- Joint Submission to Aged Care Royal Commission
- Youth Affairs Victoria
- Off Leash Park Report
- Drag Strip

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Ann Young
- Cr Les McPhee
- Cr Chris Jeffery
- Cr Lea Johnson
- Cr Jade Benham
- Cr Nicole McKay

Apologies

- Cr Bill Moar

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services

Other

- Rhiannon Jennings and Catherine Ellis – Youth Affairs Victoria
- Brian Westley and Daya Govender and Paul Diss

CONFLICT OF INTEREST

- Nil

C.19.14 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.

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

No.	Document Type	Document Description	Date signed/ sealed
935	Lease for Manangatang Community Centre – 1 Wattle Street, Manangatang.	Between SHRCC and Mallee Track Health and Community Services Inc.	16-7-19
936	Lease – MADEC Robinvale 68-72 Herbert Street, Robinvale.	Between SHRCC and MADEC	16-7-19
937	Section 173 Agreement – Planning Permit 2016/19 – Condition No6 100B, 100A, 100C, 54A, 320, 213 Staley Road, Wemen.	Between SHRCC and C.T.Carey and R.S.Carey	16-7-19
938	Deed of Leases – Use of an Aerodrome hanger, Swan Hill Municipal Aerodrome, part 190 back Boga Road, Castle Donnington.	Between SHRCC and G.Twigg	23-7-19

DECISIONS WHICH NEED ACTION/RATIFICATION

20 August 2019

939	Lease – Robinvale Recreation Reserve	Between SHRCC and Robinvale District Harness Racing Club Inc.	6-8-19
940	Section 173 Agreement – For a private asset (pipeline) in Road Reserve – Koala Grapes.	Between SHRCC and F.Zappia and M.Zappia.	6-8-19
941	Section 173 Agreement – Two lot subdivision – Crown Allotment 51, Parish of Margooya 1877 Robinvale – Sea Lake Road, Bannerton.	Between SHRCC and the Secretary of the Department of Environment, Land Water and Planning , And the Trust Company Ltd CAN 004 027 749	6-8-19

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.

SECTION D – NOTICES OF MOTION

D.19.6 REQUEST FUNDING FOR ROAD MAINTENANCE AND ROAD RENEWAL

Having given due notice, **Councillor Bill Moar MOVED that:**

Council write to the Minister for Roads, the Honourable Jaala Pulford, The Premier of Victoria Daniel Andrews, the Treasurer of Victoria Tim Pallas and the Minister for Regional Development Jaclyn Symes and the appropriate shadow portfolios pointing out the value of production from the Swan Hill region in terms of food and manufacturing, expressing our deep concern in relation to the inadequate funding of road maintenance and road renewal which is so vital in supporting our food production and manufacturing sectors and seeking a meeting with the Minister for Roads and the Minister for Regional Development to express these concerns first-hand.

Preamble

The Swan Hill Rural City Council produces 2.7 billion dollars of output annually. Of this, the agricultural sector produces almost half a billion dollars worth of food and commodities. This municipality is home to Australia's largest producer of carrots with a carrot processing facility producing 600 tonnes of carrots per week, which is equivalent to one quarter of Australia's entire carrot consumption. This municipality is the largest producer of table grapes, pistachios and olives in Australia, we have the largest concentration of stone fruit production in Australia and this municipalities production accounts for approximately 70% of Australia's almond production. We are home to Boundary Bend Estate, that produces 80% of Australia's olive oil and we also accommodate the largest organic carrot producer in Australia.

The Swan Hill municipality is a significant producer of various foods feeding not only the Australian population but also our export markets. Our dryland farmers are significant producers of cereals, pulses and cereal hays for the export and domestic market.

All of this regions production depends on an effective transport system, and at the present time, and for well into the future our road network will be vital in ensuring that our producers remain competitive and can get their products to market in the same condition that they left the farm, as high quality high-value agricultural products and commodities.

The road networks and in particular the state highways and arterial roads are falling into disrepair and are suffering from a long-term lack of adequate maintenance and renewal funding. This Council calls upon the State Government to immediately address this issue as a lack of funding and the failure of successive governments to

adequately invest in state highway and arterial road infrastructure, means that our agricultural production in the longer term will be disadvantaged.

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 legal advice

B.19.90 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT