

AGENDA

ORDINARY MEETING OF COUNCIL

Tuesday, 18 August 2020

To be held Swan Hill Town Hall
McCallum Street, Swan Hill
Commencing at 2pm

COUNCIL:

Cr B Moar – Mayor

Cr A Young

Cr LT McPhee

Cr J Benham

Cr C Jeffery

Cr L Johnson

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 21 July 2020
- **Declarations of Conflict of Interest**
- **Receptions and Reading of Petitions, Memorials, Joint Letters and Deputations**
- **Public Question Time**

SECTION B – REPORTS

B.20.53 APPROVAL TO RELOCATE COUNCIL MEETING

Responsible Officer: Chief Executive Officer
File Number: S16-05-03
Attachments: Nil

Declarations of Interest:

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

Summary

This report seeks Council's endorsement of the Chief Executive Officer's action to relocate the location for today's (18 August 2020) Ordinary Council Meeting to be held in Swan Hill instead of Robinvale at 2pm.

Discussion

At the beginning of each year Council determines the date, time and location of its Ordinary Council meetings for the coming year. This August Council Meeting was scheduled to be held in Robinvale. The Chief Executive Officer has made the necessary decision to relocate the meeting. It is regrettable that this meeting is not being conducted in Robinvale. Council values the ability to allow its democratic process to be viewed by all communities and to allow the opportunity for all communities to participate, to the extent possible.

Restrictions required in response to the COVID-19 pandemic mean that Council meetings must be closed to the public. If Council Meetings are to be closed to the public it is a requirement that the meeting be live streamed so that the broader audience can observe the meeting. With Council's current technological limitations it is not possible to conduct the meeting and live stream it in any venue other than Swan Hill Town Hall. It is for this reason that the Chief Executive Officer has at short notice relocated this August meeting to the Swan Hill Town Hall.

Council has seen a significant increase in the number of people that have chosen to observe Council meetings since they have been live streamed. We are now seeing a much broader audience observe Council's decision-making activities online than we ever saw when physical attendance was possible.

Council meetings will continue to be streamed live online and recorded and uploaded onto the Council website for viewing in the days following the Council Meeting.

Consultation

There has been no consultation outside the organisation in relation to this matter.

Financial Implications

Nil

Social Implications

It is important that the community be given equitable access to observe Council's democratic decision making.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Access to Councils decision making process is critical to the ongoing relationship between council and the community.

Council Plan Strategy Addressed

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

Options

Nil

Recommendations

That Council endorses the actions of the Chief Executive Officer in relocating this August Council meeting to the Swan Hill Town Hall.

B.20.54 SWAN HIL INCORPORATED ANNUAL MARKETING PLAN AND BUDGET FOR 2020/21

Responsible Officer:	Director Development and Planning
File Number:	S12-24-05
Attachments:	1 Marketing Plan, Incorporating Budget 2020-2021 Swan Hill Inc 2 Strategic Plan 2019-22 - Swan Hill Inc 3 Communication Plan 2020-21 - Swan Hill Inc

Declarations of Interest:

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

Summary

This report recommends Council adopt the Swan Hill Incorporated Annual Marketing Plan and Budget, Communication Plan for the 2020/21 year and the revised Strategic Plan for 2019-2022.

Discussion

In order for Swan Hill Inc. to receive the funds collected through the Special Rate for its programs, Council must first approve Swan Hill Inc's Annual Marketing Plan, Budget and the Communication Plan. As part of the agreement with Swan Hill Inc there was a requirement to also prepare a four year strategic plan.

Strategic Plan

The four year Strategic Plan outlines a clear assessment of the existing conditions, a structure for Swan Hill Inc. to achieve its objectives, a SWOT analysis and four strategies that outline clear guidance for the members and Council (attachment 2).

The Strategic Plan is built around four strategies. These are:

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

Swan Hill Inc. has had success in focusing on these four pillars. No change has been made to the strategic plan from last year.

Marketing Plan

Subject to changes as a result of the COVID-19 Pandemic Swan Hill Inc proposes to continue with successful programs including building on the success of the "tell em..... sent ya" campaign and the dedication of funds for digital marketing. In

addition the plan includes the continuation of popular events such as Market Day and the Swan Hill Region Food and Wine Festival. There will also be a continued focus on engaging and supporting Swan Hill businesses through a strong advocacy and business support program. A new priority will be with the industrial and manufacturing sector.

Budget

The 2020/21 Swan Hill Inc. Annual Budget is made up of the following:

- Income – Total income of \$622,596. Special Rate income of \$366,370 and a carry forward of \$146,827.
- Expenses – Total expenses are \$621,212. This includes Administration expense of \$87,612 Business Support expense of \$60,600 (including \$50,000 for Industrial services promotion), Marketing expense of \$378,000, Promotion expense of \$5,000 and Traders expense of \$90,000.
- Net surplus - \$1,384 (attachment 1).

Communication Plan

The Communication Plan outlines how Swan Hill Inc. will seek membership, keep membership informed and engaged in programs and priorities (attachment 3).

Consultation

Swan Hill Incorporated has consulted with its members in the development of all the documents.

Financial Implications

Swan Hill Inc. is funded through the Special Rate and voluntary contributions. In may be necessary to review the Swan Hill Inc Budget in six months' time once the implications of COVID-19 are fully understood.

Social Implications

It is anticipated that the successful implementation of the various plans and Annual Budget will result in increased visitation to the region and improved business responses. The new requirement for a Communications Plan and its actions will result in better communications with members and payers of the rate.

Economic Implications

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

Environmental Implications

Not applicable.

Risk Management Implications

Failure of Council to endorse these documents and the budget will result in Swan Hill Inc. being limited in its operations. Ongoing discussions with Swan Hill Inc. will be required if the COVID-19 pandemic is ongoing and it limits the ability of Swan Hill Inc. to carry out all of its functions.

Council Plan Strategy Addressed

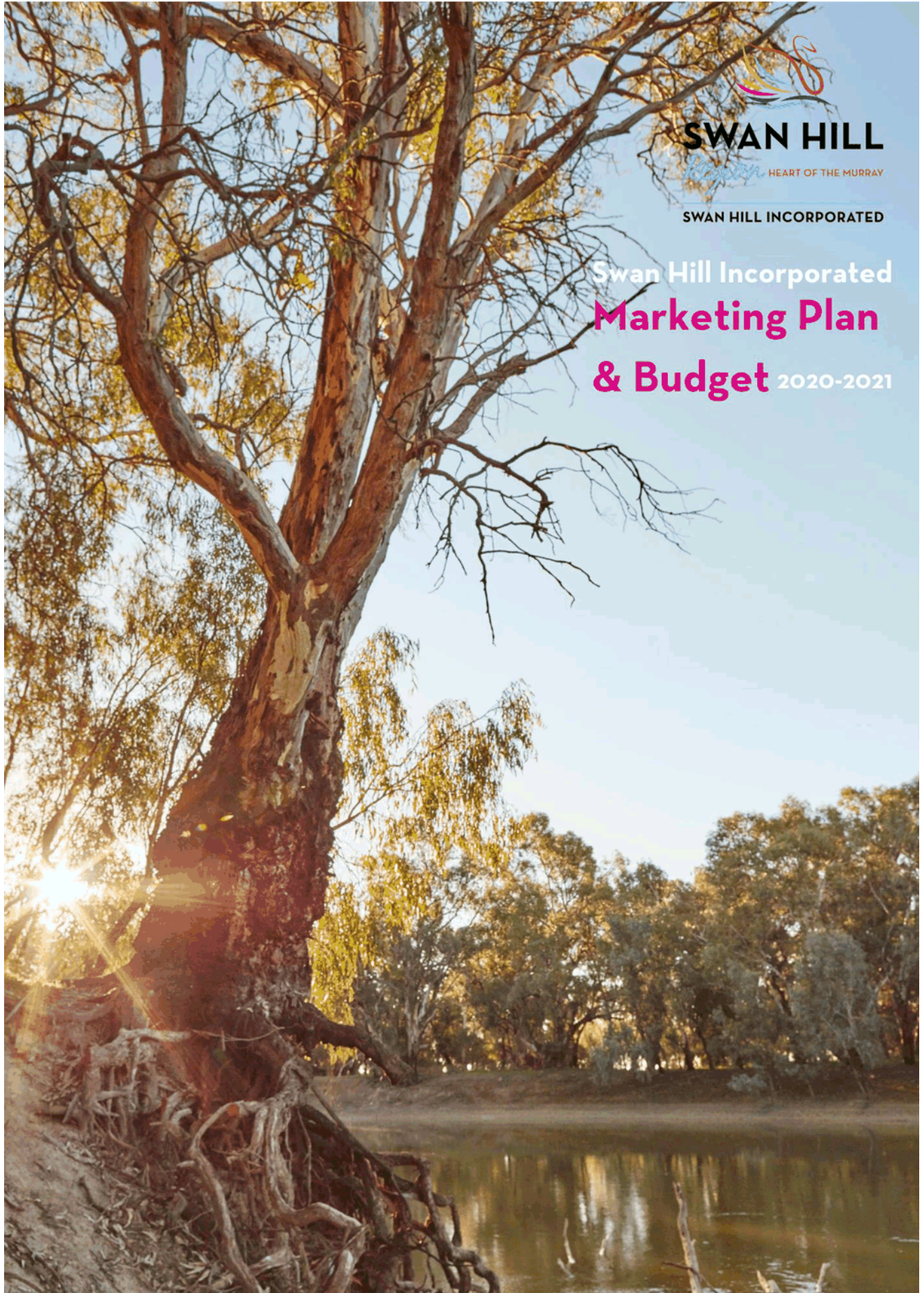
Economic growth - Encourage and attract new business to our region.

Options

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

Recommendation

That Council approve the Swan Hill Incorporated Annual Marketing Plan and Budget (2020/21) and Communications Plan (2020/21).



Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



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Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



INTRODUCTION

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

KEY PARTNERS

Swan Hill Rural City Council

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

Business Community

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

Regional, State and Federal Tourism, Development and Government Organisations

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

The Community

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

ECONOMIC BENEFITS

The promotion of our Region is focused on bringing visitors to Swan Hill and the surrounding region. Results from Tourism Research Australia for the year 31 December 2019 showed that the Swan Hill Region experienced 423,800* domestic and international overnight visitors in that time.

Fact sheets produced by Tourism Victoria Research Unit in December 2019 show the average expenditure in the Murray region to be \$123 per night*.

The visitor economy results in many businesses, not directly related to tourism, benefiting significantly from the proceeds of visitors to the region.

* Domestic and international visitation and average expenditure are retrieved from Murray Regional Tourism Board December 2019 Quarterly reports.

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



ABOUT SWAN HILL INCORPORATED

Swan Hill Incorporated has operated under the Special Rate for the past 18 years and been very successful in the promotion of Swan Hill and the region.

Our Purpose:

To market and promote the Swan Hill Region.

Our Vision:

We will be the relevant organisation supporting business in the marketing and promotion of our region.

Our Strategies:

Visitation to the Region

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

Shopping in the Region

Specifically market the Swan Hill region as a place to shop and encourage the provision of quality service.

Promote and educate the importance of shopping locally.

Advocacy

Engage with and advocate on behalf of members.

Business Support

Provide support and direction to members.

OUR STRUCTURE

Swan Hill Inc. has a Board of Directors and three sub-committees to cover:

- Marketing
- Traders
- Business Support and Advocacy

In total we currently have 22 volunteers that make up our main board and the sub committees. Each of these people give their time voluntarily and a number of them have done so since Swan Hill Inc.'s inception.

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Swan Hill Inc. Board Members

Murray Ray - Chairman
Stuart King - Deputy Chair - Swan Hill Hire & Nifty's Car Hire
Greg Roberts - Murray Downs Golf & Country Club, Spoons Riverside & Swan Hill Club
Adam Laughlin - Pooles Accountants and Tax Specialists
Colin Hayward - Stihl Shop Swan Hill
Claire Billing - Swan Hill Disposals
Paul Dillon - Mallee Rising
Neville Brady - Brady Consultancy
Lea Johnson - Swan Hill Rural City Council

Marketing Committee

Janelle Earle - Chairlady - Pioneer Settlement
Greg Roberts - Murray Downs Golf & Country Club, Spoons Riverside & Swan Hill Club
Jessica Warburton - Pioneer Settlement
Ainsley O' Bryan - Swan Hill Big4 Riverside
Lauren Schmidt - Murray Downs Golf & Country Club, Spoons Riverside & Swan Hill Club
Teresa Lever - Swan Hill Rural City Council (Economic Development unit)
Neville Brady - Brady Consultancy

Traders Committee

Stephen Colombo - Chairman - Colombo's Pasta Bar & Café
Colin McAlpine - Sew Graphics
Paul Dillon - Mallee Rising
Carolyn Willox - Ultimate Fashion
Debbie Martin - Aspire Jewellery
Colin Hayward - Stihl Shop Swan Hill
Gary Blencowe - ACE Radio
Paula Starrs - Mint Soda
Helen Ward - H Homewares
Lynne Heslop - Style For Homes

Business Support Committee

Stuart King - Swan Hill Hire & Nifty's Car Hire
Adam Laughlin - Pooles Accountants and Tax Specialists

All Swan Hill Inc. members are encouraged to attend the committee meetings monthly to be able to hear what is proposed and are welcome to put forward ideas for the expenditure of available funds.

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



HOW HAVE WE PROMOTED THE REGION SINCE 2014 - 2020

The Swan Hill Inc. Marketing Committee have annually developed and executed a marketing plan to promote the Swan Hill region through the following key activities:

- **Mainstream Marketing**
Regional TV advertising together with Press advertising in Metro newspapers. Our current campaign is local influencers promoting Swan Hill.
- **Digital Marketing**
 - Targeted digital marketing on Facebook, Instagram and You Tube have formed the basis of our digital marketing campaigns.
 - New consumer website which forms part of the Murray River Tourism digital platform - Visit Swan Hill was launched in 2016
- **Partnered with Murray Regional Tourism Board**
We partnered with the Murray Regional Tourism Board which allows us to access programs at a subsidised rate. We participated in a number of promotions like what's up Down Under, Master Chef, consumer shows such as Masters Golf, Melbourne Show and Caravan & Camping.
- **Food and Wine Festival**
We have successfully presented an annual Food and Wine weekend which attracts visitors from far and wide to our region. Visitor numbers through the gate has increased substantially from 224 in 2011 to 1947 in 2020.
- **Official Visitor Guide and Touring Guides**
We have also promoted our region with the production of an Official Visitor guide which is distributed state wide in visitor information centres. This document is updated biannually.
- **Partnered with Swan Hill Rural City Council**
We have and continue to partner with the SHRCC on various projects to promote our region since the inception of the special rate in 2002.

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



HOW HAVE WE PROMOTED SHOPPING IN OUR REGION?

The Swan Hill Inc. Traders Committee have every year developed and executed a marketing plan that has promoted shopping locally through the following key activities:

- **Mother's Day Promotion**
This competition is run for 2 weeks from the beginning of May until Mother's Day. Due to COVID-19 this campaign did not activate in 2020, it is proposed that it will be reinstated in 2021.
- **EOFY Campaign**
The campaign begins mid-June with all businesses providing a loss leader product which is advertised on radio and appears every week in the Guardian from the beginning of the promotion. The campaign culminates on the last Friday of June with an outside broadcast. Unfortunately due to COVID-19 this campaign was not activated for 2020 but is expected to be reinstated in 2021.
- **Buy Local Campaign**
In 2019 Swan Hill Traders Committee invested in a Gift Card program dedicated to local businesses through 'Why Leave Town'. With a minimum purchase of \$50.00 the Swan Hill Gift Card keeps funds circulating thousands of dollars within businesses in both Swan Hill and Lake Boga. This is an ongoing campaign.
- **Buy Swan Hill / Local Loop Campaign**
Swan Hill Inc. partnered with Ace Radio every year to run the local loop, which is now known as 'The Buy Swan Hill' campaign. Local businesses receive an allocated number of 30 second slots on the radio for the duration of the year. The message in every advert conveyed the importance of supporting shopping locally.
- **Market Day/Things with Strings Festival**
A bi-annual event held in May & October. A portion of Campbell Street is closed off and is filled with stalls and entertainment for young and old, whilst the Traders bring their wares out onto the foot paths. Both events have consistently proven to be very popular amongst locals as well as visitors in town.
- **Christmas Decorations & Christmas Shopping Campaign**
Every year Swan Hill Inc. ensures that the greater CBD area is adorned with colourful Christmas decorations to create a festive atmosphere in town. From mid-November until Mid December our Christmas Shopping competition is held supporting local businesses.

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



SUPPORTING LOCAL EVENTS

- **Funded Community Projects**

Swan Hill Inc. provides funding and marketing assistance to numerous community projects. Since 1 July 2015 we have provided support to the numerous festivals, events & projects. In the past these have included:

Lake Boga Easter Regatta, Farmers Market, Heartbeat of the Murray Laser Light Show, Da Vinci Exhibition, Harmony Day, Country Week Tennis, Swan Hill Show, Swan Hill Show & Shine.

BUSINESS FORUMS

- **Advocacy - To engage with and advocate on behalf of our members.**

- Bi-annual advocacy forums have been held to provide our members & stakeholders with a platform to engage with Swan Hill Inc. and to raise issues that the Swan Hill Inc. Board can advocate for on their behalf.
- Swan Hill Inc. has conducted regular reviews annually with Councillors and the Council Executive team to provide updates on key achievements aligned with the annual Marketing Plan.
- Monthly meetings are held with the CEO and senior staff of Council to raise issues and share information.

- **Business Support - Provide business support and direction to members and encourage the provision of quality service.**

We have previously hosted 2 forums per year which included motivational /educational speakers and provided a platform for networking. Over a number of years our guest speakers have been: Max Walker, Chris Helder, Dave Staughton, Paul Lyons & Stan Grant

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



OUR KEY BRAND MESSAGE

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

Other key messages will be:

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

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

Unique selling points:

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

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Situation Analysis - A Snapshot of Swan Hill

SWOT Analysis

Strengths

- Climate
- Murray river Location
- Family focus/Lifestyle
- Pioneer Settlement
- Heritage and History
- Café and Dining
- Strong agriculture industry sector
- Positive outlooks and viewed growth potential
- Strong redevelopment (CBD, Race track Chisholm Reserve & Pioneer Settlement)
- Championship golf course
- Harness and Horse racing
- Food and Wine Festival
- Night Product
- Lake Boga Flying boat museum
- Fishing
- Water sports
- Natural assets (Nyah Forest)

Weaknesses

- Distance from Melbourne & other regional centres
- Lack of Developed product
- Skills shortage
- Ageing infrastructure (Buildings, river precinct, bridge, lack of natural gas)
- Our ability to service the visitor 7 days a week
- Lack of secondary industries.
- A La Carte Dining
- Retailer not open 7 days

Opportunities

- Industry development/emerging products
- Event development
- Development of river precinct
- Harness innovative business people, enthusiasm & can-do attitudes
- Strong redevelopment (CBD, Chisholm reserve & Pioneer Settlement)
- Bird Watching
- Motor Sports
- Influences
- Asia Market

Threats

- Business disruption due to natural disaster
- Fragmentation - lack of industry support
- Uncontrollable external economic impacts
- Threat to retail from the development of global online presence
- Uncertainty due to potential floods & drought

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Our Target Markets

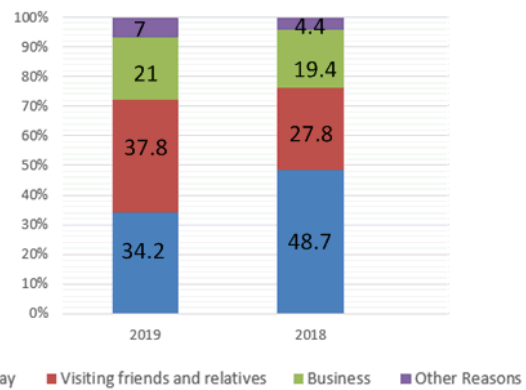
Visiting Friends and relatives was the largest purpose for visiting the Swan Hill Region (37.8%) closely followed by Holiday (34.2%) and Business (21.0%). Compared to the year ending December 2018 visiting friends and relatives increased by 8.5%

In line with the Murray Regional Tourism - One Year Action Plan, we will be focusing on retaining and nurturing existing key markets

- 45-50+ years - mid-life households & older self-funded retirees
- 25-45 years - Families (Conventional and Traditional)
- All Ages - Visiting friends and relatives

Our Marketing efforts will be directed to the primary source markets of:

- Regional Victoria
- Melbourne
- Regional New South Wales
- South Australia



Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Strategy One - Visitation to the Region

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

Committee: Marketing

The Marketing Committee has outsourced the **digital** component of the marketing plan to Little Fish, Big Pond and the **targeted mainstream** component will be outsourced to Alchemy Media.

Initiative	Action	Timing/KPI	Annual Budget
Manage the Swan Hill region Brand	Ensure the brand is represented consistently in all communications including message, logo & visual elements	Ongoing	NIL
Establish a strong research base	Measure all activities through operator surveys to establish reliable data on campaigns such as Market Day & the Food & Wine Festival.	Ongoing	NIL
	Develop and implement a quarterly reporting system for the board and committees that includes visitation to the region, website hits & activity & campaign performance/research where applicable.	Ongoing	NIL
Develop targeted advertising designed to encourage operator buy in	Develop and implement a targeted Annual Marketing Plan that incorporates digital, print, advertising, promotion, events, strategies, projects and Photography.	September 2020	\$248,000
	Develop, print and distribute the 2020 Swan Hill Region Official Visitor Guide.	November 2020	\$52,000
	Promote the Swan Hill Region to our identified target markets through a mix of media.	Ongoing	
Develop Strategic alliances with key tourism industry organisations	Work closely with Murray Regional Tourism & Visit Victoria to leverage marketing opportunities for the region	Ongoing	\$20,000
Improve our digital presence	In partnership with MRT's digital platform project, implement a new website that provides the user with an interactive easy-to-use	Ongoing	\$8,000

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



	resource & enables operators to be represented	Ongoing	
	Increase social media presence and advertisement	Ongoing	
Develop a strategy to assist in the dispersal of visitors to the smaller towns in the region	Including a 'touring out and touring on' section for the website and official visitor guide	Ongoing	NIL
	Support regional events and programs that encourage visitation to the region	Ongoing	
Encourage and support the development and linking of regional festivals and events	Organise and expand the Swan Hill Food & Wine Festival with a focus on encouraging dispersal of visitors throughout the region	Ongoing	\$50,000
Develop 'Visiting friends and relatives' campaign	Develop & establish a system similar to the home town hero campaign.	Ongoing	NIL

Total Strategy 1: Visitation to the region

\$378,000

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Strategy Two - Shopping in the region

Promote the Swan Hill region as a place to shop.

Committee: Traders

Initiative	Action	Timing	Annual Budget
<ul style="list-style-type: none"> Promote and educate the importance of shopping locally 	<ul style="list-style-type: none"> Participate in the Ace Radio 'Buy Swan Hill' Promotion. 	Monthly	\$2 500
	<ul style="list-style-type: none"> Continued subscription to the 'Why Leave Town' Swan Hill Gift Card initiative 	Annually	\$5,000
	<ul style="list-style-type: none"> Influence and educate the community about the importance of buying local versus spending their money outside the region. 	Annually	\$25,000
<ul style="list-style-type: none"> Develop a targeted annual calendar of promotions to strengthen trade within the Swan Hill Region. 	<ul style="list-style-type: none"> Conduct specific shopping promotions including Market Day, Christmas Promotion and other promotion(s) throughout the year. 	October to June	\$40,000
<ul style="list-style-type: none"> Christmas Decorations 	<ul style="list-style-type: none"> Decorate the CBD with Christmas decorations 	November to January	\$17 500
Total			\$90,000

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Strategy Three - Advocacy

Engage with and advocate on behalf of members

Committee: Board & Business Support Committee

Initiative	Action	Timing	Annual Budget
<ul style="list-style-type: none"> Establish and maintain a leadership role by engaging with local businesses 	<ul style="list-style-type: none"> Continue to communicate regularly and effectively with members and stakeholders using preferred methods of communication such as radio, social media, e-mails, telephone calls, visits, corporate website etc. 	Ongoing	\$2,600
	<ul style="list-style-type: none"> Engage with government agencies and relevant organisations to advocate on behalf of members and the region. 	As needed	Nil
	<ul style="list-style-type: none"> Schedule two networking forums for the year providing members with the opportunity to attend, raise issues and network with other members. 	October & May	\$ 1,500
<ul style="list-style-type: none"> Develop a strong and mutually supportive relationship with Council 	<ul style="list-style-type: none"> Conduct two (2) reviews annually with Councillors to provide updates on key achievements aligned with the Annual Marketing Plan. 	October & May	Nil
	<ul style="list-style-type: none"> Continue to hold monthly briefings with the Council CEO and senior staff to raise issues and share information. 	Ongoing	Nil

Total Strategy 3: Advocacy

\$ 4,100

Swan Hill Incorporated 2020-2021
Marketing Plan & Budget



Strategy Four - Business Support

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

Committee: Board & Business Support Committee

Initiative	Action	Timing	Annual Budget
<ul style="list-style-type: none"> Provide members with opportunities to grow their business through educational and motivational events. 	<ul style="list-style-type: none"> Host Business Support Forum which includes motivational speakers / educational and networking events designed to appeal to members. 	August	\$6,500
<ul style="list-style-type: none"> Develop the Manufacturing and industry sector in Swan Hill. 	<ul style="list-style-type: none"> Promote the industrial and manufacturing sector to encourage additional spending in our region. 		\$50,000

Total Strategy 4: Business Support

\$56,500

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Swan Hill Incorporated - Annual Budget 2019 - 2020

Income

Carried Forward from 2020	146,827
Bank Interest	400
Market Day	1,364
Membership SHI (Voluntary)	7,635
Official Visitor Guide	50,000
Special Rate Income	366,370
Swan Hill Region Food and Wine	50,000
Total INCOME	622,596

Expenses

Administration

Audit	3,600
Bank Fees	60
Incorporation Fees	120
Insurances	3,200
Membership Communication	3,000
Other Office Expenses	2,600
Payroll Expenses	58,500
Printer Lease	2,485
Postage	150
Printing	550
Reckon Financial Software	620
Staff Training	1,720
Stationary	160
Superannuation Payment	5,558
Telephone/Mobile	1,700
VTIC Membership	700
Wages	2,000
Workers Compensation	889
Total Administration	87,612

Swan Hill Incorporated 2020-2021 Marketing Plan & Budget



Business Support

Business Forums	8,000
Media Communication	2,000
Industrial Services Promotion	50,000
Swan Hill Corporate Website	600
Total Business Support & Advocacy	60,600

Marketing

Digital Marketing	60,000
Post COVID-19 Promotion	50,000
Digital Platform	8,000
Targeted Mainstream Campaign	120,000
Murray Regional Tourism Board	20,000
Photography	8,000
Official Visitor Guide	47,000
Official Visitor Guide Distribution	5,000
Opportunistic Promotions	10,000
SH Food & Wine Festival	50,000
Total Marketing	378,000

Promotions

Easter Regatta	500
Opportunistic Promotions	3500
Swan Hill Show	1,000
Total Promotions	5,000

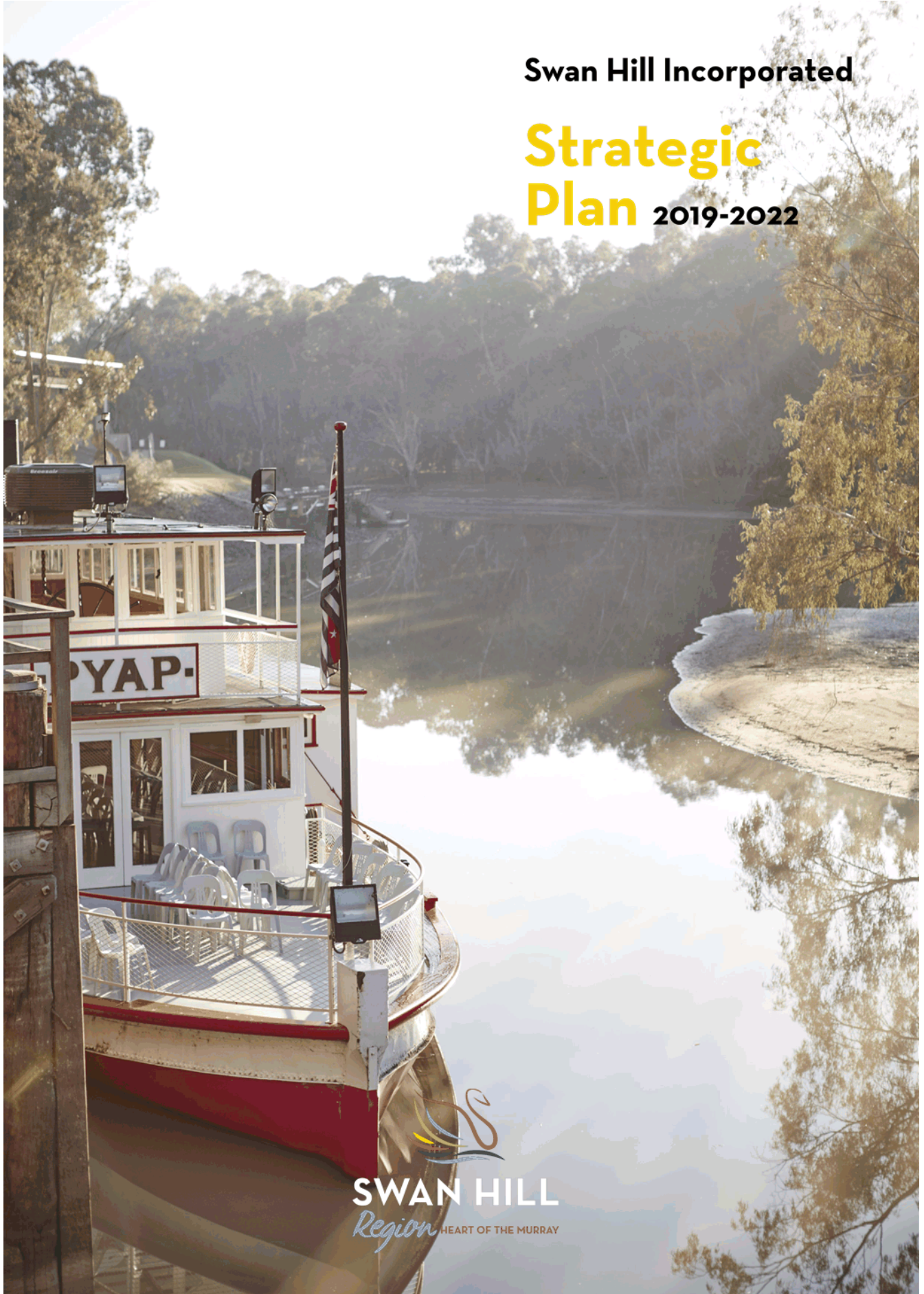
Traders

Buy Swan Hill	2,500
Retail Promotions	30,000
Christmas Decorations	17,500
Christmas Promotion	20,000
Market Days	20,000
Total Traders	90,000
Total Expenses	621,212

Net Surplus	\$1,384
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Swan Hill Incorporated

Strategic Plan 2019-2022




SWAN HILL
Region HEART OF THE MURRAY



Our Purpose: To market and promote the Swan Hill Region.

Our Vision: To be the relevant organisation supporting business in the marketing and promotion of our region.

Background

Swan Hill Incorporated is responsible for developing a coordinated strategic plan and marketing strategy funded by a Special Marketing Rate which, after extensive consultation with the business community, will apply from 1 July 2019 for a period of seven years. Swan Hill Incorporated also has the ability to raise additional funds to support the achievement of these strategic directions.

During the recent renewal period of the Special Rate, Swan Hill Incorporated representatives made contact with many members. This process was enlightening and we were able to receive valuable feedback from our members in regards to our structure, objectives and how we communicate.

This has led to a renewed focus to ensure that we engage with and advocate on behalf of our members. Our new structure reflects this. We will clearly communicate regularly with our members about issues, projects and information that keeps them informed and assists them in running their business more effectively. We will also establish contact with our members via business visits and/or phone calls over the next twelve months to hear feedback and discuss Swan Hill Incorporated initiatives.

Organisational Structure

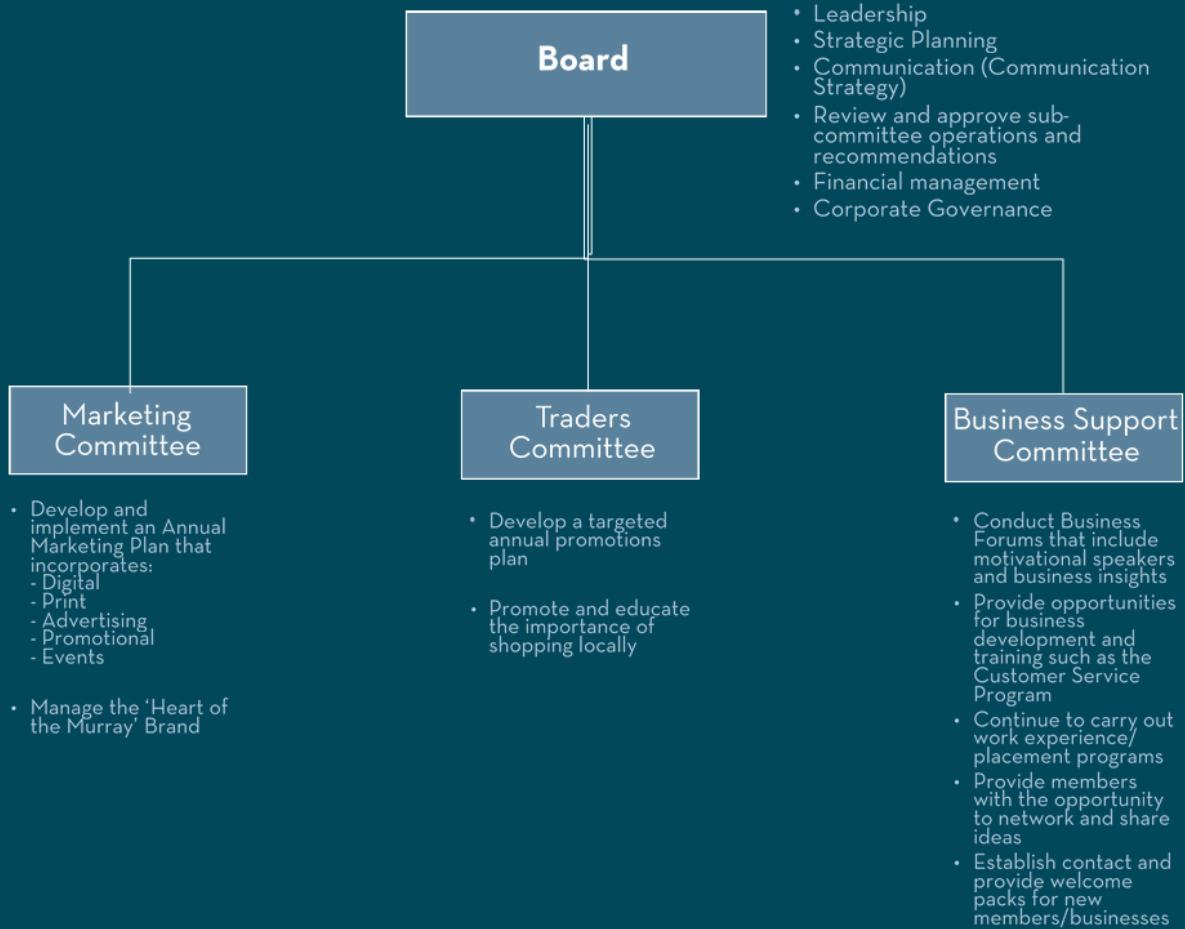
Since the declaration of the Special Rate back in 2002, Swan Hill Incorporated has matured and evolved. A structure has been developed that we believe will allow the organisation to complete its assigned charter and provide value to its members. It will encourage involvement from members in a way that is more convenient to them and will provide our members with further support that includes regular forums, networking and knowledge sharing to help grow our business community.

The structure will consist of the following:

- Traders Committee
- Marketing Committee
- Business Support Committee

The organisational structure will enable members with specific expertise and skills to be approached to assist with specific projects that they can have input into. We believe this is more aligned to supporting our members in an open and engaging way and has a strong focus towards the purpose of Swan Hill Inc, to market and promote the Swan Hill region.

Organisational Structure & Roles



Key Partners

Swan Hill Rural City Council

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

Business Community

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

Regional, State and Federal Tourism, Development and Government Organisations

Swan Hill Incorporated will work collaboratively with State and Federal Government and relevant industry organisations including the Murray Regional Tourism Board, Tourism Victoria, Regional Development Victoria,

Destination New South Wales and Regional Development Australia. Each of these agencies will provide Swan Hill Incorporated with a range of opportunities not the least of which will be for additional funding for projects or events.

The Community

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

Situation Analysis - A Snapshot of the Swan Hill Region

Employment

The total employment estimate for Swan Hill is approximately 9,126 jobs¹. Agriculture, forestry & fishing continue to be our highest employers with almost 20% of the regions workforce working in these fields.

Although Tourism is incorporated into the balance of 'other', it is important to recognise that the Tourism industry generates around 594 employment opportunities in the Swan Hill region. This equates to 6.5% of jobs¹ in our municipality.

Employment by Industry in the Swan Hill Region¹

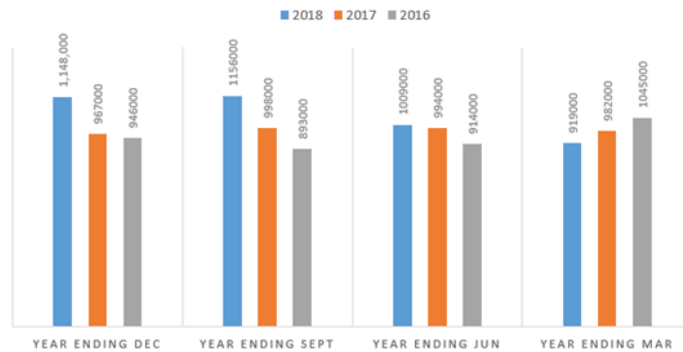


Visitation to our Region

The Swan Hill Region received 375,000 domestic overnight visitors. A total of 1.1 million nights were spent in the region - up by 18.7% on YE Dec 17.

Visitors to Swan Hill spent \$178 million in the region which equates to an average of \$155 per night. 'Eating out, dine at a restaurant or café' was listed as one of the most popular activities undertaken by visitors to the region.²

Total Nights Spent in the Swan Hill Region²



¹REMPLAN – Economic Modelling and Analysis Software 2016 updated in March 2019

²Travel to the Murray Region year ended December 2018- Murray Regional Tourism

Source of visitation

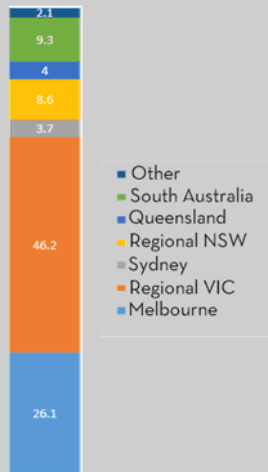
The priority domestic source markets are Melbourne, Regional Victoria, Regional New South Wales and South Australia³. For the year ended to December 2018 this was represented as shown in the chart below.

Target Markets

Most visitors to the region do so for holiday/leisure purposes representing 48.7% of all visitors. Visiting Friends and Relatives are the next biggest market at 27.8% then the Business market which represents 19.4%³. 65 years and over represent the most visitors to our region (30.7%)³, this

demographic has taken over from older visitors between 55-64 years at (18.0%)³. Years 15-24 to second place for visitation to the area at 18.1%.

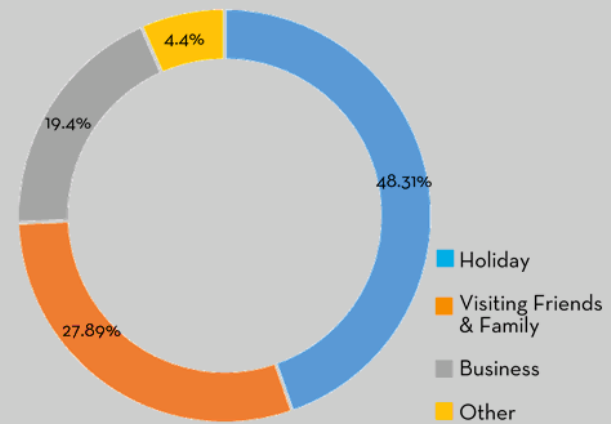
Domestic Overnight Travel to Swan Hill - Origin³



Year Ending December 2018

Visitation by Type³

Year ended December 2018



SWOT Analysis:

A recent workshop with the Swan Hill Incorporated Board identified the following key strengths, weaknesses,

STRENGTHS

- Climate
- Murray river Location
- Family focus/Lifestyle
- Pioneer Settlement
- Heritage and History
- Café and Dining
- Strong agriculture industry sector
- Positive outlooks and viewed growth potential
- Strong redevelopment (CBD, Race track Chisholm Reserve & Pioneer Settlement)
- Championship golf course
- Harness and Horse racing
- Food and Wine Festival
- Night Product
- Lake Boga Flying boat museum
- Fishing
- Water sports

WEAKNESSES

- Distance from Melbourne & other regional centres
- Lack of Developed product
- Skills shortage
- Ageing infrastructure (Buildings, river precinct, bridge, lack of natural gas)
- Our ability to service the visitor 7 days a week
- Lack of secondary industries.
- A La Carte Dining

OPPORTUNITIES

- Industry development/emerging products
- Event development
- Development of river precinct
- Harness innovative business people, enthusiasm & can-do attitudes
- Strong redevelopment (CBD, Chisholm reserve & Pioneer Settlement)
- Bird Watching
- Motor Sports
- Influences

THREATS

- Business disruption due to natural disaster
- Fragmentation - lack of industry support
- Uncontrollable external economic impacts
- Threat to retail from the development of global online presence

³Travel to the Murray Region year ended December 2018- Murray Region Tourism

Strategy One - Visitation to the Region

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

Key Initiatives

- Implement a Marketing Committee with a minimum of two members with Marketing qualifications and/or experience.
- Manage the Swan Hill Region Brand.
- Establish a strong research base for all activities.
- Develop a targeted Annual Marketing Plan.
- Develop strategic alliances with key tourism industry organisations.
- Improve our digital presence.
- Develop a strategy to assist in the dispersal of visitors to the smaller towns in the region.
- Develop targeted advertising campaigns designed to encourage operator buy in.
- Encourage and support the development and linking of regional festivals and events.

Priority Actions

- Develop and implement a targeted Annual Marketing Plan that incorporates digital, print, advertising, promotional and events strategies and projects.
- Conduct a review of the Swan Hill Region brand to ensure it is relevant to the visitor and to our members.
- Develop and implement a monthly reporting system for the Board and Committees that includes visitation to the region, website hits and activity, downloads of the app and campaign performance/research where applicable.
- Develop and implement a monthly report for members that provides data on visitation to the region including length of stay and visitor nights.
- Implement a new website that provides the user with an interactive, easy-to-use resource and enables operators to be represented.

Key Performance Indicators

1. Implementation of Marketing Plan
2. Management of website and digital assets
3. Monitoring of visitor numbers to the region
4. Reporting on campaign evaluations

Strategy Two – Shopping in the Region

Promote the Swan Hill region as a place to shop.

Key Initiatives

- Recruit additional Retailers and Traders to the committee.
- Promote and educate the importance of shopping locally.
- Develop a targeted annual calendar of promotions.
- Establish a strong research base for all activities.
- Support and participate in the 'Strengthening Swan Hill Region's Retail Industry' project.

Priority Actions

- Develop a targeted annual calendar of promotions that provides traders with the opportunity to leverage off key seasons, holidays and events.
- Create an educational and promotional campaign targeting locals which highlights the economic benefits of shopping locally supported by statistical data.
- Develop and implement a 'Made in the Swan Hill Region' campaign that identifies products that are produced in our region.
- Appoint 1-2 members to a steering committee of Swan Hill Rural City Council's 'Strengthening Swan Hill Region's Retail Industry' project .

Key Performance Indicators

1. Implementation of the annual calendar of promotions
2. Reporting on research collected for all promotional activities
3. Participation in the 'Strengthening Swan Hill Region's Retail Industry' project

Strategy Three – Advocacy & Communication

Engage with and advocate on behalf of members.

Key Initiatives

- Develop a Communications Plan to outlining how to communicate with the business community and the members.
- Establish and maintain a leadership role by engaging with local businesses.
- Develop a strong and mutually supportive relationship with Council.
- Engage with government agencies and relevant organisations to advocate on behalf of members and the region.
- Provide opportunities for members to raise issues, interact with other members and Swan Hill Inc via two business forums each year.

Priority Actions

- Develop and implement a Communication Plan that ensures regular, effective communication with members and stakeholders.
- Implement a Business Visits program to ensure we engage with members regularly on a one on one basis.
- Conduct three reviews annually with Councillors to provide updates on key achievements aligned with the Annual Marketing Plan.
- Continue to hold monthly briefings with Council CEO and senior staff to raise issues and share information.
- Establish a monthly column in The Guardian newspaper to communicate to the local community on our achievements and initiatives.
- Schedule two business forums for the year providing members with the opportunity to attend, raise issues and network with other members.

Key Performance Indicators

1. Strong relationship with Council
2. Implementation of Communications Plan
3. Two Business Forums held each year

4. Communication with members and key partners via monthly email and The Guardian
5. Implementation of the Business Visits Program

Strategy Four – Business Support

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

Key Initiatives

- Implement a Business Advocacy Support Committee.
- Recruit specialists from industrial, professional, trade, agriculture and manufacturing trades.
- Advocate to Council on behalf of committee and members.
- Identify and target 5 main issues/topics for the betterment of our region to be advocated to Council.
- Provide members with opportunities to grow their business through educational and motivational events.
- Promote careers in local industries to youth in the region.

Priority Actions

- Develop an annual Business Forum schedule including motivational speakers and education events designed to appeal to members.
- Develop an annual Networking Events schedule which provides members with the opportunity to network with other members, Swan Hill Inc and other key community members in a relaxed and comfortable environment.
- One member of committee to attend monthly meetings with Council.
- Conduct the annual Accounting Work Experience Program.

Key Performance Indicators

1. Conduct educational and motivational events for members
2. Provide members with the opportunity to network with other members

3. Ensure the annual Accounting Work Experience program continues
4. Provide assistance package to new businesses



SWAN HILL
Region HEART OF THE MURRAY

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Facebook: [swanhillincorporated](https://www.facebook.com/swanhillincorporated)

Swan Hill Incorporated – Communications Plan

The Swan Hill Incorporated Board will adopt the following Communications Plan in order to communicate with the local business community and the members of Swan Hill Incorporated.

Communicating to the businesses that pay the Special Rate or occupiers of a property who pay the Special Rate that they have the opportunity to become members of Swan Hill Incorporated the Board will ask the Swan Hill Rural City Council to:

- Communicate this opportunity when sending out the rates notices;
- Communicate this opportunity in the Council's Business Newsletter.

The Swan Hill Incorporated Board will communicate with its members, the business community and the local community through the following channels:

- Swan Hill Incorporated Website
- Visitswanhill website
- Swan Hill Incorporated Data Base
- Email Newsletters
- Local Papers
- Local Radio
- Social Media

Audience	Message	Type of Communication	Frequency	Timing	Responsibility
Rate Payers	How to become a member of Swan Hill Inc	<ul style="list-style-type: none"> • Email/Letter • Business Newsletter 	6 monthly Monthly	At timing of Rate Notices.	SHRCC & Swan Hill Inc
Members	Notice of AGM	<ul style="list-style-type: none"> • Email • Website • Papers • Radio 	Annually	September	Swan Hill Inc
Members	What has Swan Hill Inc been up to	<ul style="list-style-type: none"> • Newsletter • Email • Website • Radio • Social Media 	Monthly	Last Friday of Month	Swan Hill Inc
Members	Advocacy to council and Business Support	<ul style="list-style-type: none"> • Newsletter • Email • Website • Social Media • Organised forums/events 	Monthly 6 monthly	Last Friday of Month	Swan Hill Inc
Rate Payers / Members	How to Contact Swan Hill Inc.	<ul style="list-style-type: none"> • Email • Board Members • Marketing Coordinator 	Monthly	January to December	Rate Payers / Members
Members	How to Have your Say	<ul style="list-style-type: none"> • Retail Meeting • Business Advocacy Meeting 	Monthly Twice Annually	January to December	Members

B.20.55 PIONEER SETTLEMENT – LOCOMOTIVE AND WINDMILL RELOCATION OPTIONS

Responsible Officer: Director Development and Planning
File Number: S11-27-19-10578
Attachments:
1 Locomotive Location Map
2 Windmill Location Map
3 Site information

Declarations of Interest:

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

Summary

On 7 July 2020, Councillors agreed to construct the Our Place building on the Pioneer Settlement site, to the north of the PS Gem.

Council also resolved to relocate two notable items currently located on the proposed site; the windmill and the locomotive. Both items are to be re-located within the Pioneer Settlement grounds, with the requirement to carry out community consultation as part of the relocation process.

This report identifies two site options for relocation of the windmill and two site options for relocation of the locomotive, all within the Pioneer Settlement grounds. Cost and interpretive relevance have been taken into account for the site options.

Discussion

In January 2020 members of the community expressed concern about the possibility of the locomotive being displaced as a result of the construction of the new Our Place building in the Pioneer Settlement. Input from the community on the options for the possible location for the two items has been sought and together with costings and ability to provide interpretive relevance recommendations for the new sites have been made.

Relocation Options

A number of practical and interpretatively relevant sites for these objects were considered. Two potential position options for the locomotive were proposed along with two position options for the windmill, all within the Pioneer Settlement grounds. These position options are:

Locomotive

Position Option 1 – Running north/south, along Monash Drive, between the Paragon Cafe and the entry building.

Key Considerations

- This is currently an agricultural zone within the interpretive themes of the attraction. The interpretive link with the locomotive in this area can be connected with some creative licence
- To accommodate the locomotive in this area, some equipment may need to be temporarily stored elsewhere or repositioned elsewhere on the site. If the entry building is removed, the stored equipment could be resituated in that location
- Logistically, accessibility to the site for the locomotive is good. Some of the boundary fencing may need to be temporarily removed to enable the locomotive to be positioned.

Costs associated with moving the locomotive to this site incorporate the baseline expense of \$20,000 (crane and float hire, traffic and project management and the establishment of the sub-grade and rails). There may be a section of the fence that needs to be removed and reinstated. The overall cost for this relocation is estimated at \$30,000 - \$35,000.

Position Option 2 – Running east/west behind the General Store.

Key Considerations

- The north side of the General Store provides a landing feature and double doors. With a modest budget, the existing building could be modified to replicate a train station arrival platform
- There is currently no train station/arrival platform style attraction on the site and this interpretive possibility is an excellent opportunity for expanding the story and making effective use of space
- The locomotive is close to Black Bess so is interpretively relevant
- Logistically, accessibility to the site for the locomotive is good
- The works will add more depth to the Pioneer Settlement experience
- Works include relocating a drainage pit, minor site establishment, shuffling of existing heritage items and creating an authentic looking, replica train station.

Costs associated with moving the locomotive to this site incorporate the baseline expense of \$20,000. Currently the area behind the interpretive retail shops is a storage compound that can be encroached upon to potentially enable a circulation space around the locomotive or; where the existing fence line could butt into the very back of the locomotive on either side; accordingly, this style of display would inhibit a full 360 degree circulation of the locomotive.

The overall cost for the relocation to this position is estimated at \$35,000 - \$50,000 inclusive of relocating the drain and the arrival platform works.

Summary of Options for Locomotive

Position Option	Interpretive relevance	Logistics	Cost	Aesthetics & site impact	P/Settlement Management Preference
1	Fair	Good	Good	Good	Fair
2	Fair	Good	Fair	Good	Good

Windmill

Position Option 1 – Located in the Town Square.

- The interpretive relevance in this location is not as strong as the dam site (Position Option 2). Typically a windmill providing water for a township will be found on the outside of the township
- Logistically the site is easy to access with no pre-existing infrastructure to remove/relocate. The surface grade is level, enabling reasonably straight-forward installation
- Works include dismantling and repairing the fins, strengthening the bracings, laying pad footings, repositioning the wishing well, establishing a water pump system.

Position Option 2 – Located next to the homestead dam in the position currently occupied by the smaller windmill

Key considerations

- There is interpretive relevance in this location as traditionally a windmill will be found in the proximity of a homestead dam
- Some levelling of the site may need to occur prior to installation
- Works include dismantling and repairing the fins, strengthening the bracings, laying pad footings, repositioning the wishing well, establishing a water pump and relocating the existing small windmill
- The small windmill needs to be repositioned on the south east corner of the Vega (suggested) providing an attractive backdrop for the Lower Murray Inn
- The small windmill is not part of the Towaninnie Homestead collection, and originally came from Gowanford, donated by Mr. J Bryan. Repositioning the small windmill close to the Vega will not impact the interpretive relevance of this item.

Costs associated with the windmill relocation Position Option 1 and Position Option 2 have been quoted at \$15,500. This cost will apply for both sites with an additional expense for Position Option 2 for the relocation of the small windmill (approximately \$1,000).

Summary of Options for Windmill

Position Option	Interpretive relevance	Logistics	Cost	Aesthetics & site impact	P/Settlement Management Preference
1	Fair	Good	Fair/Good	Good	Fair
2	Good	Good	Fair	Good	Good

Consultation

Council made a commitment at the 7 July Special Council Meeting, to carry out community consultation with regard to the relocation of the locomotive and the windmill. This required the results of the consultation to be presented to Council at its ordinary meeting on the 18 August. In order to assess and present the results, the consultation period was completed by 10 August. Due to restrictions associated with Covid-19, the consultation was carried out online, over the phone, via distribution of a media release and on social media.

A survey was generated which identified the relocation options of the locomotive and windmill within the Pioneer Settlement grounds and invited survey participants to indicate their preferred relocation option. Additional supporting information in the form of relocation descriptions and considerations; as well as a map indicating relocation options for the items, was also available as part of the survey.

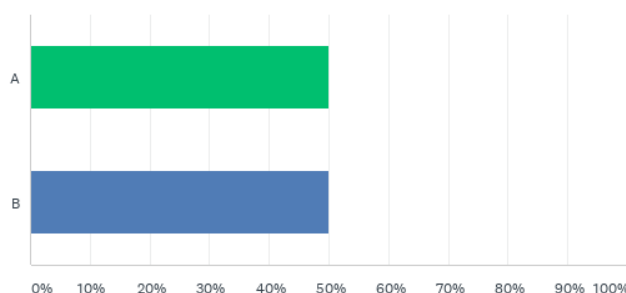
Survey Outcomes

Results Locomotive

Position Option 1 – 50% (66 respondents)

Position Option 2 – 50% (66 respondents)

Q1 Thinking about the LOCOMOTIVE and considering the relocation options presented above, what is your preferred relocation option?



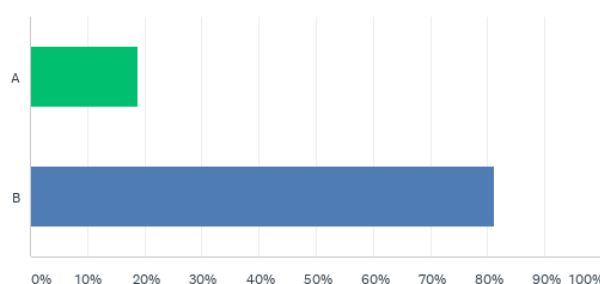
Survey Results – Locomotive Relocation Options

Results Windmill

Position Option 1 – 18.75% (24 respondents)

Position Option 2 – 81.25% (104 respondents)

Q2 Thinking about the WINDMILL and considering the relocation options presented above, what is your preferred relocation option?



Survey Results –Windmill Relocation Options

Sample of comments shared

“The railway service was a vital element in our history and is a story that needs to be told in some detail. It deserves to be honoured. Windmills, dams and homesteads are partners”

“Still seriously prefer train going back to Castlemaine to be restored to run trips here but know it’s not an option. Just get it all happening!”

“Don’t agree with any of these options and as a matter of fact disagree with the whole scheme. You obviously have not listened to ratepayers concerns”

Summary

A total of 132 people filled in the survey. This is a great response rate for one week. The results clearly indicate that people with different views completed the survey. In terms of the locomotive the results do not provide a clear indication of a preferred location but rather an even split between the two options proffered. In this case it is considered that the view of the Pioneer Settlement management team should be given weight. Site option 2 – behind the general store is the preferred option to enable better interpretation of the locomotive and potentially include a platform for better viewing of the locomotive.

In terms of the windmill – the community has clearly indicated Option 2 – site of the small windmill and relocating the small windmill to near the Vega being the preferred site. This option is also strongly supported by the Pioneer Settlement Management team.

Financial Implications

The works associated with repositioning the locomotive and the windmill are budgeted from the Our Place project funding.

Baseline costs associated with re-positioning the locomotive start at \$20,000 for crane and float hire, traffic management and project management. Site Options 1 and 2 will require only low level site preparation, including the establishment of sub-grade and rails. It is anticipated costs associated with the repositioning of the locomotive could reach \$50,000, depending on the site that is chosen.

Re-positioning the windmill has been quoted at \$15,180. This does not include dismantling and re-positioning the small windmill. It is anticipated the relocation of the small windmill can be carried out for the cost of approximately \$1,000.

The Locomotive, will in the near future require significant restoration work, estimated to cost about \$100,000.

Social Implications

Some community members have voiced their wish that the locomotive remain an asset of the Swan Hill community and preferably, as part of the Pioneer Settlement. These community members have expressed a strong connection to the heritage of the Pioneer Settlement, including the locomotive.

Economic Implications

Investment in restoration of the locomotive may increase engagement from a tourism perspective at the Settlement and build a reputation for a quality historical experience of well cared for heritage items.

Environmental Implications

It is not foreseeable that vegetation will be impacted by any of the proposed positions for the heritage items. In the event a vegetation impact became necessary through an unforeseeable change in the relocation process, all effort will be made to minimise the degree of impact.

Risk Management Implications

There is risk associated with re-locating the locomotive within the Pioneer Settlement site, including not meeting the expectations of the community members who have expressed a connection to the locomotive. This may include a perceived compromise in the interpretive relevance of the new position, or disappointment that the locomotive has been shifted from its former position.

Risk that costs associate with the relocation of the above mentioned items may exceed cost estimates and quotes, should also be considered.

There is a risk of damaging the train or other items at the Settlement during the relocation process. Care for the farm machinery heritage items along Monash Drive will need to be considered and planned for if moving the locomotive to Position option 1. Position option 2 is located close to an existing building. Consideration of the protection of the building will need to be planned for if moving the locomotive to Position option 2.

Council Plan Strategy Addressed

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

Options

That Council choose either option 1 or 2 for the new location of the locomotive at Pioneer Settlement.

That Council choose either option 1 or 2 for the new location of the windmill at the Pioneer Settlement.

Recommendations

That Council:

- 1. Approve the new location for the Locomotive at the Pioneer Settlement to behind the General Store as per Option 2.**
- 2. Approve the new location for the large windmill at the Pioneer Settlement to the site of the smaller windmill near the homestead dam and relocate the smaller windmill to near the Vega as per option 2.**



HEARTBEAT
of the MURRAY
SPECTACULAR

SWAN HILL • VICTORIA
PIONEER SETTLEMENT
EST. 1963

- A** Train position A
 - 1 Entrance/Exit
 - 2 Gaol
 - 3 Kaneira West School
 - 4 Coach House
 - 5 Post Office
 - 6 Rose Garden
 - 7 Rotunda
 - 8 Paddle-steamer Gem
 - 9 D3 Steam Locomotive
- B** Train position B
 - 10 Horseshoe Bend Wharf
 - 11 Pyap
 - 12 Church
 - 13 Portable Iron House
 - 14 Echo Print Shop
 - 15 Emporium/Music Shop
 - 16 Photographic Parlour
 - 17 Town Square
 - 18 Masonic Lodge
- ★** Train original position
 - 19 Saddlery
 - 20 Mechanics Institute
 - 21 Bank
 - 22 Jimmy Longs Bakery
 - 23 Chemist/Dentist/Barber
 - 24 General Store
 - 25 Half Cellar
 - 26 Pine Point & Travelling School
 - 27 Mud Brick Kitchen
- 28 Towninnie Homestead
- 29 Indigenous Area
- 30 Heartbeat of the Murray
- 31 Riversdale Cottage
- 32 Keats Cottage
- 33 Lower Murray Inn
- 34 Shearing Shed
- 35 Blacksmith's Shop
- 36 Black Bess
- 37 Golden Harvest Trail
- 38 Steam Workshop
- 39 Tractor Display
- 40 Restoration Workshops
- 41 Wood Turners
- 42 Horse Stables
- 43 The Paragon Café
- 44 Fire Station

- I** Information & ticket sales
 - F** Food outlets
 - E** Emergency Exit
 - T** Toilets
 - ♿** Disabled Toilets
 - 🚒** Evacuation Meeting Point
- Pioneer Settlement is a smoke-free site.
- www.pioneersettlement.com.au
- #pioneersettlement #takethejourney



- | | | |
|------------------------------|------------------------------|-----------------------------------|
| A Windmill position A | B Windmill position B | ★ Windmill original position |
| 1 Entrance/Exit | 10 Horseshoe Bend Wharf | 19 Saddlery |
| 2 Gaol | 11 Pyap | 20 Mechanics Institute |
| 3 Kaneira West School | 12 Church | 21 Bank |
| 4 Coach House | 13 Portable Iron House | 22 Jimmy Longs Bakery |
| 5 Post Office | 14 Echo Print Shop | 23 Chemist/Dentist/Barber |
| 6 Rose Garden | 15 Emporium/Music Shop | 24 General Store |
| 7 Rotunda | 16 Photographic Parlour | 25 Half Cellar |
| 8 Paddle-steamer Gem | 17 Town Square | 26 Pine Point & Travelling School |
| 9 D3 Steam Locomotive | 18 Masonic Lodge | 27 Mud Brick Kitchen |
| | | 28 Towanninnie Homestead |
| | | 29 Indigenous Area |
| | | 30 Heartbeat of the Murray |
| | | 31 Riversdale Cottage |
| | | 32 Keats Cottage |
| | | 33 Lower Murray Inn |
| | | 34 Shearing Shed |
| | | 35 Blacksmith's Shop |
| | | 36 Black Bess |
| | | 37 Golden Harvest Trail |
| | | 38 Steam Workshop |
| | | 39 Tractor Display |
| | | 40 Restoration Workshops |
| | | 41 Wood Turners |
| | | 42 Horse Stables |
| | | 43 The Paragon Café |
| | | 44 Fire Station |

- Information & ticket sales
 - Food outlets
 - Toilets
 - Disabled Toilets
 - Emergency Exit
 - Evacuation Meeting Point
- Pioneer Settlement is a smoke-free site.*
- www.pioneersettlement.com.au
- #pioneersettlement #takethejourney



Locomotive and Windmill Position Options – August 2020

Locomotive position option A – Monash Drive

Key Features:

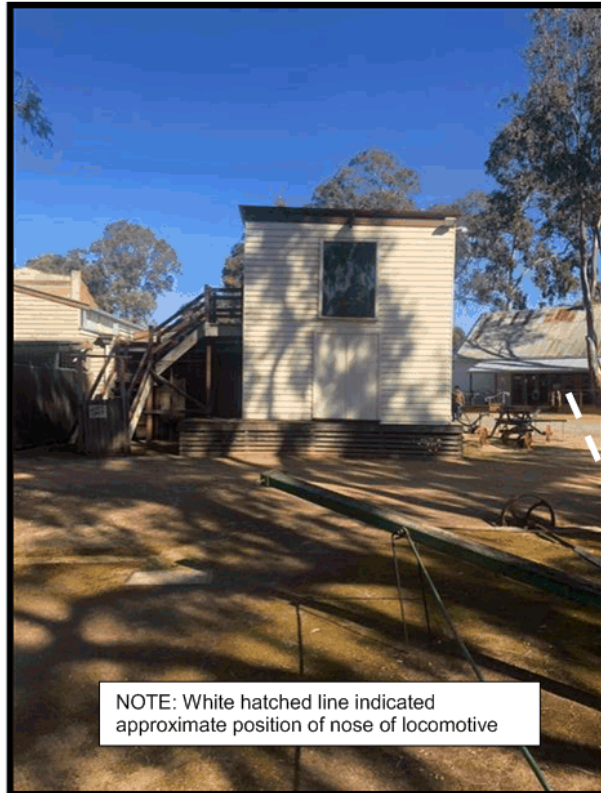
- Locomotive running north/south along Monash Drive
- Some temporary relocation of farm machinery to storage or an alternate location within the Pioneer Settlement may be required if this site is selected
- Interpretive relevance can be built upon to tie the locomotive in with the surrounding artefacts
- The site preparation impacts are limited in this position
- This position is accessible for the heavy machinery necessary to relocate the locomotive
- 360 degree circulation of the locomotive can be achieved in this position for Pioneer Settlement visitors
- There is a connection with the Turn Table near the railway track north west of this position. Visibility of the locomotive from Monash Drive may trigger interest for potential visitors



Locomotive position option B – North of General Store

Key Features:

- Locomotive will run west/east along the back (north side) of the General Store
- The General Store landing and wall can be converted into a railway station arrival platform
- This position provides the chance to introduce a more extensive railway themed interpretive story to the Pioneer Settlement
- There is also an opportunity to repurpose a section of the Pioneer Settlement that is currently not accessible to the public.
- This position is accessible for the heavy machinery necessary to relocate the locomotive
- The drainage pit will need to be relocated several metres to the north (left of picture)
- There is a view to the train from the Paragon Cafe and when walking towards the Lower Murray Inn.



Windmill position option A – river end of Pioneer Settlement Town Square

Key Features:

- The space for the windmill is sufficient in this position
- The interpretive relevance can be built upon although a windmill pumping water to a township would traditionally be located outside of the town
- Logistically the site is accessible for the machinery required to install the windmill
- There may be aesthetic impacts associated with the

height of the windmill and the surrounding trees, creating a slightly crowded amongst the tree canopy



Windmill position option B - next to the Towaninnie Homestead dam

Key Features:

- This position has space for the windmill to be installed
- The interpretive relevance is appropriate because it sits next to the Towaninnie Homestead dam. Historically this is an accurate representation of what would have happened in the Pioneering era.
- Logistically the site is accessible for the machinery necessary to install the equipment
- Some minor earth establishment works will be required to ensure a level base of support will need to occur
- The existing small windmill can be relocated to the site beside the Vega pond where it can provide an attractive backdrop west of the Lower Murray Inn





Proposed position for relocation of the small windmill looking toward the West

B.20.56 COMMUNITY LOCAL LAW NO.2 2017 (AMENDMENT)

Responsible Officer:	Director Development and Planning
File Number:	S16-06P-01
Attachments:	1 Local Law No. 2 (Amendment) 2 Community Impact Statement 3 Trading Code of Practice

Declarations of Interest:

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

Summary

At the ordinary council meeting on 23 June 2020, Council resolved to give notice of its intention to amend the Swan Hill Rural City Council Community Local Law No.2 2017.

This report recommends adopting the amended local law after the community consultation process in accordance with the Local Government act 1989.

Discussion

Section 119 Local Government Act 1989 - Procedure for making a local law applies to the amending of Local Laws.

The Act provides a clear process for preparing or amending an existing local law.

The key steps include:

- Give notice of intention to make or amend a local law.
- Allow persons affected to make a submission in relation to the Local Law under section 223 of Local Government Act.
- Make copies of the Local Law and Community Impact Statement - explanatory document readily available.
- Council to consider submissions received and make changes to the amended Local Law as required.
- After Council resolves to adopt the Local Law or amendment it must again provide notice of the decision and send a copy of the Local Law to the Minister.

The above steps were followed in this instance.

The Community Consultation Process to amend the current Local Law No.2 opened on 3 July 2020.

A Public Notice detailing how to make a submission was published in the Swan Hill Guardian and Robinvale Sentinel Newspapers, the Government Gazette and on Council's website. A copy of the Public Notice, Community Impact Statement, the Local Law No.2 2017 with proposed changes marked in red, the proposed fire maps

and the proposed Trading Code of Practice were made available at Council's Swan Hill and Robinvale Business Centre's, and online on Council's website.

The submission process closed 3 August 2020 and no submissions were received.

The key changes to the local law are as follows:

Clause 53 – Dangerous and unsightly land - page 32

Proposed change to increase the height limit for grass and weeds for fire hazardous and unsightly properties.

Clause 55 – Open air burning - page 33

Proposed changes include adding 'industrial' areas to the prohibited burning zone; include maps of fire restriction zones to make it clearer for residents, and the option for conditional burning permits to be issued for exceptional circumstances.

Clause 79 – Droving and moving of livestock - page 41

Proposed changes to define the wording and to accurately reflect Council's position on the droving or moving of livestock within the municipality. Droving livestock across the municipality will be prohibited, however moving livestock between paddocks, that are not adjoining, may be allowed with a permit. Livestock owners do not require a permit when moving livestock directly across the road or between adjoining farms.

Trading Code of Practice

Trading Code of Practice was reviewed to include legislative changes to the Tobacco Act 1987 for outdoor dining and drinking. The Trading Code of Practice formatting was also updated in line with Council's style guide and to make it more reader friendly for businesses.

Consultation

The proposed amendment was publicly advertised on Council's website and social media pages, as well as the local newspapers and Government Gazette.

Officers also sent the proposed amendment and documents to Swan Hill Inc, Swan Hill Residents and Ratepayer Association, the Robinvale Euston Business Association, the SHRCC Municipal Emergency Management Group, the 10 SHRCC Town representative Groups and distributed through their networks.

Financial Implications

Minimal costs are required to advertise and complete the amendments to the Local Law.

Social Implications

The purpose of Local Law No. 2 is to improve the overall living conditions and amenity of the municipality for residents and visitors by regulating certain behaviours or activities that may cause nuisance to neighbours or the general public.

Economic Implications

Not applicable.

Environmental Implications

Local Law No.2 regulates the following behaviours and practices:

- Dangerous and unsightly land
- Emission of offensive material
- Odour and noise and open air burning
- Damage to native vegetation
- Damage to Council assets
- Damage to horticulture
- Damage to fences

Risk Management Implications

Local Law No. 2 regulates specific activities by ratepayers and residents in relation to open air burning and the movements of livestock. This proposed amendment should reduce further risk to the community which may help mitigate illegal activities, damage to property and dangerous behavior.

Council Plan Strategy Addressed

Environment - Sound policies and practices that protect and enhance our environment.

Options

Council can choose to adopt or amend the recommendations.

Recommendations

That Council:

- 1. Receives and considers this report in relation to Community Law No.2 2017 (Amendment).**
- 2. Pursuant to the Local Government Act 1989, having considered this report adopt the proposed changes to the Community Local Law No.2**

2017 and the Trading Code of Practice as attached to this report.

- 3. Authorise Council's Public Health and Regulatory Services Co-ordinator to publish the notice required by section 119 of the Local Government Act to give effect to Council's Adoption of the Community Local Law No.2 (Amendment) and to provide notice of the decision and send a copy of the Community Local Law No. 2 to the Victorian Local Government Minister.**



Amendment

Community Local Law No. 2



Adopted: 16 May 2017
Gazetted: 1 June 2017
Commenced: 2 June 2017



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Part 1 - Preliminary

1. Local Law

This Community Local Law is a local law made under Part 5 of the *Local Government Act* Part 5 of the Local Government Act 1989.

2. Purpose

The purpose of this Local Law is to provide:

- a) the peace, order and good governance of the municipal district;
- b) a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- c) the safe and equitable use and enjoyment of public and municipal places;
- d) the protection and enhancement of the amenity and environment of the municipal district;
- e) the fair and reasonable use and enjoyment of private land;
- f) the uniform and fair application of this Local Law;
- g) to prevent damage to Council property and infrastructure;
- h) manage, regulate and control the keeping of animals and birds; and
- i) regulate, prohibit and control the consumption of alcohol in designated areas within the municipal district.

3. Commencement

This Local Law commences on the day following the gazettal of the Local Law in the Victorian Government Gazette.

4. Revocation of Local Law

On the commencement of this Local Law, Community Local Law No 2. 2007 is revoked.

5. Application of Local Law

This Local Law applies throughout the municipal district of the Swan Hill Rural City Council.

6. Definitions

In this Local Law:

Act	means the Local Government Act 1989.
alcohol	means liquor.
authorised officer	means a person appointed by Council under Section 224 of the Act and includes all Police Officers pursuant to Section 224A.
advertising sign	means any portable sign, notice, structure, banner or other similar device used for the purpose of soliciting goods or services or displaying information.
applicant	means a person who applies for a permit under this Local Law.
barbecue	means a device used for all cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes kettles, rotisserie spits, pizza ovens and traditional in-ground fire pit cooking.
building site	means any land prepared for and on which building works are carried out.
building works	includes any activities, events and practices for or in connection with the construction, alteration, demolition or removal of a building.
bulk rubbish container	includes a waste bin, mini-skip, shipping containers and pallet, but does not include a waste bin provided by Council for the purpose of a kerbside waste collection service provided by Council.
busker	is a person who entertains by playing music, dancing, singing, or reciting on the street or in a public place with or without collecting money.
camp	means the encampment of lodging in a caravan, tent or other temporary structure or vehicle not permanently erected on land.
caravan	means and includes a caravan, motor home, bus and any object or structure having the general characteristics of a caravan, including when wheels or axles have been removed or if the caravan is resting directly on the ground or is placed on blocks or other supports.
carriageway	means a portion of a road improved, designed or ordinarily used for vehicular traffic (but does not include a segregated footway, a shared footway or a bicycle path), and includes any shoulders and areas both at the sides or centre of the carriageway used for the standing or parking of vehicles and, if a road has two or more portions divided by a reservation, means each portion separately.
Council	means Swan Hill Rural City Council.
Council land	means land owned by, vested in, leased by or otherwise occupied by Council or land under its management or control, and includes any building, structure or fence thereon and every Council drain.

code	means a Code of Practice incorporated into and forming part of this Local Law.
domestic birds	means small birds such as canaries, finches, budgerigars and the like kept in a domesticated state or under the control of humans.
drain	means a system for the collection, storage and removal of stormwater developed, managed and/or maintained by Council.
droving of livestock	means driving livestock in or through the municipal district or from one location to another for the purpose of changing their grazing area outside the local farming district or for the purposes of sale or relocation after sale but does not include the normal movement of livestock.
dwelling	means a building used as a self-contained residence which normally includes a kitchen sink, food preparation facilities , a bath or shower and a closet pan and wash basin, a includes out-buildings and works normal to a dwelling.
event	means a promoted public gathering on Council land owned not including normal business operations including an organised recreational, cultural, commercial or social event or gathering of people.
emergency service	includes the ambulance, fire brigade, police or state emergency service.
farming zone	means the Farming Zone under Council's Planning Scheme.
footpath	means any path that is provided for the use of pedestrians only or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared footway.
green waste	means all types of organic waste produced or accumulated on any land that Council designates as acceptable waste for any green waste collection as described by Council in any newspaper generally circulating in the municipal district.
goods	means merchandise or wares for sale or display.
graffiti	means to write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a cloth.
grazing	means the holding of livestock in one area for the purpose of them feeding off roadside vegetation.
household waste	means all waste and rubbish produced or accumulated in or about a dwelling but does not include bricks, chemicals, hard waste, trade waste, garden waste, medical waste, furniture, fittings or machinery.
infringement notice	means an infringement notice issued by Council or by an Authorised Officer under this Local Law.
irrigation district	means an area with defined geographic boundaries organised to obtain and distribute water for irrigation of lands within the district.

<i>irrigation water</i>	means an artificial application of water on lands to assist in the growing of crops and pastures and/or to maintain vegetative growth on recreational lands.
<i>land</i>	includes buildings and other structures permanently affixed to land, land covered with water and any estate, interest, easement, servitude, privilege or right in or over land.
<i>livestock</i>	has the same meaning as defined in the Impounding of Livestock Act 1994, namely an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes, other than a dog or cat.
<i>motorised vehicles</i>	includes all mini-bikes, trail bikes, motor bikes, motor cars, four-wheel drive vehicles, motor scooters, go-carts and other vehicles which may be propelled by a motor, electrical motor or by mechanical means.
<i>movement of livestock</i>	means movement of stock (during daylight hours and not less than 1km per hr) between adjoining or adjacent paddocks or properties as part of normal farming practices.
<i>municipality</i>	means the municipal district of Swan Hill Rural City Council.
<i>municipal place</i>	means land, excluding a road, which is owned, occupied, managed or controlled by Council.
<i>Notice to Comply</i>	means a Notice to Comply issued under this Local Law.
<i>occupier</i>	means the person who is for the time being in charge of the land or premises.
<i>offensive</i>	means in relation to the emission of noise, dust, smoke, ash, odour, waste or other things, which due to its intensity, duration, frequency, or other factor, results in a level of personal discomfort that a reasonable person would not expect to endure, or results in a unreasonable disruption to normal living activity.
<i>park</i>	means a public reserve or part of a public reserve that has been improved by the construction of a playing field, or contains playground equipment, or contains provisions for cooking or other eating facilities or has established and maintained lawns and garden beds.
<i>permit</i>	means a permit issued under this Local Law.
<i>penalty unit</i>	has the same meaning as Section 110(2) of the Sentencing Act 1991.
<i>person</i>	includes an individual, partnership, unincorporated body, association and corporation.
<i>person in charge</i>	in relation to clause 60(5) means the person or persons whether natural or incorporated who has or have management responsibility for building works or a building site and includes the owner of land on which the building works are being carried out or the building site is located.
<i>Planning Scheme</i>	means a planning scheme approved under the Planning and Environment Act 1987 that operates within the municipal district.

<i>poultry</i>	includes any fowl, duck, goose, ostrich, turkey, pheasant, quail, guinea fowl, squab and any other avian species ordinarily consumed as food by humans.
<i>procession</i>	means an organised group of people proceeding along a road or a gathering for a ceremony or function and includes fun runs and bicycle events.
<i>public place</i>	has the same meaning as defined in the Summary Offences Act 1966.
<i>public reserve</i>	means a municipal place which is outdoors and available for recreational purposes.
<i>putrescibles waste</i>	is a solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odours and to be capable of attracting or providing food for pests, birds and animals.
<i>mobile garbage bin</i>	means a wheeled mobile garbage bin of the type issued or approved by Council.
<i>residential area</i>	means land within a General Residential Zone, Township Zone and Low Density Residential Zone under Council's Planning Scheme.
<i>road</i>	has the same meaning as defined in the Local Government Act 1989 namely: a) a street; and b) a right of way; and c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and d) a public road under the Road Management Act 2004; and e) a passage; and f) a cul de sac; and g) a by-pass; and h) a bridge or ford; and i) a footpath, bicycle path or nature strip; and j) any culvert or kerbing or other land or works forming part of the road.
<i>road reserve</i>	means all of the area of land that is within the boundaries of a road.
<i>rural living zone</i>	means land within Rural living Zone under Council's Planning Scheme.
<i>sell</i>	means to offer negotiate, accept or undertake an exchange of goods and services for consideration and to barter or exchange, to agree to sell, to offer or display for sale, to have or keep goods in possession for the immediate purpose of sale rather than storage, to use any machine or mechanical device for the purpose, and to direct cause or attempt any of these things.
<i>shopping trolley</i>	means a wheeled container supplied by a retailer for enabling a customer to transport goods.

smoke	means to smoke, hold or otherwise have control over an ignited tobacco product, or light a tobacco product.
smoke free area	means an area gazetted by the Victorian State Government, or in, any public reserve or Council land, which has been declared as a 'smoke free' or 'non smoking area' and may have smoke free area signage erected and maintained in accordance with the Tobacco Act 1987.
spruik	means attracting customers by public aural appeals to passerby, with or without sound amplification equipment.
street festival	means an organised recreational, cultural, commercial or social event or gathering of people which is held on a road and includes a procession or party.
street furniture	means tables and chairs, stools and benches, umbrellas, wind frames or similar articles placed on any road or municipal place.
street party	means an organised social gathering of people from one or several adjacent roads that is held on a road.
street tree	any tree or shrub located within a road reserve, Council park or reserve or area controlled or administered by Council.
temporary dwelling	means a building or caravan used for residential purposes prior to and during construction of a dwelling.
vehicle	has the same meaning prescribed to it in the Road Safety Act 1986.
waste	has the meaning as defined in section 4 of the Environment Protection Act 1970: <ul style="list-style-type: none"> a) any matter whether solid, liquid, gaseous or radio-active which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; b) any discarded, rejected, unwanted, surplus or abandoned matter; c) any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for: <ul style="list-style-type: none"> i. recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or ii. sale; and d) any matter prescribed to be waste.
works	includes any change to the natural or existing condition or topography of land including but not limited to: <ul style="list-style-type: none"> a) removal, destruction or lopping of trees b) removal of vegetation c) removal of topsoil d) collection of seed e) collection of firewood f) preparation and construction of fire breaks g) drainage works h) construct an underpass under a road

7. Administration of this Local Law

Exercise of discretion

- (1) In exercising any discretion under this Local Law Council must have regard to:
 - a) the objectives of this Local Law; and
 - b) any relevant guidelines or standards.
- (2) Council may prepare guidelines for use by Council, Council officers and other persons for the purpose of this Local Law.
- (3) Guidelines prepared by Council must be consistent with the objectives of this Local Law.

8. Exemptions from this Local Law

Nothing in this Local Law prevents a member, officer or employee from the list below from performing any of the duties he or she is lawfully entitled or required to perform while engaged in those duties:

- a) the Commonwealth or State Government;
- b) the Victorian Police;
- c) the Country Fire Brigade;
- d) Ambulance Victoria;
- e) any first aid or emergency service organisation;
- f) any military or civil defence force, or
- g) a public body other than Council

9. Incorporation of documents

- (1) The document titled 'Trading Code of Practice', as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant to section 112 of the Local Government Act 1989.
- (2) The document titled 'Building and Works Code of Practice' as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant to section 112 of the Local Government Act 1989.
- (3) The document titled 'Waste Code of Practice' as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law pursuant to section 112 of the Local Government Act 1989.

Part 2 - Administration

10. Issue of permits

- (1) An application for a permit under this Local Law must be in an approved form and accompanied by the appropriate fee prescribed by Council.
- (2) Council may waive, reduce or alter any fee.
- (3) Council may require an applicant to supply additional information or to give public notice of the application.
- (4) Council may:
 - a) issue a permit, with or without conditions; or
 - b) refuse to issue a permit
- (5) Council may exempt a person from the requirement under this Local Law to obtain a permit.
- (6) Unless specified in the permit, all permits expire one year after date of issue.

11. Conditional permits

- (1) A permit may be subject to conditions, which Council or an Authorised Officer considers to be appropriate in the circumstances including:
 - a) the payment of a fee or charge;
 - b) a time limit to be applied either specifying the duration, commencement or completion date;
 - c) the happening of an event;
 - d) the rectification, remedying or restoration of a situation or circumstance;
 - e) when the applicant is not the owner of the subject property, the consent of the owner is required;
 - f) the granting of some other permit or authorisation which may be required by Council or another statutory or public authority whether under this Local Law or otherwise; and
 - g) the requirements of a Code of Practice incorporated as part of this Local Law.
- (2) The conditions of a permit must be set out in the permit.
- (3) Council or an Authorised Officer may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
- (4) A person who undertakes an activity for which Council or an Authorised Officer has issued a permit must comply with the conditions of the permit.

Penalty: 5 penalty units

12. Cancellation of permits

- (1) A permit may be cancelled by Council or an Authorised Officer at any time if it is clear that the conditions under which the permit was issued have not been complied with, provided:
 - a) there has been a breach of a condition of the permit
 - b) a Notice to Comply has been served upon the permit holder; and
 - c) the time required under the Notice to Comply has expired.
- (2) Where the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of the Notice to Comply.
- (3) Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition is guilty of an offence.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

13. Notice to Comply

- (1) An Authorised Officer may, by serving a written Notice to Comply, make any reasonable direction to a person:
 - a) in respect of any matter under this Local Law; or
 - b) a person's use of a municipal place, Council land or a road; and the person must comply with that direction.
- (2) A Notice to Comply must:
 - a) specify the act, matter or thing which is required to cease or specify the act, matter or thing which is required to be done;
 - b) specify the time within which the person receiving the notice is required to carry out or cease carrying out any such act, matter or thing;
 - c) be signed by an Authorised Officer; and
- (3) The time required by notice to comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:
 - a) the amount of work involved;
 - b) the degree of difficulty;
 - c) the availability of necessary materials or other necessary items;
 - d) climatic conditions;
 - e) the degree of risk or potential risk; and
 - f) any other relevant factor.
- (4) The cost of carrying out the work is recoverable as a debt.

14. Power of Authorised Officer – urgent circumstances

- (1) An Authorised Officer may, in urgent circumstances arising as a result of another person's failure to comply with this Local Law, take action to remove, remedy or rectify a situation without the necessity to serve a Notice to Comply, provided:
 - a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with serving a Notice to Comply may place a person, animal, property or thing at risk or in danger;
 - b) the Chief Executive Officer approves of the proposed action;
 - c) details of the circumstances and remedying action are, as soon as possible, forwarded to the person on whose behalf the action was taken; and
 - d) Council is advised as soon as practicable of the action taken.
- (2) The action taken by an Authorised Officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of the risk or danger involved.

15. Notice to Comply – not a precondition to enforcement proceedings

An Authorised Officer is able to prosecute a person or issue an infringement notice under this Local Law without first serving a Notice to Comply.

16. Impounding

- (1) An Authorised Officer may:
 - a) impound an animal or item in accordance with this Local Law, Council may refuse to release it until the appropriate fee or charge for its release has been paid to Council.
 - b) impound any item that unlawfully encroaches on or obstructs the free use of a road or a municipal place;
 - c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of serving of a notice unless having applied for an appeal.
- (2) If an Authorised Officer impounds an item or animal under this Local Law he or she must serve on the owner a notice as soon as possible after the impounding.
- (3) If the identity or whereabouts of the owner of the impounded animal or item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person. Council may proceed to dispose of the impounded animal or item in accordance with sub-clause (1)(c).
- (4) Any proceeds from the disposal of impounded items must be paid to the owner except for the reasonable costs incurred by Council.
- (5) In the event that the owner cannot be identified or located within one year from the date the Notice of Impounding was served any proceeds as described in sub-clause 4 may be retained by Council beneficially.

17. Appeals

- (1) A person may appeal by written submission to Council for a review of an order, direction or notice made in relation to her or him under this Local Law within 14 days of the order, direction or notice being made.
- (2) An appeal will not in any way remove that person's obligation to act in accordance with any order, direction or notices which are applicable under this Local Law.
- (3) Where an appeal is to be heard under this clause the person appealing must do all that is necessary to cooperate in the prompt and speedy hearing of the appeal.

18. Delegation

Council delegates to its Chief Executive Officer and any Authorised Officer the power to:

- a) issue, refuse or revoke a permit;
- b) exempt a person from the requirement to obtain a permit;
- c) issue, sign, revoke, exempt, require or cancel any notice, order or direction;
- d) enforce any matter.

19. Fees

- (1) Council may, from time to time, by resolution determine fees for the purposes of this Local Law.
- (2) In determining the fees, Council may establish a system or structure of fees, including a minimum or maximum fee.
- (3) Council may waive, reduce or alter a fee with or without conditions.

Part 3 - Enforcement

20. Offences

A person is guilty of an offence if the person:

- a) does something which this Local Law prohibits to be done or makes an offence;
- b) fails to do something which this Local Law requires to be done;
- c) engages in activity without a permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity;
- d) fails to comply with a condition of a permit issued under this Local Law; or
- e) fails to comply with a notice to comply or a direction of an Authorised Officer under this Local Law.

21. Infringement notice

- (1) Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue to that person an infringement notice, in a form approved by Council, as an alternative to a prosecution for the offence.
- (2) A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 42 days of being served with the infringement notice.

22. Penalties

- (1) An infringement notice may be issued as an alternative to prosecution in respect of offences against this Local Law. In the event that an infringement notice is issued the infringement notice penalty will be two penalty units unless a specific infringement notice penalty is provided.
- (2) Unless otherwise specified, a person found by a court to be guilty of an offence under this Local Law is subject to the following penalties:
 - a) First offence – not more than 10 penalty units; and
 - b) Second or subsequent offence – not more than 20 penalty units.

Part 4 - Roads

23. Vehicle crossings

- (1) For the purposes of this clause a vehicle crossing is properly constructed if:
 - a) it was constructed by or in accordance with the terms of an approval by Council or a State Road Authority; or
 - b) Council has approved in writing the method of construction of the particular vehicle crossing; or
 - c) in accordance with the Infrastructure Design Manual located at <http://www.designmanual.com.au> or other relevant standard applicable at the time of construction.
- (2) The owner of land abutting a road where kerb and channel are constructed, or any other land as determined by Council in accordance with this Local Law, must ensure that each point of vehicular access from a carriageway on a road to his or her land has a properly constructed vehicle crossing.

Penalty: 5 penalty units
- (3) Where a properly constructed vehicular crossing exists, a person must not use any other passage or route for vehicular access to the land.

Penalty: 5 penalty units
- (4) Where access to land is not via a properly constructed vehicle crossing, Council or an Authorised Officer may serve a Notice to Comply on the owner of the land to construct a properly constructed vehicle crossing.
- (5) If a point of vehicular access from a carriageway on a road to adjacent land does not have a properly constructed vehicle crossing, Council or an Authorised Officer may serve a Notice to Comply on the owner of the land.
- (6) In the case of roll-over type kerbing where a specific vehicular crossing point is not constructed, Council may nominate the location at which vehicles are to cross the kerb. Where access to land is not in accordance with the location nominated by Council, Council or an Authorised Officer may serve a Notice to Comply on the owner of the land.
- (7) A vehicle crossing must allow for free drainage of water by construction of a culvert or by an alternative approved means.

24. Temporary vehicle crossings

- (1) Where it is likely that building works on any land will involve vehicles leaving a road and entering the land, the person responsible for the building works must obtain a permit for the construction of a temporary vehicle crossing which protects the existing road, kerb, drains, footpath and street trees.
- (2) Council or an Authorised Officer may serve a Notice to Comply on any person who should make application under sub-clause (1) for a temporary vehicle crossing.
- (3) The person responsible for the building works is liable for any damage to the existing road, kerb, drains, footpath and street trees resulting from the building works.

- (4) The permit holder must, within 48 hours of completion of the building works, arrange with Council for an inspection of the site.

25. Redundant vehicle crossings

- (1) Where works on any land involve the relocation or closure of a point of vehicular access, any redundant part of a vehicle crossing must be removed and the kerb, drain, footpath, nature strip or other part of the road reinstated to the satisfaction of Council.
- (2) Council or an Authorised Officer may serve a Notice to Comply on the owner of any land, requiring the removal of part or all of a vehicle crossing which does not provide an effective point of vehicle access to the land.
- (3) If the removal of all or part of a vehicle crossing or the reinstatement of the road is not carried out in accordance with the Notice to Comply, Council may carry out the work at the full cost of the owner of the land.
- (4) The Notice to Comply may require the reinstatement of any part of the road.

26. Street levels

- (1) A person must not carry out any building or other works on or fence any part of any land immediately abutting a street, road, footpath or public reserve which is inconsistent with the level fixed by Council for the street, road, footpath or public reserve.
- (2) Council or an Authorised Officer may serve a Notice to Comply to any person who has not complied with sub-clause (1).
- (3) If the works required in accordance with the Notice to Comply are not complied with Council may carry out the works at the full cost of the owner.
- (4) A person may obtain details of the levels fixed by Council for any street, road, footpath or public reserve by making application to Council.

27. Use of vehicles in a municipal place

- (1) A person must not ride or drive any motor car, motor cycle or other vehicle in any municipal place other than in an area set aside for vehicle parking or any designated roadway.

Penalty: 5 penalty units

- (2) A person must not use rollerblades, skateboards, self-propelled scooters or other similar devices on Council land, roads or a public place in a way that:
 - a) other users of Council land, public place or road may have their safety compromised or they could be injured; or
 - b) damage could be caused to any property on Council land or road or public place.

Penalty: 3 penalty units

Infringement Notice: 1 penalty unit

28. Parked motor vehicles interfering with Council functions

The owner of a motor vehicle parked on a road must move or cause to be moved the vehicle in accordance with a notice from Council or an Authorised Officer served on the owner if Council or an Authorised Officer is of the opinion that the presence of the motor vehicle interferes with any Council function.

Penalty: 5 penalty units

29. Abandoned vehicles

- (1) A person must not, on any road or in a municipal place or parking area vested in or under the control of Council, place any unregistered vehicle or cause to be abandoned any vehicle.
- (2) Where a vehicle is impounded by Council and is not claimed within 28 days by the owner, an Authorised Officer may cause the vehicle to be:
 - a) destroyed;
 - b) given away to community groups or for other community uses, or
 - c) disposed of by auction, public tender or advertised sale.
- (3) Where an impounded vehicle is claimed by its owner:
 - a) proof of ownership of the vehicle must be provided to Council;
 - b) a fee not exceeding the amount that represents the cost to Council of impounding, moving, keeping and releasing the vehicle must be paid to Council; and
 - c) in the event that a claim for a vehicle is made by a person other than the owner, satisfactory evidence must be provided to Council of that person's authority from the owner to take possession of the vehicle.

Penalty: 5 penalty units

30. Repair of vehicles

A person must not perform any work to a vehicle on a road or in a municipal place, except to enable the vehicle to be removed from the road or municipal place.

Penalty: 5 penalty units

31. Motor vehicles

- (1) A person must not park any motor vehicle within a municipal place except:
 - a) in an area set apart for the purpose;
 - b) when and where directed or authorised by Council or an Authorised Officer to do so;
 - c) upon payment of such fees (if any) as may be prescribed and authorised by Council;
- (2) A person must not display a vehicle for sale on a road or on Council land.
- (3) A person must not leave any derelict vehicle on any road, Council land or municipal place whether temporary or permanent.

Penalty: 5 penalty units

32. Trees and plants on roads

- (1) A person must not, without a permit, plant any tree or other vegetation on a road;
- (2) Where any tree or other vegetation is planted on a road without a permit or in contravention of any permit condition the tree or vegetation may be removed by Council.
- (3) A person must not, without a permit, remove or cultivate soil from, damage, remove from or burn vegetation on any roadside reserve.
- (4) A person must not without a permit, collect or remove firewood including trees and fallen branches from a municipal place or roadside reserve.

33. Trees and plants on private property

- (1) The owner and occupier of land on which any tree or other vegetation is growing must not allow the tree or other vegetation to obstruct or interfere with the passage of traffic by:
 - a) overgrown and/or overhanging any footpath or road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage to them;
 - b) extending over any part of the road in such a way that it obstructs the view between vehicles at an intersection; or
 - c) obstructing the view between vehicles and pedestrians where they come close to one another; or
 - d) obscuring a traffic control item from an approaching vehicle or pedestrian; or
 - e) obscuring street lighting; or
 - f) obstructing the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
 - g) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the footpath or road.

Penalty: 3 penalty units

- (2) The owner or occupier of any land that is situated adjacent to an intersection of two or more roads must not plant or let grow any tree or other vegetation on that land in such manner as to cause an obstruction to the view between vehicles and other road users at the intersection.

Penalty: 3 penalty units

34. Storage of materials on road

A person must not, without a permit, deposit or place any soil, garden waste, prunings, building materials, refuse containers, skip bins, building rubbish, electrical cords, air hoses, shipping containers or other similar obstructions on, upon, across or over any road or footpath.

35. Signs and objects

A person must not place any sign or other object on any land in such a way that it causes an obstruction or interferes with the passage of traffic by:

- (a) overhanging a footpath or road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage to them; or

- (b) extending over any part of the road in such a way that it obstructs the view between vehicles at an intersection; or
- (c) obstructing the view between vehicles and pedestrians where they come close to one another; or
- (d) obscuring a traffic control item from an approaching vehicle or pedestrian; or
- (e) obscuring street lighting; or
- (f) obstructing the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
- (g) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.
- (h) constructing or allowing to remain in place a boundary fence near any road intersection which reduces visibility or causes an obstruction and interferes with the safe passage of vehicles or pedestrians.

Penalty: 2 penalty units

36. Removing road signs

A person must not erect or remove a sign that applies a name to a road.

Penalty: 5 penalty units

Infringement Notice: 3 penalty units

37. Property numbers to be displayed

- (1) Council may allot such numbers as are in its opinion necessary to identify each premises in the municipal district.
- (2) If Council has allocated a number to the premises, the owner must mark the premises with the number and must renew or replace the number as often as may be necessary.

Penalty: 5 penalty units

- (3) The owner of the premises must ensure that the number is of a sufficient size and is placed in such a position as to be clearly readable from the road on which the premises have their frontage.

Penalty: 5 penalty units

- (4) Council may, from time to time, determine a minimum size and the appropriate design of such numbers.

38. Residential Parking Permit Scheme

- (1) Council may from time to time by resolution, designate any parking area of the municipal district as an area in which a Residential Parking Permit Scheme is in operation.
- (2) Council may at any time by resolution rescind, amend or vary any resolution so made.
- (3) Council must give appropriate public notice of any resolution made under sub-clause (1).
- (4) The person who resides in an area in which a Residential Parking Permit Scheme is in operation may make application in writing for a Residential Parking Permit.

- (5) Council may grant a residential parking permit subject to such conditions as may be determined from time to time.
- (6) A residential parking permit may specify the road or roads or part of the road to which the permit applies.
- (7) The holder of a residential parking permit may park an eligible vehicle in the road or roads as specified in the permit without being required to comply with any parking restrictions as to time indicated by parking signs associated with the road or roads.
- (8) Council may from time to time by resolution, determine a fee to be paid for a residential parking permit.
- (9) Prior to the introduction of a new residential parking permit scheme Council must notify the owner and occupier of every residence in the area advising as to;
 - a) eligibility;
 - b) how to apply;
 - c) the cost of the permit; and
 - d) how the proposed scheme will operate.

Part 5 - Municipal and Public Places

39. Behaviour

(1) General

A person must not, in a municipal place or public place:

- a) interfere with another person's reasonable use and enjoyment of that municipal place or public place, (including, but not limited to, using indecent language or fighting), or;
- b) endanger or be likely to endanger health, life or property; or
- c) destroy, damage or interfere with any building, fence, property improvements, sign, structure, chattel, tree, shrub or plant, garden bed, bird or animal or bird/animal habitat; or
- d) enter on any area, road or track that is specifically designed for land or vegetation establishment and for which entry is prohibited.

Infringement Notice: 3 penalty units

- (2) A person must not urinate, defecate, spit or vomit in a public place other than in a toilet facility constructed for that purpose.

Infringement Notice: 3 penalty units

- (3) An Authorised Officer may direct a person to leave a municipal place or a public place if they believe on reasonable grounds that the person is behaving in:

- a) an indecent, offensive, threatening or insulting manner; or
- b) using threatening, abusive, obscene, indecent or insulting words.

- (4) Any person who is involved in an activity that is damaging or defacing Council property or assets, or that could reasonably be foreseen to damage Council property or assets, must immediately cease such activity upon being directed to do so by an Authorised Officer. A person to whom such a direction is given must comply with that direction.

- (5) A person must not, without a permit, remove damage or trim any street tree or shrub.

Infringement Notice: 3 penalty units

- (6) A person must not in a wetland, fountain or similar located in a municipal place or public place:

- a) enter, swim, paddle, bath, dive or jump; or
- b) throw or place any liquid, powder substance, stone, rock, stick, paper, dirt, rubbish or other object, substance or thing.

Infringement Notice: 3 penalty units

- (7) A person must not without a permit while in a public reserve;

- a) light any fire other than a portable barbecue or properly constructed fireplace
- b) act contrary to any sign;
- c) play any game with a hard ball except in an area set aside for that purpose;
- d) ride a horse other than on a road or in an area designated for the riding of horses; or
- e) organise any concert, public assembly or public event.

40. Council land management signs

- (1) Council may by a notice or sign prohibit or regulate the use of any Council land or the conduct of a person on that land.
- (2) A person must not erect or remove, interfere or deface any notice or sign except with the authority of Council.
- (3) A person must not act contrary to any notice or sign referred to in sub-clause (1).

Penalty: 3 penalty units

41. Consumption and possession of liquor in a public place

- (1) A person must not, on a road, footpath or public reserve, or in a motor vehicle parked on a road, footpath or public reserve, in a prescribed area during a prescribed period:
 - a) consume any liquor; or
 - b) have in his or her possession or control any liquor other than liquor in a sealed container.

Penalty: 10 penalty units

Infringement Notice: 3 penalty units

- (2) Council may by resolution specify an area of the municipal district to be a prescribed area.
- (3) If Council prescribes an area to be a prescribed area, it must:
 - a) publish a notice in a newspaper generally circulating within the municipal district;
 - b) erect signage signifying the prescribed area; and
 - c) ensure that a description of the area is available for inspection at Council's offices during business hours.
- (4) Council may at the time of specifying an area to be a prescribed area specify in relation to that area:
 - a) periods of the year;
 - b) periods of the week; or
 - c) periods of the day, or of specified days; that are to be 'no alcohol' periods.
- (5) If no period is specified in relation to an area, the 'no alcohol' period for that area is all day every day.
- (6) For the purpose of this part, a 'no alcohol' period is a prescribed period.
- (7) This clause does not apply to:
 - a) 'authorised premises' or 'licensed premises' within the meaning of the Liquor Control Reform Act 1998;
 - b) circumstances to which the Liquor Control Reform Act 1998 does not apply by virtue of section 7 of that Act; or
 - c) consumption of liquor at an organised event for which a permit has been granted.

42. No smoking in smoke free areas

(1) A person must not smoke a tobacco product in a smoke free area.

Penalty: 10 penalty units

(2) Where an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the Authorised Officer may direct the person to extinguish and then dispose of the tobacco product.

(3) A person to whom a direction is given under sub-clause (2) must comply with that direction.

Penalty: 10 penalty units

(4) Council may designate any area within the municipal district to be a smoke free area.

(5) When determining whether to designate a smoke free area, Council must have regard to the following factors:

- a) the size of the proposed smoke free area;
- b) the opinions of any person who is the owner or occupier of any part of the proposed smoke free area;
- c) the proximity of the proposed smoke free area to a public place;
- d) the extent and outcome of any public consultation on the proposed smoke free area;
- e) any benefits to the community which would be achieved by Council designating the proposed smoke free area;
- f) any detriment to the community which would be caused by Council designating the proposed smoke free area; and
- g) any other matter Council considers relevant.

(6) Council or an Authorised Officer must erect, or cause to be erected, an acceptable no smoking sign in every designated smoke free area.

43. Public swimming pools

(1) A person must not while attending a public swimming pool:

- a) commit any nuisance;
- b) act to endanger any person;
- c) act to interfere with the quiet enjoyment of the public swimming pool by any person;
- d) destroy, damage or interfere with any Council property;
- e) bring any animal except a guide dog into the public swimming pool site;
- f) enter the public swimming pool site without paying the appropriate fee as determined by Council; or
- g) bring into the public swimming pool site any glass container.

Penalty: 5 penalty units

44. Commercial activity on Council land

Trading Code of Practice

- (1) The Trading Code of Practice:
 - a) has been adopted by Council for the purposes of this Local Law;
 - b) has the objective of providing for the peace, order, well being and safety of people and amenity of public places in the municipality; and
 - c) is available for inspection at Council's offices and service centres during business hours.
- (2) The whole of the Trading Code of Practice is incorporated into and forms part of this Local Law.
- (3) Council may amend the Trading Code of Practice from time to time in accordance with the provisions contained in the Code.
- (4) An amendment does not take effect until notice of Council's decision to amend the Trading Code of Practice is published in the Victoria Government Gazette.
- (5) A person on whom an obligation is imposed by the Trading Code of Practice must ensure that:
 - a) where under the Trading Code of Practice a permit is necessary, that permit is obtained; and
 - b) the Trading Code of Practice is complied with.

45. Trading activities on roads and in a municipal place

- (1) Without a permit a person must not on a road or in a municipal place:
 - a) place any advertising sign, banner or flag;
 - b) display any goods;
 - c) place any outdoor eating furniture or associated facilities;
 - d) place any structure for the purpose of selling or offering to sell any goods or services;
 - e) place goods or services carried out or placed on the person or any other moveable thing do so from land adjacent to a road or a municipal place;
 - f) solicit or collect any waste materials, gifts of money, or subscriptions, or do so from premises to premises adjacent to a road;
 - g) busk;
 - h) hold a street festival or event, other than a funeral.

Penalty: 3 penalty units

NOTE: For processions or festivals on roads controlled by Vic Roads, prior consent must be obtained from the Chief Commissioner of Victoria Police and Vic Roads.

- (2) A person displaying advertising signs, banners or flags, placing street furniture and/or displaying goods on a road or municipal place must ensure that:
 - a) a permit is applied for and issued prior to display; and
 - b) the Trading Code of Practice is complied with; and

- c) the Disability Discrimination Act 1992 is complied with.
- (3) In considering an application for a permit under sub-clause (1), Council must have regard to the requirements of:
- a) the Trading Code of Practice;
 - b) the Disability Discrimination Act 1992;
 - c) whether permits required by the Public Health and Wellbeing Act 2008, Food Act 1984 or any other legislation have been obtained;
 - d) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
 - e) whether the activity will be detrimental to the amenity of the area;
 - f) whether the safety of road users or the passage of vehicles will be affected by the placement;
 - g) whether appropriate arrangements can be made for waste water disposal, litter and garbage, lighting; and advertising signs;
 - h) any other matter relevant to the circumstances of the application.
- (4) When an advertising sign, banner, flag or good is placed or displayed contrary to this Local Law or in contravention of any permit conditions, a notice to comply may be issued by an Authorised Officer.
- (5) Failure to comply with a notice to comply may result in the advertising sign, banner, flag or the good being removed by an Authorised Officer and impounded.
- (6) Council may determine a fee that must be paid by the owner of any impounded advertising sign, banner, flag or good before Council releases the impounded item.
- (7) Advertising signs, banners, flags or goods that have been impounded by Council for more than one month may be disposed of by Council by tender or public auction, or may be transferred to the municipal landfill or given away. Where perishable goods have been impounded, Council may dispose of the goods as soon as reasonably appropriate.
- (8) A person must not, without a permit, erect or place on any road, roadside or municipal place, a vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any goods or services or conducting a raffle or lottery.
- (9) A person must not, without a permit, sell or offer for sale on any road, roadside or municipal place, any goods carried about on a person or animal.
- (10) A person must not, without a permit, engage in spruiking or promoting goods or services or permit another person to engage in spruiking or promoting goods or services on any road or municipal place.
- (11) A person must not, without a permit, give or offer to the public on any road or municipal place, any pamphlet or brochure advertising goods, services or events.

46. Appeals and collections

- (1) A person must not, without a permit, solicit or collect any gifts, money or subscription or authorise or cause another person to solicit or collect any gifts, money or subscription, from house to house or on any road or municipal place.
- (2) A person participating in highway collections approved under the authority of the Road Safety Act 1986 does not require a permit under sub-clause (1).

Penalty: 3 penalty units

- (3) A person must not, without a permit, busk on a road or municipal place.
- (4) An application for a permit to busk must be in a form approved by a Council.
- (5) In determining whether to grant a permit to allow busking Council or an Authorised Officer must take into account:
 - a) the time and days it is proposed to busk;
 - b) the roads or areas in which the busking will take place;
 - c) the impact on pedestrians and traffic;
 - d) the ability to obtain public liability insurance;
 - e) whether the busking is part of the entertainment provided within a street trading area; and
 - f) any other matter relevant to the circumstances of the application.
- (6) Where there has been a failure to comply with sub-clause (1) or a contravention of any conditions of a permit, Council or an Authorised Officer may serve a Notice to Comply to the person undertaking the activity or the permit holder.

Penalty: 3 penalty units

47. Approval for events and festivals

- (1) A person must not, without a permit, conduct an event, festival or similar gathering within the municipal district.

Penalty: 5 penalty units

- (2) In determining whether to grant a permit to allow an event or festival, Council or an Authorised Officer must take into account the Swan Hill Rural City Council Event Management Guide.
- (3) In determining to grant a permit for an event or festival, Council or an Authorised Officer may take into account:
 - a) whether the event or festival will unreasonably inconvenience road users (including owners and occupiers of properties with vehicular access to the section of road to be closed);
 - b) whether the written permission of the Victoria Police and the relevant State Road Authority has been obtained and their requirements met;
 - c) whether the road can be closed to vehicular traffic, or partly closed to vehicular traffic with safe and effective separation of vehicular traffic from the event or festival patrons and equipment; and
 - d) any other matter relevant to the circumstances of the application.
- (4) In determining whether to grant a permit for a street party, Council or an Authorised Officer must take into account:
 - a) whether the road can be closed to vehicular traffic without detriment to the traffic management of the area, for the duration of the street party;
 - b) whether the owners and occupiers of land with any vehicular access via the section of road to be closed have been advised by letter and given seven days to comment or object;

- c) whether a suitably qualified person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by an Authorised Officer;
 - d) whether the footpath on at least one side of the road can be kept clear of obstructions; and
 - e) any other matter relevant to the circumstances of the application.
- (5) Where the application is to conduct a street party the application must be made at least 28 days before the street party is to take place.
- (6) Where the application is to conduct a street festival or procession, the application must be made at least 28 days before the street festival or procession is to take place.

48. Placement of clothing bins

A person must not, without a permit, place a clothing bin in a municipal place or on a road.

Penalty: 3 penalty units

49. Bulk rubbish containers

- (1) A rubbish container, rubbish skip, movable structure, device, material or other object may be removed and impounded if in the opinion of an Authorised Officer it is;
- a) causing an obstruction;
 - b) a danger to road users;
 - c) getting in the way of or likely to get in the way of traffic; or
 - d) located on a road reserve without a permit.
- (2) Council may from time to time determine a fee which must be paid before Council is required to release the impounded item.

50. Graffiti

- (1) The owner and occupier of land must not allow any graffiti to remain on any building, wall, fence or other structure erected on his or her land for four weeks after the graffiti has been detected.

Penalty: 5 penalty units

- (2) A person must not, without a permit, write, print, stencil, paint, place or affix any letter, figure, device, poster, sign or advertisement upon any Council land or in a public place.
- (3) Where, in the opinion of an Authorised Officer, the provisions of this clause or the conditions of any permit are not being complied with the Authorised Officer may serve a Notice to Comply on the owner or occupier of the relevant land or the permit holder.

Infringement notice: 5 penalty units

51. Abandoned shopping trolleys

- (1) A person must not leave a shopping trolley on a road or municipal place other than an area specifically designated for the storage of shopping trolleys.

Penalty: 5 Penalty units

- (2) The owner of any shopping trolley left on a road or municipal place in an area not designated for the storage of shopping trolleys will be notified and if not removed, an Authorised Officer may impound.
- (3) Shopping trolleys that have been impounded for three months may be disposed of by Council by tender or public auction or may be transferred to the municipal landfill or be given away.

52. Noise in a municipal place or on a road

- (1) A person must not in a municipal place or on a road:
 - a) spruik; or
 - b) emit, or allow to be emitted, any other noise which causes or is calculated to cause interference with a person's use or enjoyment of adjacent or nearby premises.

Penalty: 3 Penalty units

- (2) An Authorised Officer may direct a person playing amplified music in a public place (including in a road or public reserve or in a motor vehicle on a road or public reserve) to cease playing such music if the music is audible 20 metres or more from the source.
- (3) A person to whom such a direction is given must comply with that direction

Infringement Notice: 3 penalty units

- (4) This clause does not apply to a person who has the permission of Council or the owner of the public place to play the amplified music.

Part 6 - Environment

53. Dangerous and unsightly land

- (1) The owner and occupier of land must not allow or permit the land or grassed area of a road abutting the land to be kept in a manner that:
- a) constitutes a fire hazard;
 - b) is unsightly or detrimental to the general amenity of the neighbourhood including but not limited by the appearance of:
 - stored unregistered motor vehicles;
 - machinery or any parts of them;
 - scrap metal;
 - second-hand timber or building materials;
 - waste paper;
 - rags;
 - bottles;
 - overgrown vegetation;
 - grass or weeds in excess of 250mm in height; or
 - Is kept free of graffiti

Penalty: 5 penalty units

- (2) A Notice to Comply may be served on the owner or occupier of the land where an Authorised Officer is of the opinion that the condition of the land is unsightly, dangerous or detrimental to the general amenity of the surrounding area.

Penalty: 5 penalty units

54. The emission of offensive material, odour and noise

- (1) Any person who, in the opinion of an Authorised Officer, is causing a nuisance to any person by burning any material must immediately extinguish the fire upon being directed to do so by such Authorised Officer.

Penalty: 5 penalty units

Infringement notice: 3 penalty units

- (2) A person must not burn or cause to burn any offensive materials including without limitation any substance which contains any:
- a) manufactured chemical;
 - b) rubber or plastic;
 - c) petroleum or oil, other than in a properly constructed and operating heating appliance;
 - d) paint or bin which contains or which contained paint;
 - e) food waste, fish or other offensive or noxious matter; or
 - f) other material which emits dense or offensive smoke.

Penalty: 5 penalty units

- (3) A person must not cause or allow the emission of any dust, grit, ashes, fumes or other material created by any chemical, mechanical or manual process from any land owned or occupied by that person to such an extent that it may be offensive to another person not within the boundaries of such land.

Penalty: 5 penalty units

- (4) A person must not cause or allow the emission of any noise caused by any chemical, mechanical or manual process from land owned or occupied by that person to such an extent that it is offensive.

Penalty: 5 penalty units

Infringement notice: 2 penalty units

55. Open air burning

- (1) A person must not, **without a permit**, light or allow to be lit or remain alight any open air burn in any part of the municipal district which is zoned commercial, **industrial** or residential under Council's Planning Scheme.
- (2) **Property owners may apply in writing for a conditional permit to burn in a restricted zone. The fire restriction zones are specified on Schedules 12 to 20 of this Local Law. Authorised Officers may grant a permit if there are exceptional circumstances.**
- (3) Sub clause (1) shall not apply to –
- a. a pizza oven, barbecue, fire pit, chimenea, fire brazier or other properly constructed appliance while it is being used for cooking food or heating;
 - b. rural properties if the burning is more than 100 metres or more from a neighbouring residence; or
 - c. where a conditional permit has been granted under subclause (2).**
- (4) **A person must not light a fire in the open air, including on a rural property:**
- a) on any day of Total Fire Ban declared by the Country Fire Authority, or**
 - b) during a declared Fire Danger Period under the Country Fire Authority Act 1958 without first obtaining a permit from the Municipal Fire Prevention Officer and/or Country Fire Authority.**
- (5) **A person must, when directed to do so by a member of an emergency service agency or an Authorised Officer, immediately extinguish a fire in the open air.**
- (6) A person must not burn or cause to burn any dead animal **carcass** except where the burning of a dead animal **carcass** has been ordered by the **Department of Jobs, Precincts and Regions**.

56. Application

This part shall not apply to a;

- a) structure or device licensed under the provisions of the Environment Protection Act 1970;
- b) structure or device located on a commercial or industrial premises subject to control under of the Environment Protection Act 1970;
- c) person engaged in fuel reduction burning pursuant to section 11(2) of the Summary Offences Act 1966; or

- d) person performing any act in order to comply with the Country Fire Authority Act 1958 or any regulations made under it.

57. Caravans and camping on Council land

- (1) A person must not without a permit, camp on Council managed land or a public place in a tent, caravan or other temporary or makeshift structure unless within a Caravan Park registered under the Residential Tenancies (Caravan and Parks and Movable Dwellings Registrations and Standards) Regulations 2010 or an area determined by Council to be available for camping purposes.

Penalty: 5 Penalty units

- (2) In determining whether to grant a permit to allow a person to camp, Council must take into account:
 - a) the location of the land;
 - b) the planning scheme zone of the land;
 - c) the suitability of the land to camp;
 - d) the number of tents or other structures to be located on the land;
 - e) the length of time the tents and other structures will be erected on the land;
 - f) the availability of sanitary facilities to the land;
 - g) the likely damage to be caused; and
 - h) any other matter relevant to the circumstances associated with the application.

58. Caravans and camping on private property

- (1) The owner and occupier of land in a residential area must not park or allow more than one caravan on the land without first obtaining a permit from Council.

Penalty: 5 Penalty units

- (2) A person may use a caravan on privately owned land without a permit for sleeping purposes for seven nights in a six month period.
- (3) In determining whether to grant a permit Council must have regard to:
 - a) any relevant standards, guidelines or codes;
 - b) whether a building permit for a dwelling has been granted in respect to the land;
 - c) the adequacy of the standard of habitation on the site;
 - d) the means by which effluent from the camp or facilities is to be treated and the method of disposal;
 - e) whether any rent or charge is being paid by any person occupying the land for the camp to any person in respect of the occupation;
 - f) whether the establishment of a camp will have any effect on the amenity of the area on which it is situated; and
 - g) any other matter relevant the circumstances associated with the application.

59. Temporary dwellings

- (1) A person must not establish, erect or occupy a temporary dwelling.

Penalty: 5 penalty units

- (2) Nothing in sub-clause (1) prevents a person who has obtained a permit from Council for establishing, erecting or occupying a temporary dwelling in association with the construction of a permanent detached dwelling.
- (3) A permit issued pursuant to sub-clause (2) operates from the date of issue and expires on the expiry date stipulated in the permit or, if no expiry date is stipulated, after 12 months.
- (4) A person must not, after the issue of an occupancy permit for a permanent dwelling or the expiration of a permit for the temporary dwelling, occupy the temporary dwelling.

Penalty: 5 penalty units

Infringement notice: 2 penalty units

60. Building and Works Code of Practice

- (1) The Building and Works Code of Practice:
- a) has been adopted by Council for the purposes of this Local Law;
 - b) has the objective of providing an environment where activity on and related to building sites and building works complement the safety and amenity of the public and the community; and
 - c) is available for inspection at Council's offices and service centres during business hours.
- (2) The whole of the Building and Works Code of Practice is incorporated into and forms part of this Local Law.
- (3) Council may amend the Building and Works Code of Practice from time to time in accordance with the provisions contained in the Building and Works Code of Practice.
- (4) An amendment does not take effect until notice of Council's decision to amend the Building and Works Code of Practice is published in the Victoria Government Gazette.
- (5) The person in charge of building works or a building site must ensure that:
- a) a permit is obtained prior to commencing, or allowing to be commenced, any such building works; and
 - b) the Building and Works Code of Practice is complied with.
- (6) In considering an application for a permit under sub-clause (5a), Council must have regard to the requirements of the Building and Works Code of Practice.

61. Drainage tappings

A person must not, without a permit, tap into any Council drain.

Penalty: 5 penalty units

62. Damage to watercourses

A person must not, without a permit, destroy damage or interfere with a ditch, creek or drain or other watercourse on any Council Land.

Penalty: 5 penalty units

63. Interference with drains

A person must not, without a permit, interfere with, obstruct or alter any Council drain.

Penalty: 5 penalty units

64. Discharge of water prohibited

A person must not, without a permit, cause or permit:

- a) the direct or indirect flow of any irrigation water onto any Council land;
- b) the discharge of any water onto any Council land;
- c) the discharge of any water onto any land (including land of that person) so as to cause or permit such water to discharge onto Council land; or
- d) any substance other than storm water to be discharged into the storm water system.

65. Control of sprinklers

- (1) The owner of land in an irrigation district must ensure that any irrigation sprinkler heads on the land are fitted with either half circle sprinkler heads or standard sprinkler heads fitted with adequate solid metal guards so as to prevent the discharge of irrigation water onto the adjacent road or footpath.

66. Regulation of household waste by Council operated services

- (1) A person must not place out for collection any household waste, recycling and/or garden organics unless it is contained within an approved waste mobile garbage bin in accordance with the Waste Code of Practice which:
 - a) has been adopted by Council for the purposes of this Local Law; and
 - b) has the objective of providing an environment where activity related to waste, recycling and green waste compliment the safety, amenity of the community; and
 - c) is available for inspection at Council's offices and service centres during business hours.
- (2) Council may amend the Waste Code of Practice from time to time in accordance with the provisions contained in the Code.
- (3) An amendment does not take effect until notice of Council's decision to amend the Waste Code of Practice is published in the Victoria Government Gazette.
- (4) A person must not place household waste into municipal bins located in a park, road or municipal place.

67. Domestic waste collection

The occupier of land for which Council provides a domestic waste collection service must ensure that the Waste Code of Practice is complied with.

68. Recycling

- (1) Where Council has notified occupiers of land of a recycling collection service referable to that land, the person who uses the recycling collection service must comply with the requirements stipulated in that notification in relation to:
 - a) the type of material allowable;
 - b) the date and time of collection;
 - c) the manner in which the material must be left; and
 - d) the placement of the material on the road or footpath.

- (2) A person must not deposit any putrescible material, garden waste, food scraps, items of clothing or anything other than prescribed material in a mobile garbage bin specifically provided for the recycling of domestic waste.

Penalty: 5 penalty units

- (3) For the purposes of this clause, prescribed material may be approved by a Council resolution and published from time to time in a newspaper generally circulated within the municipal district.

69. Transportation of waste

A person must not convey or cause to be conveyed in any vehicle on any road any manure, dead animals or remains, offal, bones, hides, skins, offensive matter, waste, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered so that:

- a) no leakage occurs or other material is dropped or deposited on any road, Council land or adjacent area from the vehicle; and
- b) the possibility of escape of offensive odours is reduced.

Penalty: 5 penalty units

70. Depositing of waste at a municipal landfill or transfer station

- (1) A person using a municipal landfill or transfer station must deposit waste in accordance with any directions of any attendant of such facility or any signs erected at the facility and must pay the appropriate fee as set by any Council resolution from time to time.
- (2) Council may, by resolution, require persons to be registered with Council before being able to use a municipal landfill or transfer station.
- (3) Council may, by resolution, prohibit categories of waste from being deposited at a municipal landfill or transfer station.
- (4) A person must not deposit any waste which is prohibited at such facility.

Part 7 - Animals

71. Keeping animals in the municipal district

(1) A person must not, without a permit keep or allow to be kept a greater number of animals than set out in the following table:

Type of Animal	Maximum allowed in residential area	Farming zone properties under 0.5 hectare and All Rural living zone properties	Farming Zone properties equal to or greater than 0.5 hectare
Dogs (includes working dogs)	2	2	5
Cats	2	2	2
Poultry	10	40	No maximum limit
Turkeys and geese	0	0	30
Roosters	0	0	20
Domestic birds (includes pigeons)	30	30	100
Ferrets	2	4	10
Guinea pigs	6	6	10
Domestic rabbits	2	6	10
Domestic mice	6	10	10
Pigs	0	0	6
Horses, donkeys, mules, sheep and goats	0	2	No maximum limit
Camels	0	0	No maximum limit
Cattle	0	1	No maximum limit
Ostriches, emus and peacocks	0	0	No maximum limit
Any other livestock or agricultural animal	0	0	No maximum limit

Penalty: 5 penalty units

- a) For the purpose of calculating the maximum number of dogs or cats kept, any progeny may be lawfully kept, without a permit, for 12 weeks after birth;
 - b) The table does not apply where a planning permit has been obtained for land used for the purposes of animal boarding, breeding, keeping or training;
 - c) All cats and dogs, including working dogs must be registered with Council under the Domestic Animals Act 1994;
 - d) Any zone outside of the table requires a permit to keep animals.
- (2) In determining whether to grant a permit for the keeping of animals where the number exceeds that which is set out in the table to sub-clause (1), Council must take into account:
- a) the zoning of the land;
 - b) the proximity of the area to adjoining properties;
 - c) the amenity of the area to that of adjoining properties;
 - d) the type and additional numbers of animals to be kept;
 - e) the area of land available for keeping the animals;
 - f) the likely effects on adjoining owners or occupiers;
 - g) whether the animals are being temporarily homed under an approved community foster care network;
 - h) the adequacy of animal shelters;
 - i) whether the animals have been desexed; and
 - j) any other matter relevant to the circumstances associated with the application.

72. Adequate fencing to prevent the escape of animals

The owner and occupier of land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the escape of the animal from their land.

Infringement notice: 3 penalty units

73. Effective fencing for livestock

- (1) The owner and occupier of land must not use or permit the use of the land for the grazing or keeping of livestock unless it is adequately fenced for the purpose of preventing the livestock straying from their land onto any road or Council land.

Infringement notice: 3 penalty units

- (2) If an Authorised Officer is of the opinion that land used for the grazing or keeping of livestock is not adequately fenced then, in addition to any penalty that may be imposed, the Authorised Officer may issue a Notice to Comply directing the owner or occupier of the land to do any or all of the following:

- a) install, repair, replace or modify fences and gates;
- b) remove any livestock from the land; and
- c) not to permit the grazing and keeping of livestock until required works have been completed.

74. Domestic animal nuisance to neighbours

The owner and occupier of land must ensure that any animal or bird kept on the land does not cause a nuisance to surrounding or neighbouring landowners.

Penalty: 2 Penalty units

- (1) The owner and occupier of any land where any animal or bird is kept must ensure that all animal and bird litter and waste and rubbish associated with the keeping of the animal or bird are disposed of in such a manner so as not to create any nuisance.

Penalty: 2 Penalty units

75. Dog excrement

A person in charge of a dog on a road or in a municipal place must:

- a) not permit the excrement of the dog to remain on that road or in that municipal place;
- b) carry a device or article suitable for the removal of any excrement that may be deposited by the dog; and
- c) produce the device or article on the request of an authorised officer.

Penalty: 3 penalty units

76. Leashed areas

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

77. Livestock grazing on a road reserve without a permit

- (1) A person must not, without a permit, allow any livestock to graze on any road or Council land.
- (2) An Authorised Officer may impound any livestock found on any road or Council land in breach of sub-clause (1) and can revoke a permit at any time.

78. Wandering livestock

- (1) A person must not allow any livestock under their ownership, care or control to stray or wander unattended onto any road or on any Council land.

Infringement Notice: 3 Penalty units

79. Droving and moving of livestock on a road reserve

- (1) The droving of any livestock in the municipality is prohibited.
- (2) A person who owns or is in charge of livestock must not cause or allow the movement of livestock on any road without a permit.
- (3) Sub clause (2) does not apply when the person complies with the 'Manual for Traffic Control at Stock Crossings' (Vic Roads, June 2015), and has obtained a permit from Vic Roads.
- (4) Sub clause (2) does not apply when livestock is being moved between two adjoining parts of a farm and the livestock are only moved within the boundaries of that farm.
- (5) Sub clause (2) does not apply to a person who owns or is in charge of the movement of livestock between two properties divided by a road but shall comply with the following;
 - a. the livestock are moved directly across the road at a stock crossing approved by Council;
 - b. portable signage is displayed to warn motorists when livestock are being moved. Permanent signage and related infrastructure must not be installed without a permit;
 - c. the livestock are supervised and under effective control by a person who is competent in the management of livestock;
 - d. as far as possible, the livestock are moved during daylight hours;
 - e. areas of high conservation are avoided and protected at all times;
 - f. any livestock excretion, mud or other debris deposits on the road are removed if required by an Authorised Officer for safety and amenity of the area;
 - g. any reasonable direction from an Authorised Officer is complied with.
- (6) Any person who owns or is in charge of moving livestock along, across or on Council land must comply with any reasonable direction from an Authorised Officer.
- (7) Council may exempt the owner of any farming property from the requirements of sub clause (2) upon written application to Council. Council may grant an exemption depending on the circumstances.
- (8) Council may, by resolution, prohibit a road or part of a road within the municipal district from being used for the grazing or moving of livestock.
- (9) Notice of resolutions made by Council shall be available at Council offices.

80. Responsibility of owners or occupiers of farm properties

- (1) The owner and occupier of any farm property to or from which livestock are being moved must ensure that:
 - a) adequate surface treatment measures in accordance with Council's requirements are applied to the road reserve between the carriageway and each property access point;
 - b) a vehicular crossing constructed in accordance with Council's requirements is provided and maintained at points where livestock either enter or exit the farm property.

81. Bees, wasps and fruit flies

- (1) The occupier of any land on which a beehive is kept must not create a nuisance through interfering with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 2 penalty units

- (2) The owner and occupier of land must destroy English and European wasps nesting on the land and must comply with any direction to do so in writing by an Authorised Officer.

Penalty: 2 penalty units

- (3) For the prevention of fruit fly, each owner and occupier of land;
- a) who leaves, or allows to remain any fruit on the ground of the land; or
 - b) does not annually prune and maintain any fruit trees on the land;

Is guilty of an offence and must dispose of any fruit that lies on the ground by sealing the fruit in a receptacle or container such as a plastic bag and placing it in a rubbish bin.

Penalty: 2 penalty units

Schedule 1 – Beverford prescribed area

In the township of Beverford the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Murray Valley Highway and School Road.

Continue heading in a westerly direction parallel to the northern side of School Road to the first channel reserve.

Continue heading in a southerly direction parallel to the western side of the channel reserve to the Murray Valley Highway.

Continue heading in southerly direction parallel to the western side of the Murray Valley Highway to the southern boundary of 1370 Murray Valley Highway, Beverford.

Continue heading in a northerly direction parallel to the eastern side of the Murray Valley Highway to School Road.



Schedule 2 - Lake Boga prescribed area

In the township of Lake Boga the consumption of alcohol is prohibited between the hours of 9pm and 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Murray Valley Highway and Lakeside Drive.

Continue heading in an easterly direction parallel to the northern side of Lakeside Drive to Willakool Drive.

Continue heading in a southerly direction parallel to the eastern side of Willakool Drive to the property known as 19 Murray Valley Highway, Lake Boga.

Continue heading in a southerly direction parallel to the western boundary line of above property to Jacaranda Crescent.

Continue heading in a southerly direction parallel to the eastern side of Jacaranda Crescent to Murray Valley Highway.

Continue heading in a southerly direction to the property known as 170 Murray Valley Highway, Lake Boga.

Continue heading in a westerly direction parallel to the southern boundary of the above property, over the railway reserve to Cumnock Road.

Continue heading in a northerly direction parallel to the western side of Cumnock Road to the unnamed road.

Continue heading in a westerly direction parallel to the southern side of the unnamed road to the property known as 2-12 Cemetery Road, Lake Boga.

Continue heading parallel to the boundary perimeter of above property to Lalbert Road.

Continue heading in a westerly direction parallel to the southern side of Lalbert Road to Dallas Street.

Continue heading in a northerly direction parallel to the western side of Dallas Street to Marraboor Street.

Continue heading in an easterly direction parallel to the northern side of Marraboor Street to Soudan Street.

Continue heading in a northerly direction parallel to the western side of Soudan Street to Kunat Street.

Continue heading in an easterly direction parallel to the northern side of Kunat Street to Station Street.

Continue heading in a northerly direction parallel to the western side of Station Street to Kunat Street.

Continue heading in an easterly direction parallel to the northern side of Kunat Street to Murray Valley Highway.

Continue heading in a northerly direction parallel to the western side of Murray Valley Highway to Lakeside Drive.



Schedule 3 - Manangatang prescribed area

In the township of Manangatang the consumption of alcohol is prohibited 24 hours per day.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Wattle Street and Excelsior Street.

Continue heading in a westerly direction parallel to northern side of Excelsior Street to the intersection of Sutton Lane and the unnamed road.

Continue heading in a southerly direction parallel to the western side of the unnamed road to the Larundel Street.

Continue heading in an easterly direction parallel to the southern side of Larundel Street and around the perimeter of 19-21 Larundel Street (Manangatang Outdoor Pool) to Hope Street.

Continue heading in a southerly direction parallel to the western side of Hope Street to Wharton Street.

Continue heading in a northerly direction to the southern boundary of 1 Wattle Street (Manangatang Community Centre).

Continue along the southern boundary of the Community Centre to Wattle Street.

Continue in a northerly direction parallel to the western side of Wattle Street, cross over the railway reserve in an easterly direction and around the perimeter of 4105 Mallee Highway (Manangatang P-12 College) to Mallee Highway.

Continue heading in a westerly direction parallel to southern side of Mallee Highway to Sport Street.

Continue heading in a northerly direction parallel to eastern side of Sport Street to the unnamed road.

Continue heading in a northerly direction parallel to eastern side of the unnamed road to the intersection of Wattle Street and Excelsior Street.



Schedule 4 - Nyah prescribed area

In the township of Nyah the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Stradbroke Avenue and Church Road.

Continue heading in an easterly direction parallel to the southern side of Church Road to River Street.

Continue heading in a northerly direction parallel to the eastern side of River Street to Stradbroke Avenue.

Continue heading in a northerly direction parallel to the eastern side of Stradbroke Avenue to where the Murray Valley Highway commences.

Cross over Stradbroke Avenue and continue heading in a southerly direction parallel to the western side of Stradbroke Avenue to Church Road.



Schedule 5 - Nyah West prescribed area

In the township of Nyah West the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Monash Avenue and Bodinnar Road.

Continue heading in a southerly direction parallel to the southern side of Bodinnar Road to Donald Street.

Continue heading in an easterly direction parallel to the southern side of Donald Street to Mary Street.

Continue in a southerly direction along the eastern boundary of Lot 1 TP865805 to Lot 1 PS342018.

Continue along the northern boundary of Lot 1 PS342018 to Station Street.

Continue heading in a south easterly direction parallel to the western side of Station Street to Birdwood Avenue.

Continue heading in a northerly direction parallel to the eastern side of Birdwood Avenue to Limon Street.

Continue heading in an easterly direction parallel to the southern side of Limon Street to the unnamed road.

Continue heading in a northerly direction on the eastern side of unnamed road to Railway Avenue.

Continue heading in an easterly direction on the southern side of Railway Avenue to Lauer Crescent.

Continue heading in an easterly direction on the southern side of Lauer Crescent to Monash Avenue.

Continue heading in a westerly direction parallel to the northern side of Monash Avenue to the Hansen Lane.

Continue heading in a north westerly direction parallel to the northern side of Hansen Lane which becomes an unnamed road.

Continue heading in a north westerly direction parallel to the northern side of the unnamed road to Leigh Street.

Continue heading in a southerly direction parallel to the western side of Leigh Street to the unnamed road.

Continue heading in a south westerly direction parallel to the western side of unnamed road to the Monash Avenue.

Continue heading in a westerly direction parallel on the northern side of Monash Avenue to Bodinnar Road.



Schedule 6 - Piangil prescribed area

In the township of Piangil the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Murray Street and Hayward Road.

Continue heading in a southerly direction parallel to the western side of Hayward Road to the unnamed road.

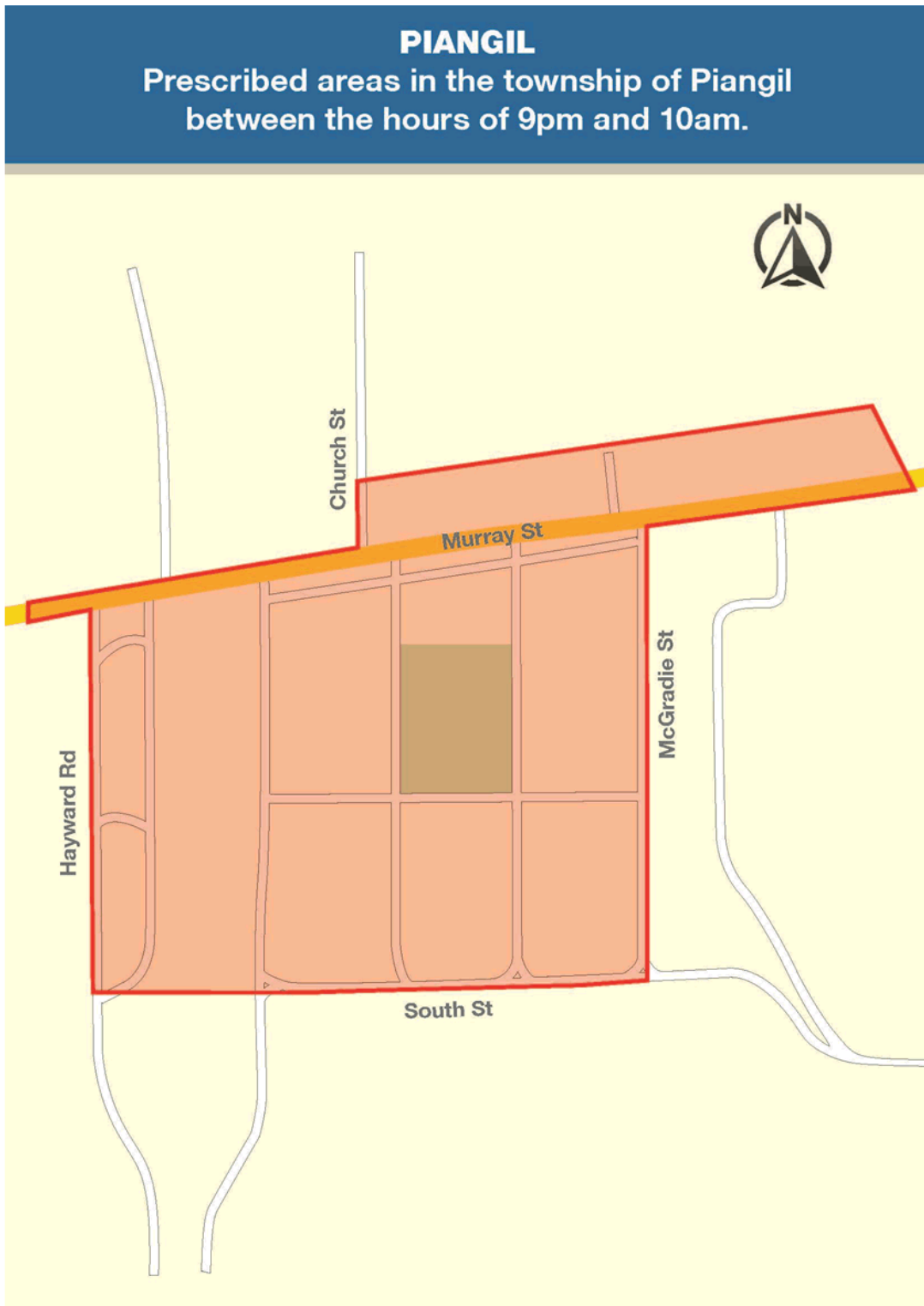
Continue heading in an easterly direction over the railway reserve to South Street.

Continue heading in an easterly direction parallel to the southern side of South Street to McGradie Street.

Continue heading in a northerly direction parallel to the eastern side of McGradie Street to Murray Street.

Continue heading in an easterly direction parallel to the southern side of Murray Street to the intersecting point opposite 26 Murray Street, Piangil.

Cross over Murray Street to the southern boundary of the above property and continue in an easterly direction back to where Murray Street becomes the Mallee Highway.



Schedule 7 - Robinvale prescribed area

In the township of Robinvale the consumption of alcohol is prohibited 24 hours per day.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of McLennan Drive and Murray Valley Highway

Continue heading in southerly direction parallel to the western side of Murray Valley Highway to Bromley Road.

Continue heading in a southerly direction parallel to the western side of Bromley Road to Moore Street.

Continue heading in a southerly direction parallel to the western side of Moore Street to the unnamed road.

Continue in an easterly direction parallel to the southern side of the unnamed road, over the railway reserve to the Murray Valley Highway.

Continue heading in a southerly direction parallel to the western side of the Murray Valley Highway to Robinvale-Sea Lake Road.

Continue heading in an easterly direction parallel to the southern side of the Murray Valley Highway to Smythe Road.

Continue heading in an easterly direction parallel to the southern side of Smythe Road to the unnamed road.

Continue heading a north easterly direction parallel to the eastern side of the unnamed road to the edge of the southern bank of the Murray River.

Continue heading in a north easterly direction on the southern side of the Murray River, then heading in a westerly direction to the bridge on the Murray Valley Highway.

Continue heading in a southerly direction parallel to the western side of the Murray Valley Highway to McLennan Drive.



Schedule 8 - Swan Hill prescribed area

In the township of Swan Hill the consumption of alcohol is prohibited between the hours 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Karinie Street and Nyah Road.

Continue heading in a westerly direction parallel to the northern side of Karinie Street to Bish Road.

Continue heading in a southerly direction parallel to the western side of Bish Road to Woorinen Road.

Continue heading in a southerly direction parallel to southern side of Woorinen Road to Memorial Drive.

Continue heading in a southerly direction parallel to the western side of Memorial Drive to the intersection of Memorial Drive, Dead Horse Lane and Sea Lake–Swan Hill Road.

Continue heading in a southerly direction parallel to the western side of Dead Horse Lane to Werril Street.

Continue heading in an easterly direction parallel to the southern side of Werril Street to Murray Valley Highway.

Continue heading in a southerly direction parallel to the western side of Murray Valley Highway to the northern boundary of 5563 Murray Valley Highway, Swan Hill

Cross the Murray Valley Highway and over the railway reserve to the northern boundary of 5536B Murray Valley Highway, Swan Hill.

Continue heading in an easterly direction parallel to the southern boundary of the above property, to the western bank of the Little Murray River.

Continue heading in a northerly direction along the western bank of the Little Murray River to the junction of the Little Murray River and the Murray River.

Continue heading in a northerly direction parallel to the western bank of the Murray River to the intersection of Milloo Street and the unnamed road.

Continue heading in a westerly direction parallel to the northern side of the unnamed road to the intersection of River Road and Arnoldt Street.

Continue heading in a westerly direction parallel to the northern side of Arnoldt Street and along the rear boundary of 2-8 King Street (the Grain Shed) to Curlewis Street.

Continue heading in a northerly direction around the roundabout and along the Murray Valley Highway to Salesyards Road.

Continue heading in a southerly direction parallel to the western side of Salesyards Road to the intersecting point of commencement Karinie Street and Nyah Road.



Schedule 9 - Swan Hill Central Business District prescribed area

In the township of Swan Hill CBD the consumption of alcohol is prohibited 24 hours per day.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Curlewis Street and Nyah Road.

Continue heading in a southerly direction parallel to the western side of Nyah Road to Stradbroke Avenue.

Continue heading in a southerly direction parallel to the western side of Stradbroke Avenue to Chapman Street.

Continue heading in an easterly direction parallel to the southern side of Chapman Street to Nyah Road.

Continue heading in a southerly direction parallel to the western side of Nyah Road to Pye Street.

Continue heading in an easterly direction parallel to the southern side of Pye Street to Splatt Street.

Continue heading in a southerly direction parallel to the western side of Splatt Street to Rutherford Street.

Continue heading in an easterly direction parallel to the southern side of Rutherford Street to Beveridge Street.

Continue heading in a southerly direction parallel to the western side of Beveridge Street to Gray Street.

Continue heading in an easterly direction parallel to the southern side of Gray Street over Campbell Street and the railway reserve to Monash Drive.

Continue heading in a northerly direction parallel to the western side of Monash Drive to McCallum Street.

Continue heading in a westerly direction parallel to the southern side of McCallum Street to Curlewis Street.

Continue heading on a northerly direction parallel to the eastern side of Curlewis Street to Nyah Road.



Schedule 10 - Ultima prescribed area

In the township of Ultima the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Sea Lake-Swan Hill Road and David Street.

Continue heading in a southerly direction down to Culgoa–Ultima Road.

Continue heading along Culgoa-Ultima Road in a southerly direction to the Ultima Recreation Reserve and continue around the whole perimeter of the Recreation Reserve and back to Culgoa-Ultima Road.

Continue heading in a southerly direction along Culgoa-Ultima Road to Taverner Street.

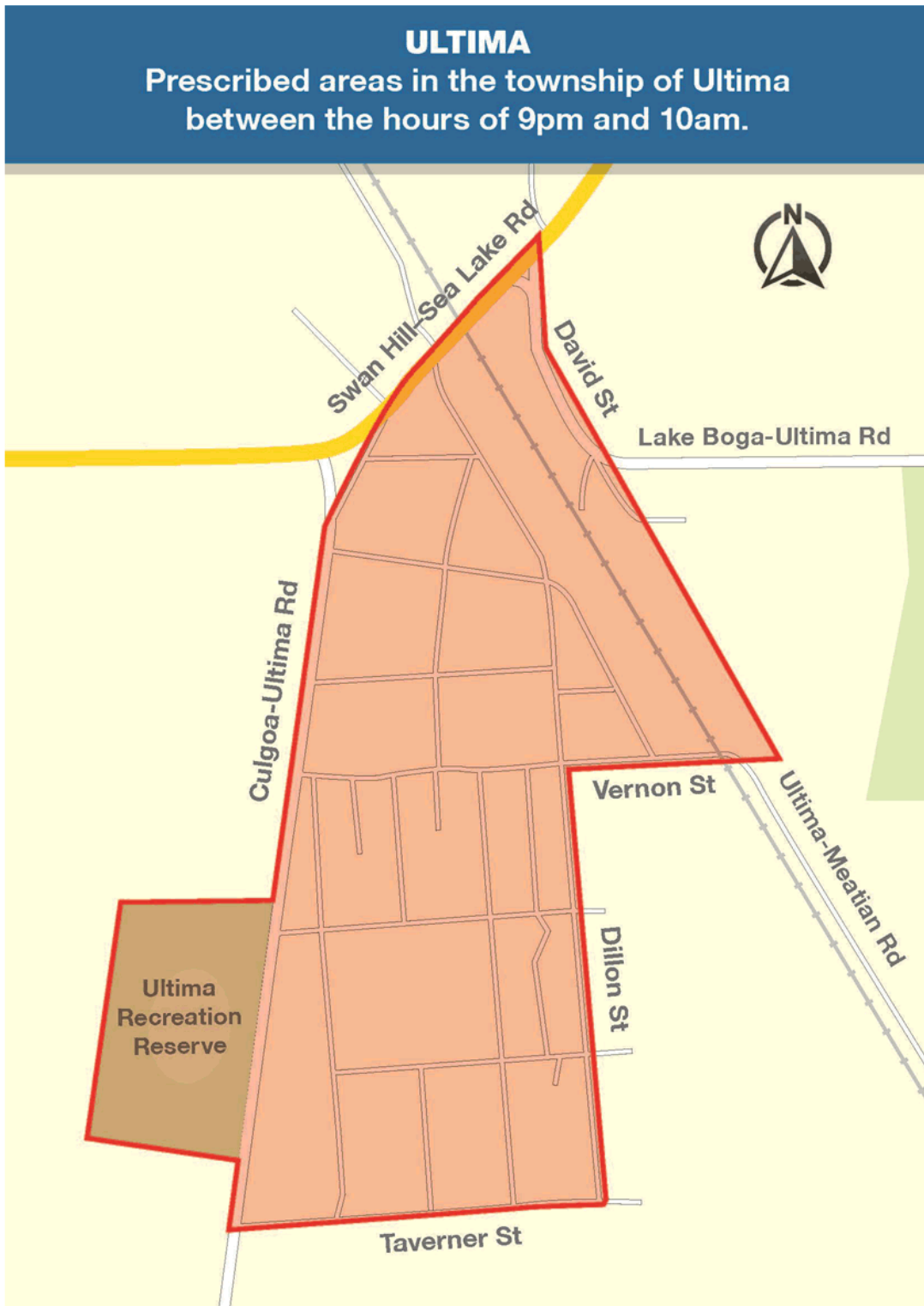
Continue heading in an easterly direction along Taverner Street to Dillon Street.

Continue heading in a northerly direction along the eastern side of Dillon Street to Vernon Street.

Continue in an easterly direction along Vernon Street until it becomes Ultima-Meatian Road and then over the railway reserve.

Stop at Ultima-Meatian Road before the bend and then head north along the eastern side of the railway reserve to the intersection of Lake Boga-Ultima Road and David Street.

Continue along David Street and back to Sea Lake-Swan Hill Road.



Schedule 11 – Woorinen South prescribed area

In the township of Woorinen South the consumption of alcohol is prohibited between the hours of 9pm to 10am.

The areas of land (including the whole road reserve and any crown land of which Swan Hill Rural City Council is the committee of management) or any public reserve within the land bounded by the intersection of Palmer Street and Harvey Road.

Continue heading in a westerly direction parallel to the northern side of Harvey Road to Woorinen-Vinifera Road.

Continue heading in a southerly direction parallel to the western side of Woorinen-Vinifera Road to the unnamed road.

Continue heading in a southerly direction along the unnamed road and over the railway reserve.

Continue in an easterly direction parallel to the southern side of the unnamed road to Woorinen-Goschen Road.

Continue heading in a northerly direction parallel to the eastern side of Woorinen-Goschen Road to Woorinen Road.

Continue heading in an easterly direction parallel to the southern side of Woorinen Road to the unnamed laneway.

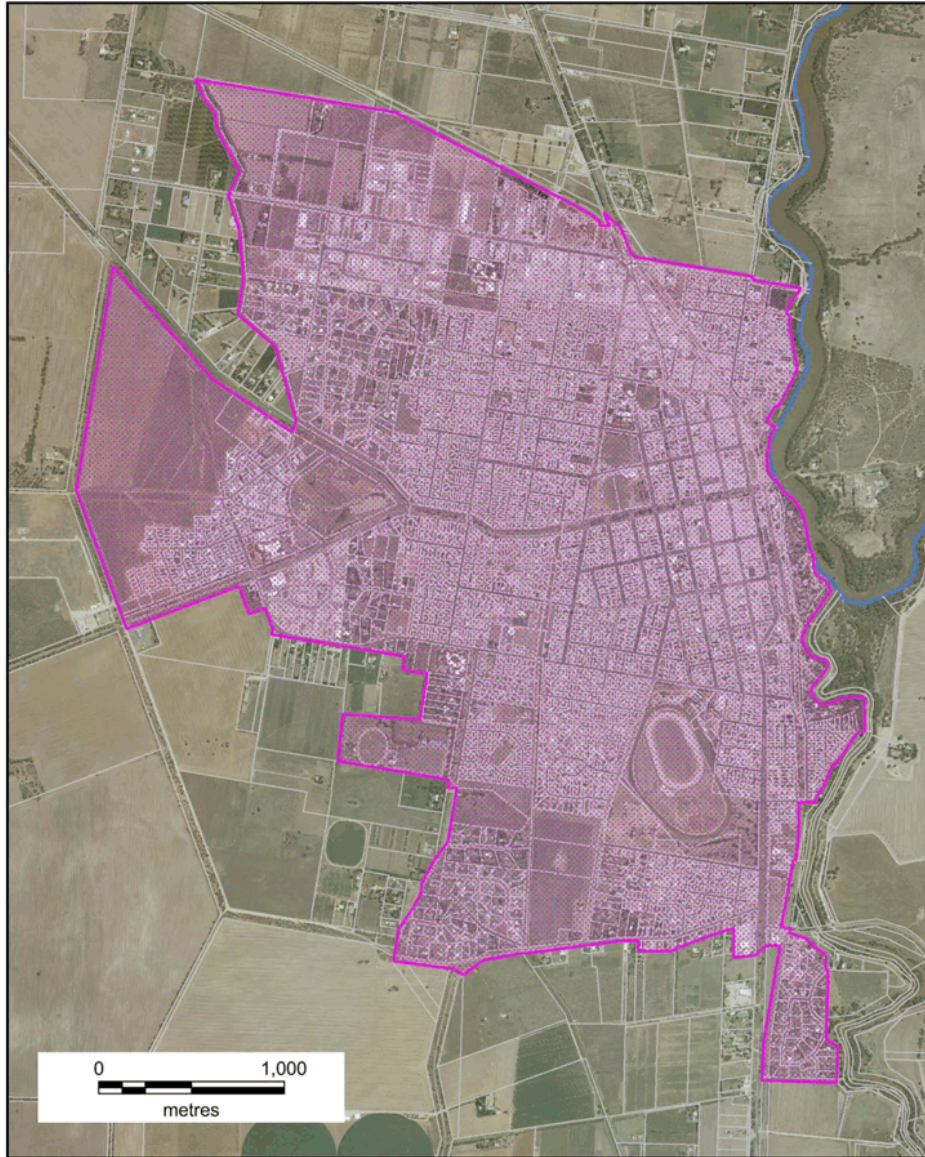
Continue in a northerly direction parallel to the eastern side of the unnamed laneway to Monday Street.

Continue in a westerly direction parallel to the northern side of Monday Street to Palmer Street.

Continue in a northerly direction parallel to the eastern side of Palmer Street to Harvey Road.



Schedule 12 – Swan Hill Township fire restriction zone



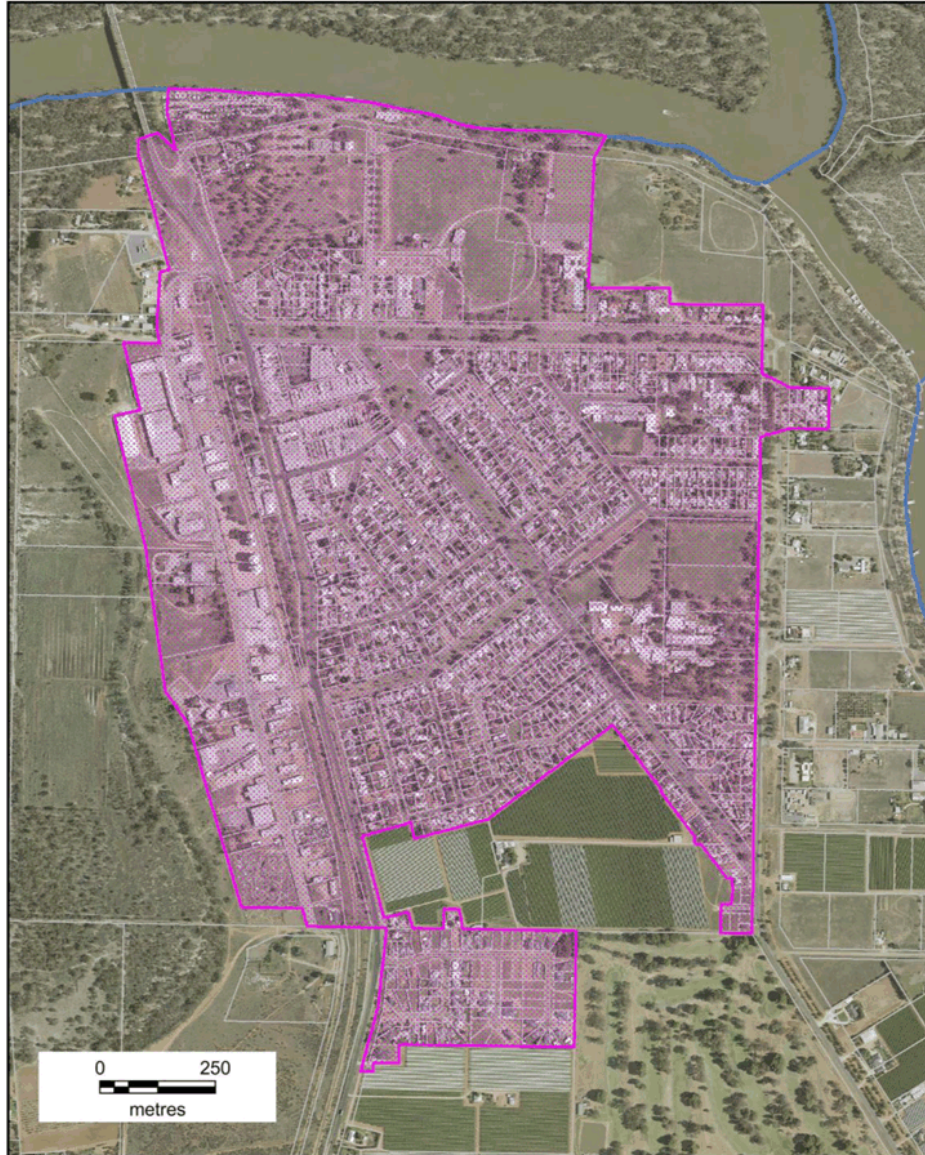
SWAN HILL TOWNSHIP
Fire Restriction Zone
Map ID: 22/18


- Legend**
-  Urban Fire Restriction Zone
 -  Municipal Boundary



Date: 09/08/2018
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Schedule 13 – Robinvale Township fire restriction zone



ROBINVALE TOWNSHIP
Fire Restriction Zone
 Map ID: 23/18


Legend
 Urban Fire Restriction Zone
 Municipal Boundary

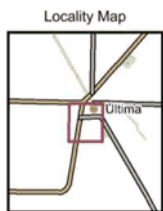
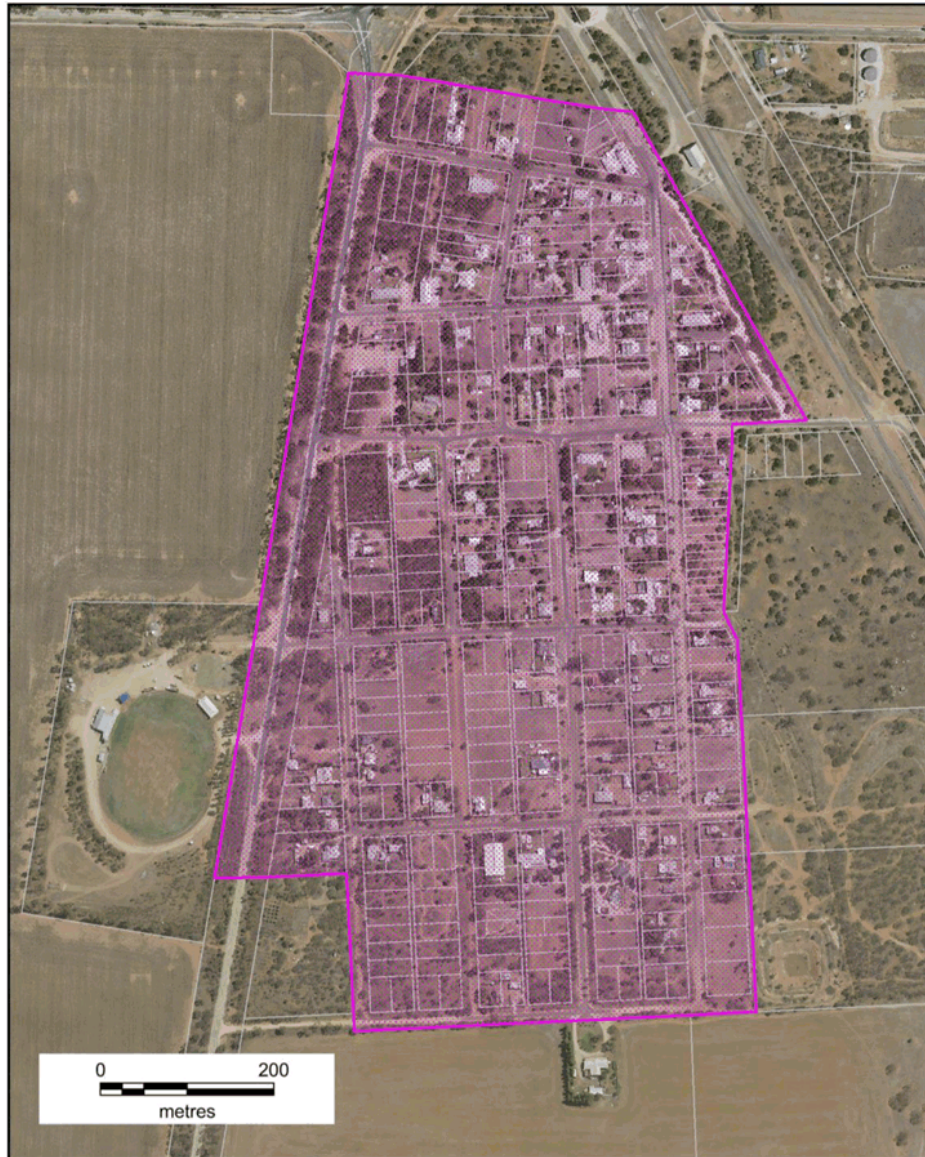


Date: 09/08/2018
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Schedule 14 – Ultima Township fire restriction zone



ULTIMA TOWNSHIP
Fire Restriction Zone
Map ID:
24/18


- Legend**
-  Urban Fire Restriction Zone
 -  Parcel Boundary Line
 -  Municipal Boundary






Date: 20/08/2018
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Schedule 15 – Lake Boga Township fire restriction zone



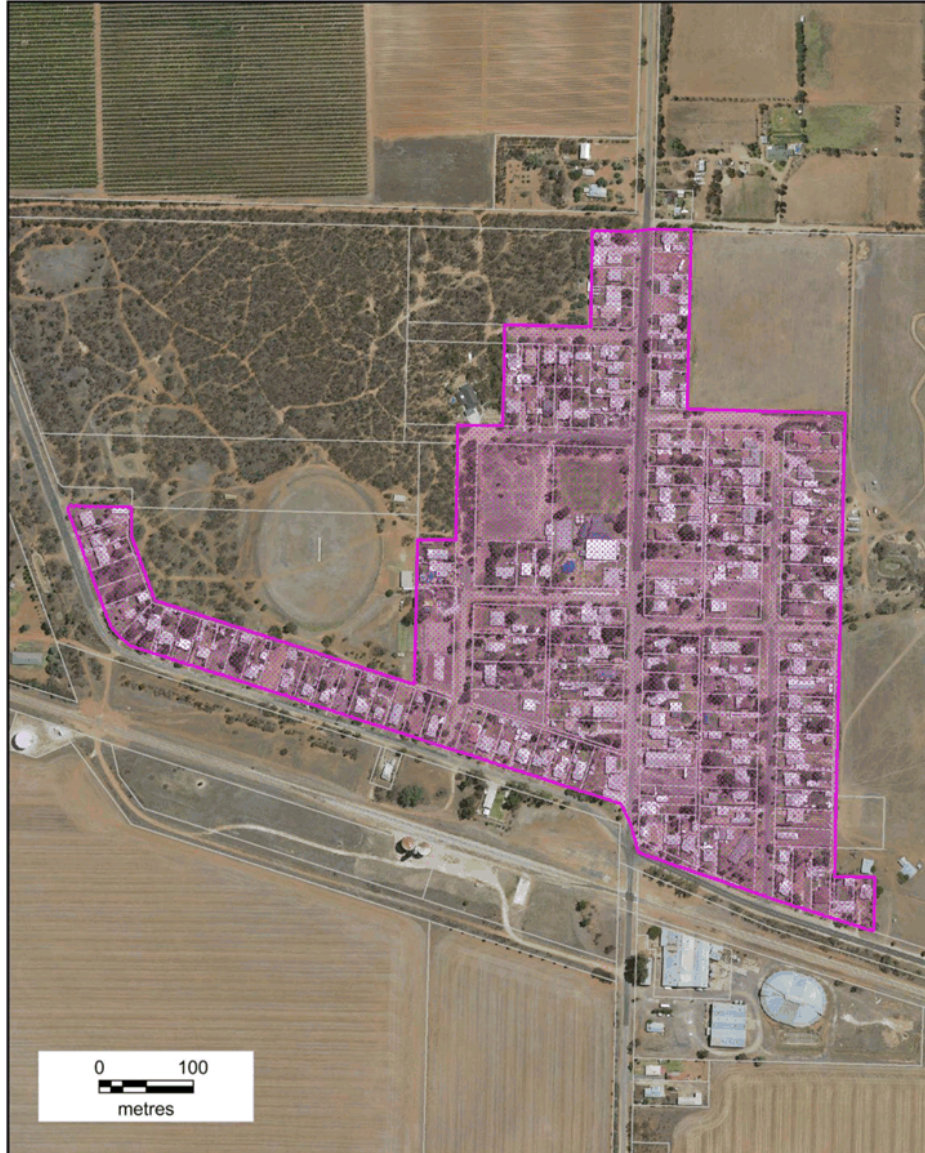
LAKE BOGA TOWNSHIP
Fire Restriction Zone
 Map ID: 30/18
 NORTH

- Legend**
-  Urban Fire Restriction Zone
 -  Parcel Boundary Line
 -  Municipal Boundary



Date: 20/08/2018
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Schedule 16 – Woorinen South Township fire restriction zone



**WOORINEN
SOUTH
TOWNSHIP**
Fire Restriction
Zone
Map ID:
25/18
NORTH

- Legend**
- Urban Fire Restriction Zone
 - Parcel Boundary Line
 - Municipal Boundary



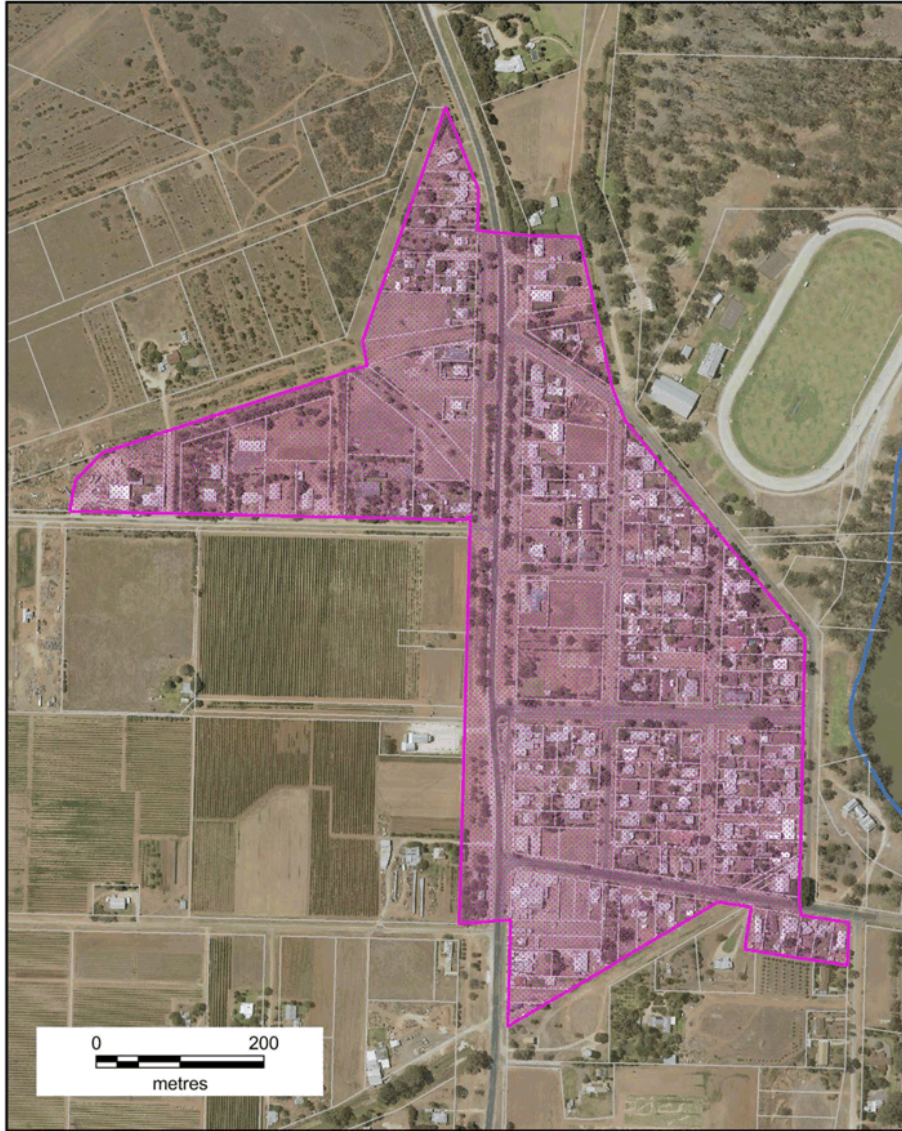
Date: 20/08/2018

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Schedule 17 – Nyah Township fire restriction zone



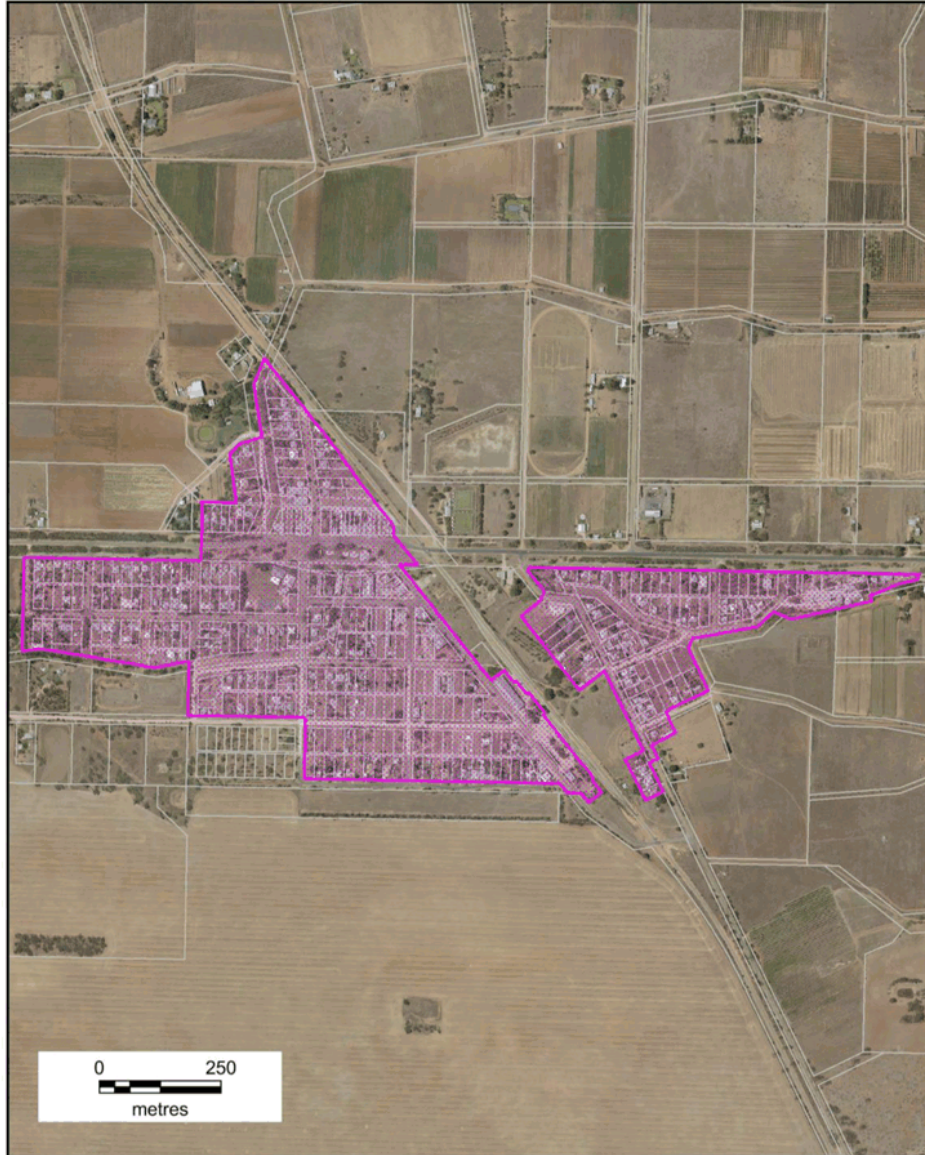
NYAH TOWNSHIP
Fire Restriction Zone
 Map ID: 27/18
 NORTH

- Legend**
- Urban Fire Restriction Zone
 - Parcel Boundary Line
 - Municipal Boundary



Date: 20/08/2018
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Schedule 18 – Nyah West Township fire restriction zone



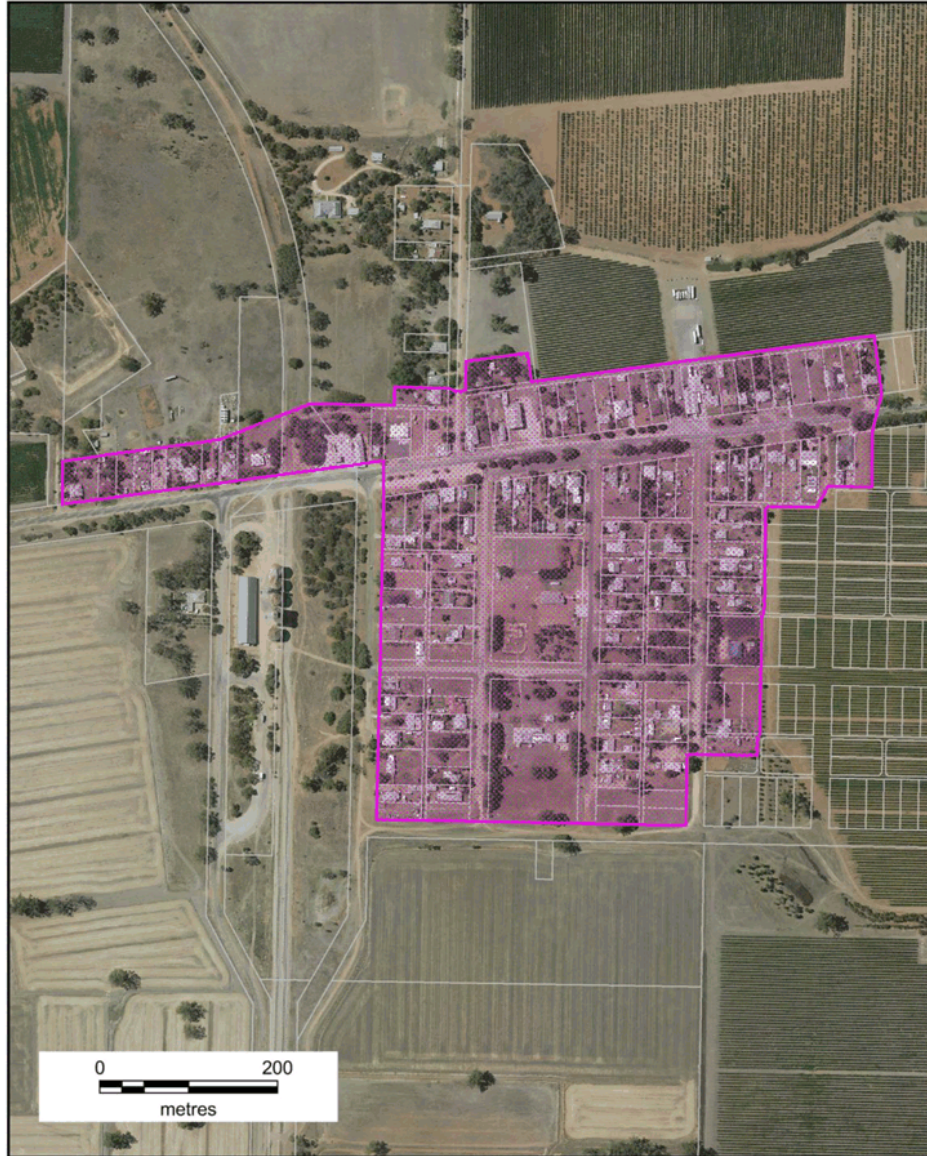
NYAH WEST TOWNSHIP
Fire Restriction Zone
Map ID: 29/18

- Legend**
- Urban Fire Restriction Zone
 - Parcel Boundary Line
 - Municipal Boundary



Date: 20/08/2018
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Schedule 19 – Piangil Township fire restriction zone



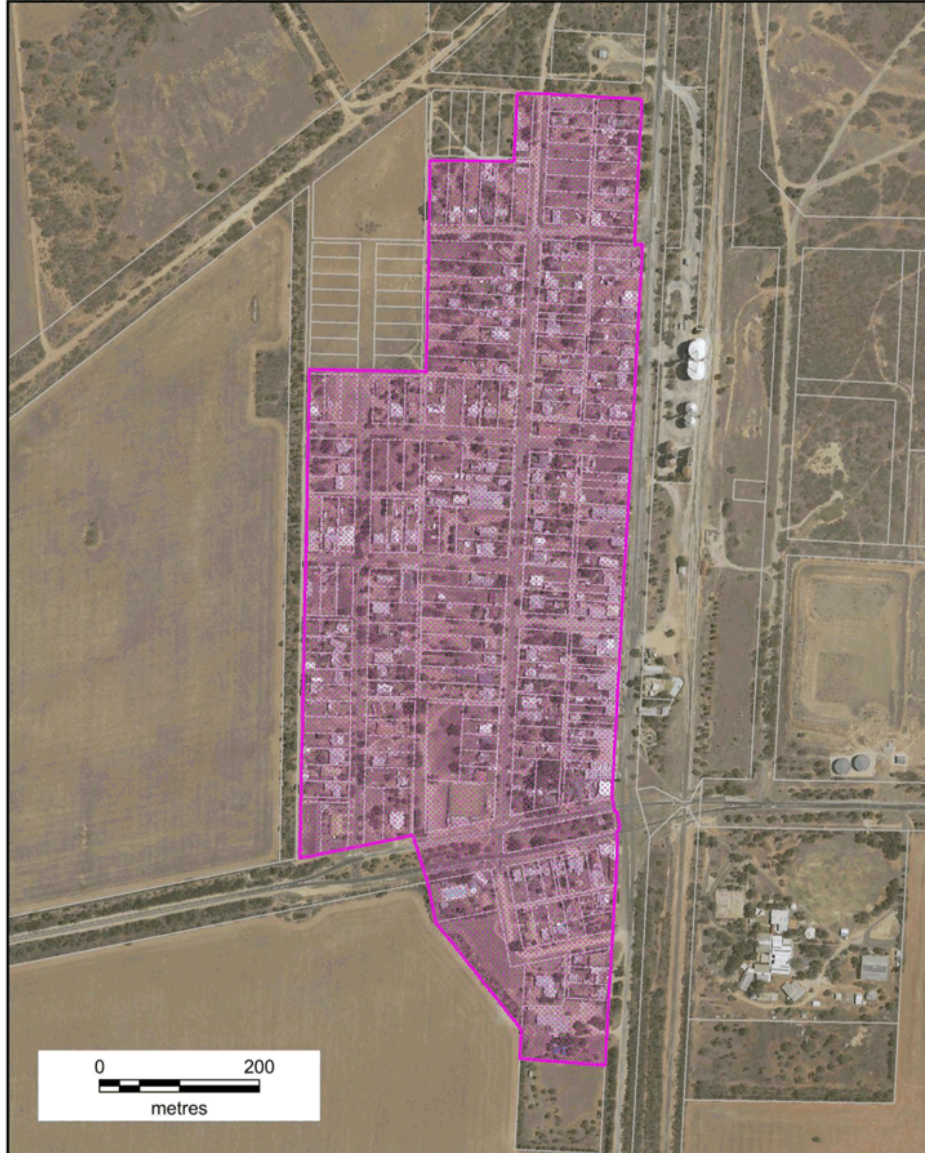
PIANGIL TOWNSHIP
Fire Restriction Zone
Map ID:
26/18
NORTH

- Legend**
- Urban Fire Restriction Zone
 - Parcel Boundary Line
 - Municipal Boundary



Date: 20/08/2018
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Schedule 20 – Manangatang Township fire restriction zone






MANANGATANG TOWNSHIP

Fire Restriction Zone

Map ID:
28/18



Legend

-  Urban Fire Restriction Zone
-  Parcel Boundary Line
-  Municipal Boundary



Date: 20/08/2018

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**Swan Hill Rural City Council
Community Local Law No.2 2017 (Amendment)
Community Impact Statement
July 2020**

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PART A - GENERAL COMMENTS

Background

Council's Community Local Law No. 2 2017 was reviewed and adopted on 16 May 2017.

A review has been undertaken as issues and anomalies were identified whilst investigating complaints as the wording relating to specific clauses required clarity.

The review considered;

- the scope of local law provisions and revisions is necessary and relevant to the Swan Hill Rural City Council context
- the provisions are enforceable, so services are effectively delivered, and expectations met
- relevant emerging community issues are identified and included, if relevant, in the local law
- resourcing is commensurate with external and internal service demands

Specific issues arising from the review resulted in the following proposed changes to:

- Dangerous and unsightly land (Clause 53) - to incorporate amended height recommendations for vegetation.
- Open Air Burning (Clause 55) - to ensure adequate enforcement can occur in relation to burn offs in all parts of urban areas in the municipality.
- Droving of Livestock (Clause 79) - to accurately reflect Council's position on cattle droving throughout the municipality to ensure the protection of assets and native vegetation.

Concurrently the Trading Code of Practice was reviewed and updated to reflect the legislative changes to the Tobacco Act 1987 for outdoor dining and drinking. The additional clauses are in line with Local Law No. 2 2017 and the document modernised in line with Council's style guide.

The purpose of the proposed amendments are expected to play an instrumental role in addressing amenity and safety issues. These amendments will assist Council officers with current and emerging issues. In addition to the clause changes, the definitions have been reviewed for currency and some new definitions added.

This Community Impact Statement should be read in conjunction with the Swan Hill Rural City Council Community Local Law No.2 2017 (Amendment).

Purpose

The purpose of the Community Local Law No. 2 2017 is to improve the overall living conditions and amenity of the municipality for residents and visitors by regulating certain behaviours or activities that may cause nuisance to neighbours or the general public. The Local Law regulates specific activities by ratepayers and residents in relation to open air burning and the movements of livestock. This proposed amendment should reduce further risk to the community which may help mitigate illegal activities, damage to property and dangerous behavior.

The purpose of the Swan Hill Rural City Council Community Local Law No. 2 2017 (Amendment) is to:

- a) provide peace, order and good governance to the municipal district;
- b) provide a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- c) provide safe and equitable use and enjoyment of public and municipal places;
- d) provide protection and enhancement of the amenity and environment of the municipal district;
- e) provide fair and reasonable use and enjoyment of private land;
- f) provide uniform and fair application of this Local Law;
- g) prevent damage to Council property and infrastructure;
- h) manage, regulate and control the keeping of animals and birds; and
- i) regulate, prohibit and control the consumption of alcohol in designated areas within the municipal district.

Consultation

Officers from the Country Fire Authority, Councils Municipal Fire Prevention Officer and Deputy Municipal Fire Prevention Officer have been involved in the development of these changes.

State Legislation and the Local Laws

The State and Federal Governments have Laws covering certain issues however, there are no specific provisions relating to the proposed changes with the Swan Hill Rural City Council Community Local Law No.2 2017. Council is unaware of any other legislation that may be used for the particular items as outlined in the proposed amendments to Community Local Law No.2 2017. Council is of the view that each of the issues that have been identified for review within the Local Law are in fact Council issues and that, accordingly, the provisions of the proposed Local Law changes are an appropriate solution. Council is unaware of any provisions of the proposed changes to its Local Law which overlaps, duplicates or creates inconsistency with any other existing legislation.

PART B – COMMENTS ON PROPOSED CHANGES TO EXISTING COMMUNITY LOCAL LAW NO. 2 2017

Measures of success

Council will measure the success of the Community Local Law No.2 through;

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

Risk Assessment

Community Local Law No. 2 2017 regulates specific activities by ratepayers and residents in relation to open air burning and the movements of livestock. These proposed amendments should reduce further risk to the community which may help mitigate illegal activities, damage to property and dangerous behaviour.

Council has adopted a risk management approach to the review of the Local Law and the development of the proposed changes to these laws. Councils approach has involved:

- a) an examination of the impacts on community safety and amenity.
- b) an examination of existing laws that have the ability to effectively manage and reduce risk to community members; property and safety in public areas; and
- c) a long term solution, as reflected by the proposed introduction of changes to certain clauses of the Swan Hill Rural City Council Community Local Law No.2 2017.

Legislative approach adopted Council is of the view that introduction of the proposed changes to the Swan Hill Rural City Council's Community Local Law 2017 are necessary to address local issues; otherwise a gap may exist in managing issues within the community.

Restrictions of competition Council is of the view that the introduction of the changes will impose no restrictions on competition and that the Local Law complies with National Competition Principles.

Charter of Human Rights Council is also of the view that the introduction of changes will not impose any restrictions on human rights.

Submissions

Submissions regarding the proposed Local Law (Amendment) must be in writing and should be marked 'Community Local Law No.2 2017 (Amendment) Review Submission' and sent to the Chief Executive Officer, **PO Box 488, Swan Hill VIC 3585, or emailed to council@swanhill.vic.gov.au**.

Council will consider any written submission relating to the proposed Local Law in accordance with section 223 of the Act. Any person who has made a written submission under Section 223 of the Act to Council and has requested to be heard in support of their written submission is entitled to appear in person, or to be represented by a person specified in the submission, at a meeting of Council to be held at the Robinvale Community Centre, Robinvale on Tuesday 18 August 2020 commencing at 2pm.

All submissions will be handled as authorised or required by law including under the Privacy and Data Protection Act 2014. Submitters should note that all submissions received (including any personal information) are included within the Council Agenda and Minutes

which are permanent public documents, and are available on Council's website. If you do not wish to be identified in Agendas and Minutes, please indicate this in your submission.

Any person requiring further information concerning the proposed Local Law should in the first instance contact Council's Public Health and Regulatory Services Department on 5036 2591.

Proposed Changes

CLAUSE 53 - DANGEROUS & UNSIGHTLY LAND

During the review, it was identified that the reference to the *Country Fire Authority Act (1958)* is incorrect. The *Country Fire Authority Act (1958)* makes no reference to the height limit of grass and therefore this section requires amending to ensure it is legally enforceable.

It is recommended to amend the height limit to **250mm** for unsightliness and remove the reference to the *Country Fire Authority Act (1958)*. It is considered that 100mm is too short to be classed as unsightly and a height of 250mm is more appropriate. It should be noted that dry grass 100mm in height during a fire danger period maybe classed as a fire hazard by an Authorised Officer and dealt with accordingly under the *Country Fire Authority Act (1958)* during this period.

CURRENT: 53. Dangerous and unsightly land

(1) The owner and occupier of land must not allow or permit the land or grassed area of a road abutting the land to be kept in a manner that:

- a) constitutes a fire hazard;
- b) is unsightly or detrimental to the general amenity of the neighbourhood including but not limited by the appearance of:
 - stored unregistered motor vehicles;
 - machinery or any parts of them;
 - scrap metal;
 - second-hand timber or building materials;
 - waste paper;
 - rags;
 - bottles;
 - overgrown vegetation;
 - grass or weeds in excess of 100mm in height in accordance with the Country Fire Authority 1958;
 - Is kept free of graffiti

Penalty: 5 penalty units

PROPOSED: 53. Dangerous and unsightly land

(1) The owner and occupier of land must not allow or permit the land or grassed area of a road abutting the land to be kept in a manner that:

- c) constitutes a fire hazard;
- d) is unsightly or detrimental to the general amenity of the neighbourhood including but not limited by the appearance of:
 - stored unregistered motor vehicles;
 - machinery or any parts of them;
 - scrap metal;
 - second-hand timber or building materials;
 - waste paper;
 - rags;
 - bottles;

- overgrown vegetation;
- grass or weeds in excess of 250mm in height;
- Is kept free of graffiti

Penalty: 5 penalty units

CLAUSE 55 - OPEN AIR BURNING

On 18 July 2018, a letter was received from the Municipal Emergency Management Planning Committee in relation to a burn off that had taken place in the industrial estate in Karinie Street Swan Hill. Residents who reported the fire to the Country Fire Authority (CFA) had concerns on the air quality and potential health related issues associated with the illegal burn off.

The CFA has requested Council's assistance with the following areas:

- Enforcing non-compliance of the relevant Local Law in relations to burn offs in both residential and industrial areas of the municipality.
- Communicating the relevant local law to the community by highlighting it on Council's websites and/or other options open to Council.

This clause has been reviewed and changes to Clause 55 - Open Air Burning are recommended. The proposed changes will assist Authorised Officers and the CFA by providing clarity in the assessment and carrying out of enforcement.

The proposed amendments are;

- Including industrial zones within the prohibited burning zone to further prevent the burning of offensive materials. This would allow only properties within a farming zone to burn.
- The inclusion of Fire Restriction Zones on maps to provide clear visual guidance to residents. These maps will prohibit some properties that have been allowed to burn in the past due to their zoning. An example of this will be a farm located in Robinvale surrounded by residences. Due to these anomalies, Officers are proposing that a permit system be introduced.
- The Fire Restriction Zones Township maps will be located at the rear of the Community Local Law No.2 2017(Amendment) and will continue from schedule 12.
- Include ability to grant conditional permits for exceptional circumstances as determined by Authorised Officers.

CURRENT: 55. Open air burning

- 1) A person must not cause or allow any domestic chimney or properly constructed appliance to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to health or is a nuisance to another person.
- 2) A person must not light or allow to be lit or remain alight any open air burn in any part of the municipal district which is zoned commercial or residential under Council's Planning Scheme.
- 3) Sub-clause (2) does not apply in respect to rural properties, if the burning is 100 metres or more from a neighbouring residence.
- 4) A person must not burn or cause to burn any material in the open air on any land, road within a residential area except in a pizza oven, barbecue, fire pit, chimenea, fire brazier or other properly constructed appliance while it is being used for cooking food or heating.
- 5) A person must not burn or cause to burn any dead animal except where the burning of a dead animal has been ordered by the Department of Economic Development, Jobs, Transport and Resources.

PROPOSED: 55. Open air burning

- (1) A person must not, **without a permit**, light or allow to be lit or remain alight any open air burn in any part of the municipal district which is zoned commercial, **industrial** or residential under Council's Planning Scheme.
- (2) **Property owners may apply in writing for a conditional permit to burn in a restricted zone. The fire restricted zones are specified on Schedules 12 to 20 of this Local Law. Authorised Officers may grant a permit if there are exceptional circumstances.**
- (3) Sub clause (1) shall not apply to –
 - a. a pizza oven, barbecue, fire pit, chimenea, fire brazier or other properly constructed appliance while it is being used for cooking food or heating;
 - b. rural properties if the burning is more than 100 metres or more from a neighbouring residence; or
 - c. **where a conditional permit has been granted under subclause (2).**
- (4) **A person must not light a fire in the open air, including on a rural property:**
 - a) **on any day of Total Fire Ban declared by the Country Fire Authority, or**
 - b) **during a declared Fire Danger Period under the Country Fire Authority Act 1958 without first obtaining a permit from the Municipal Fire Prevention Officer and/or Country Fire Authority.**
- (5) **A person must, when directed to do so by a member of an emergency service agency or an Authorised Officer, immediately extinguish a fire in the open air.**
- (6) **A person must not burn or cause to burn any dead animal carcass except where the burning of a dead animal carcass has been ordered by the Department of Jobs, Precincts and Regions.**

CLAUSE 79 - MOVING OF LIVESTOCK

On 21 August 2018, Council received correspondence from Gannawarra Shire Council regarding someone wanting to drive approximately 400 head of cattle through both municipalities. A decision was made to not allow the driving due to potential damage to native vegetation, Council assets, risk to horticulture and fences.

As a result of the above decision, a recommendation was made by Councillors to review the current Local Law (Clause 79 – Moving of Livestock on a Road Reserve) so that it accurately reflects Council's position on cattle driving throughout the municipality.

The following changes to Clause 79 to assist officers in compliance and enforcement with regards to the movement of livestock and issues that may arise in the future are suggested.

CURRENT: 79. Moving of livestock on a road reserve

- (1) Council may, by resolution, prohibit a road or part of a road within the municipal district from being used for the grazing or moving of livestock.
- (2) Notice of resolutions made by Council shall be available at Council offices.

PROPOSED: 79 Droving and moving of livestock on a road reserve

- (1) The droving of any livestock in the municipality is prohibited.
- (2) A person who owns or is in charge of livestock must not cause or allow the movement of livestock on any road without a permit.
- (3) Sub clause (2) does not apply when the person complies with the 'Manual for Traffic Control at Stock Crossings' (Vic Roads, June 2015), and has obtained a permit from Vic Roads.
- (4) Sub clause (2) does not apply when livestock is being moved between two adjoining parts of a farm and the livestock are only moved within the boundaries of that farm.
- (5) Sub clause (2) does not apply to a person who owns or is in charge of the movement of livestock between two properties divided by a road but shall comply with the following;
 - a. the livestock are moved directly across the road at a stock crossing approved by Council;
 - b. portable signage is displayed to warn motorists when livestock are being moved. Permanent signage and related infrastructure must not be installed without a permit;
 - c. the livestock are supervised and under effective control by a person who is competent in the management of livestock;
 - d. as far as possible, the livestock are moved during daylight hours;
 - e. areas of high conservation are avoided and protected at all times;
 - f. any livestock excretion, mud or other debris deposits on the road are removed if required by an Authorised Officer for safety and amenity of the area;
 - g. any reasonable direction from an Authorised Officer is complied with.
- (6) Any person who owns or is in charge of moving livestock along, across or on Council land must comply with any reasonable direction from an Authorised Officer.
- (7) Council may exempt the owner of any farming property from the requirements of sub clause (2) upon written application to Council. Council may grant an exemption depending on the circumstances.

PROPOSED NEW DEFINITIONS

To ensure that the Community Local Law No. 2 (Amendment) is clear and concise, new definitions to define the meaning of the “Droving of Livestock” and “Movement of Livestock” as follows are proposed:

droving of livestock

Means driving livestock in or through the municipal district or from one location to another for the purpose of changing their grazing area outside the local farming district or for the purposes of sale or relocation after sale but does not include the normal movement of livestock.

movement of livestock

Means movement of stock (during daylight hours and not less than 1km per hr) between adjoining or adjacent paddocks or properties as part of normal farming practices.

TRADING CODE OF PRACTICE

The Trading Code of Practice was created in 2008 and the last review was completed in 2013/14. The Trading Code of Practice has been developed to regulate commercial activity on our footpaths by providing for a continuous accessible path of travel from the building or property line. The Code has been designed to ensure the shopping experience remains as enjoyable as possible for all who live, work and invest in the municipality. The Code provides guidance to traders on how they may use the public footpaths in an equitable and safe way.

Council has an obligation to regulate and control activities and events on Council land to ensure no detriment is caused to the amenity of the neighborhood or cause a risk or nuisance to a person. Council has developed the Code to ensure that all persons who require a permit before carrying out an activity or event on Council land understand the minimum acceptable standards under which they operate.

The Trading Code of Practice clearly outlines requirements to permit holders on the rules on putting items on the footpaths. Incorporating this document allows council to enforce the Trading Code of Practice under the Local Law.

The Trading Code of Practice has been reviewed in 2020 and updated to;

- Reflect legislative changes to the Tobacco Act 1987 for outdoor drinking and dining
- Update the clauses to be in line with the Local Law No.2 2017
- Update the formatting to reflect Councils Design and Writing Style Guide
- Make the document more reader friendly and easily understood by permit holders.

The Trading Code of Practice has been reviewed by Council's Public Health & Regulatory Services, Engineering, Planning and Building departments.

The Trading Code of Practice has been restructured to break-up text into more streamlined sections and create flow.

PART C - Amendments compared to the current Local Law

New definitions		Reasons for amendment to the Local Law
<p>droving of livestock</p>	<p>means driving livestock in or through the municipal district or from one location to another for the purpose of changing their grazing area outside the local farming district or for the purposes of sale or relocation after sale but does not include the normal movement of livestock.</p>	<p>to define the meaning of 'droving of livestock' to reflect the proposed changes to clause 79</p>
<p>movement of livestock</p>	<p>means movement of stock (during daylight hours and not less than 1km per hr) between adjoining or adjacent paddocks or properties as part of normal farming practices.</p>	<p>to define the meaning of 'movement of livestock' to reflect the proposed changes to clause 79</p>

Reasons for the amendments to the Local Law						
Clause Number	Clause Title	Summary of clause	Retain	Status	Summary and explanation of charges	
Old	New					
53(1)	53(1)	Dangerous and unsightly land	The owner and occupier of land must not allow their land to be kept in a manner that it constitutes a fire hazard or is unsightly or detrimental to the amenity of the neighbourhood	Yes	Amended	Changed grass or weeds in excess of 100mm to 250mm in height and removed reference to the Country Fire Authority Act 1958. During a review it was recommended by Authorised Officers that 100m in reference to unsightly land is too short and 250mm is more appropriate.
55(1)		Open air burning	Discharge of nuisance and dangerous materials from domestic chimney or appliance	No	Deleted	This is already covered in Clause 54 - The emission of offensive material, odour and noise
55(2)	55(1)	Open air burning	Open air burning is not permitted in commercial and residential areas	Yes	Amended	Added without a permit and industrial . Gives Authorised Officers the power to issue permits for exceptional circumstances, such as properties that are within the restricted zone but are 100 metres or more from a neighbouring residence. Added industrial due to previous complaints to Council about people burning off large amounts of rubbish in these areas.

	55(2)	Open air burning	Property owners can apply for a conditional permit to burn in a restricted zone if there are exceptional circumstances.		New	Gives Authorised Officers the power to issue permits, as above. Reference to new maps that specify restricted zones
55(3) and 55(4)	55(3)(a) and 55(3)(b)	Open air burning	The above clause does not apply to rural properties or when people are burning materials for cooking or heating purposes	Yes	Amended	Consolidated clauses together to make the exemptions clearer to follow
	55(3)(c)	Open air burning	Where a conditional permit has been granted property owners can burn in a restricted zone		New	Inserted to make it clear that where a permit has been granted clause 55(1) does not apply
	55(4)(a)	Open air burning	Specifies that no open air burning is permitted on Total Fire Ban days		New	Inserted to make it clearer to understand that burning off on Total Fire Ban days is not permitted, even on rural properties
	55(4)(b)	Open air burning	Specifies that no open air burning is permitted during the Fire Danger Period		New	Inserted to make it clearer to understand that a permit must be obtained to burn off during the Fire Danger Period, even on rural properties

			unless a permit has been granted			
	55(5)	Open air burning	A person must extinguish an open air fire when directed to do so		New	Gives Authorised Officers and emergency services personnel power to direct a person to immediately extinguish a fire
	55(6)	Open air burning	Burning of dead animals is not allowed	Yes	Amended	Added the word carcass to make it clearer that cooking meat is still permitted. Changed Department of Economic Development, Jobs, Transport and Resources to Department of Jobs, Precincts and Regions due to a name change.
79	79	Moving and droving of livestock on a road reserve	Prohibits droving of livestock. Allows people to apply for a permit to move stock. Moving stock between two properties is not permitted provided conditions are complied with.	Yes	Amended	Changed title from Moving of livestock on a road reserve to Droving and moving of livestock on a road reserve . Proposed to add seven additional clauses that will assist Authorised Officers in compliance and enforcement of the Local Law in regards to the droving and movement of livestock.



Trading Code of Practice



Adopted: XX
Gazetted: XX
Commenced: XX



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1. Introduction

Swan Hill Rural City Council is committed to supporting the continuing growth of local businesses as well as enhancing the street life and village shopping experience.

Council's aim is to provide a balance between ensuring the safety of the community and managing the use of public footpaths for commercial activity.

1.1 Background

Footpath trading involves the use of public footpaths for commercial purposes. The footpath is provided for the use of pedestrians and is the area between the property boundary and the kerbside of a road.

Commercial purposes typically include the placement of advertising signs, displays of goods, tables, chairs and ancillary items such as umbrellas, heaters, planter boxes, screens and blinds.

While the trading activities on the footpath referred to are important parts of the retail environment, the primary purpose of footpaths is to provide for safe pedestrian access. Footpath trading activities must be regulated to ensure that access and safety can be maintained. In considering the options that may be available for footpath trading, it is important to recognise that any commercial use of a public space is not a right but a privilege. Permits may only be granted where access, community safety and amenity of the streetscape can be ensured.

Council has a legal obligation in accordance with the Commonwealth Disability Discrimination Act (DDA) 1992 to provide a safe and unobstructed footpath environment for pedestrians, regardless of their mobility levels.

The Trading Code of Practice ('the Code') has been developed to regulate all commercial activity on our footpaths by providing for a continuous accessible path of travel from the building or property line.

The Code has been designed to ensure the shopping experience remains as enjoyable as possible for all who live, work and invest in the municipality. The Code provides guidance to traders on how they may use the public footpaths in an equitable and safe way.

1.2 Are there any changes to the existing Trading Code of Practice?

There are some changes to the existing Code. From 1 August 2017, changes to the Tobacco Act 1987, now mean that smoking is banned in outdoor dining areas in Victoria. Other changes are in line and incorporated with Council's Community Local Law No. 2 (2017).

1.3 Council's obligations

Council has an obligation to regulate and control activities and events on Council land to ensure no detriment is caused to the amenity of the neighborhood or cause a risk or nuisance to a person.

Council has developed the Code to ensure that all persons who require a permit before carrying out an activity or event on Council land understand the minimum acceptable standards under which they operate.

1.4 Objectives of the Trading Code of Practice

The objectives of this Code are:

- a) to maintain clear, safe and unobstructed access for pedestrians of all abilities on the municipality's footpaths, and;
- b) to encourage consistent footpath trading activities which contribute positively to the amenity, vibrancy and viability of commercial areas, and;
- c) to provide clear guidance for the consideration of applications for permits made pursuant to Council's Local Laws or the Planning Scheme (as applicable), for the placement of items associated with trading on footpaths within the municipality.

1.5 Scope of the Trading Code of Practice

The Code extends to all individuals and businesses seeking to utilise footpaths for commercial or other purposes within the Swan Hill municipality. Commercial purposes typically include the placement of:

Furniture type/ Trading category	Description
Moveable or temporary advertising signs	Moveable boards, placards, A-frame signs
Flags	Portable upright banners, advertising flags
Real estate signs	Any temporary signs relating to the sale, lease, or auction of real estate (includes directional/indicators/auction/inspection signs, property advertising boards, etc, but does not include signs outside the real estate business)
Goods for display	Tables, shelving, clothes racks, or other furniture items displaying goods (includes fundraising stalls/activities)
Tables and seats	Outdoor dining facilities
Dividing screens/barriers	Café screens, outdoor barriers

Furniture Type / Trading Category	Description
Umbrellas	Centre-post style umbrella, cantilever style umbrella
Heaters	Free-standing portable gas heaters
Outdoor planters	Pot plants, planter boxes, etc.
Fundraising stalls	A site temporarily set up to raise money for a community group, charity or not-for-profit organisation
Mobile traders	A trader who sets up a van, vehicle, stall or similar structure for the purpose of trading on a Council land or road.

This Code should be read in conjunction with Council's Community Local Law No. 2 (2017).

1.6 Related Legislation

The following legislation must be considered by Council with respect to footpath trading;

- Local Government Act 1989 (Victoria)
- Swan Hill Rural City Council Community Local Law No. 2 (2017)
- Liquor Reform Act 1998
- Road Management Act 2004
- Road Safety Act 2017 (Victoria)
- Disability Discrimination Act 1992 (Commonwealth)
- Equal Opportunity Act 2010 (Victoria)
- Tobacco Act 1987 (Victoria)
- Food Act 1984 (Victoria)
- Swan Hill Rural City Council Planning Scheme

1.7 How to contact us:

If you have any queries regarding this Code or wish to arrange an appointment with an Authorised Officer to attend your business please contact Regulatory Services on (03) 5036 2346.

2. Definitions

Any word or phrase defined in the Community Local Law No. 2 (2017) has the same meaning in this Code.

Advertising sign means a board, notice, banner or similar device used for the purposes of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.

Amenity means a desirable or useful feature or facility of a building or place.

Authorised Officer means a Council officer appointed under section 224 of the *Local Government Act 1989*.

Council means Swan Hill Rural City Council.

Council land means land owned, occupied, or vested in the Council or in respect of which Council has the care and management and includes roadsides, parks and reserves and footpaths within Swan Hill Rural City Council.

Footpath zones includes pedestrian zone, trading zone and kerbside zone as defined in this Policy.

Kerbside zone is the area between the face of the kerb and the trading zone.

Local Law means Swan Hill Rural City Council Community Local Law No. 2 (2017).

Mobile trading any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering goods or services for sale, including any food and or drink (excluding alcoholic beverages).

Median strip means a dividing strip designed or developed to separate vehicles travelling in opposite directions;

Walkway zone is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians.

Permit in relation to a use or activity, means a permit issued under the Local Law which authorises that use or activity.

Public place means a reserve, public highway, mall, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

Road has the same meaning as the Local Government Act 1989 and applies to roads for which the Council has responsibility under the Road Management Act 2004 but does not include a State road under the Road Management Act unless a provision in the Local Law is expressly applied to a State road.

Trading zone is the area that the Council may permit for a trading use or activity. It is the area left between the walkway zone and kerbside zone after these clearances are accounted for.

Trading means:

- Selling or offering or exposing or promoting the sale, supply, exchange or hire of any goods, merchandise, commodity, article, thing or service; or
- Advertising for the purposes of soliciting sales, notifying people where goods and services may be obtained, or advertising or directing people to an event or festival; or
- A fundraising stall or activity operating to raise money for a community group, charity or not-for-profit organisation (excluding highway collections).

Trader means any person, business or organisation that carries out trading activities.

3. Footpath Use and activities

3.1 Footpath zones

In order to provide for clear and unobstructed access for pedestrians, three footpath zones are defined within the width of the footpath:

- a) Walkway zone
The zone immediately adjacent to the building or property line and is the zone primarily used to facilitate pedestrian access and travel and includes pedestrian crossings and kerb crossings.

Walkway zone requirements:

Footpath width:	Walkway zone requirements:
2.5m – 3.5m	Minimum 1.8m
3.5m or greater	Minimum 2.0m (2.5m Heritage Areas)

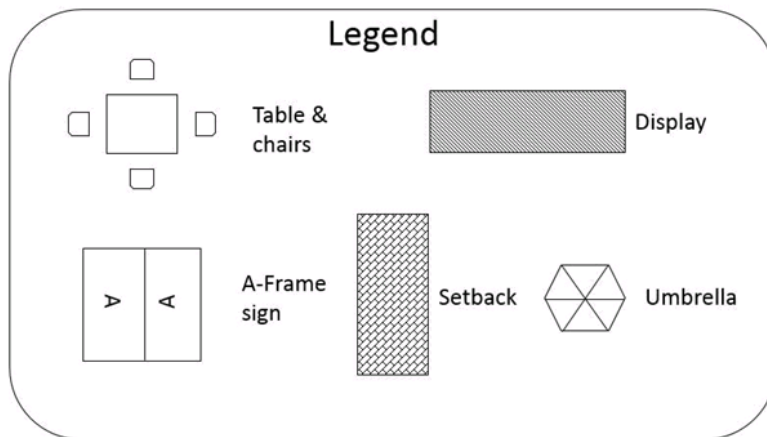
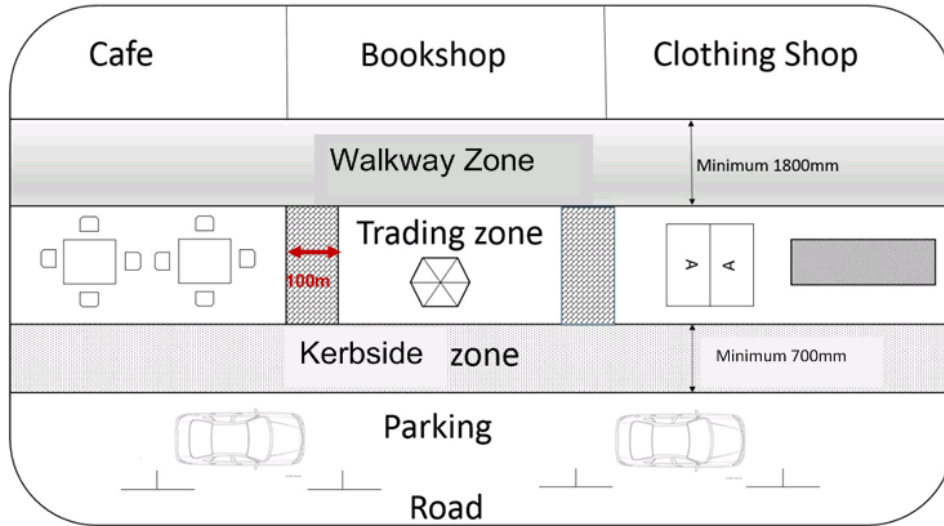
In footpaths with an overall width greater than 3.5 metres, the walkway zone must be a minimum of 2 metres.

In any areas affected by the heritage overlay under the Swan Hill Planning Scheme the walkway zone must be a minimum of 2.5 metres. In footpaths with an overall width between 2.5 – 3.5 metres, the walkway must be a minimum of 1.8 metres.

- b) Trading activity zone
The area of the footpath where goods, café furniture and ancillary items may be placed. It is the area between the walkway zone and kerbside zone and is the only area of the footpath where goods, café furniture and ancillary items may be placed.
A set back of 0.5 metres on either side is required from each property boundary to ensure a 1 metre access point between premises.
- c) Kerbside zone
The area that extends from the kerb line or kerb invert and allows for vehicle overhang and access to and from parked vehicles.
In footpaths with an overall width between 2.5 - 3.5 metres, the kerbside zone extends for a minimum of 0.7 metres from the rear of the kerb. Where there is a disabled parking bay the setback from the kerb must be a minimum of 1.5 metres. Where there is a loading zone the setback from the kerb must be at least 0.7 metres.

Kerbside zone requirements:

Kerbside zone adjacent to:	Kerbside zone requirements:
Footpaths with overall width 2.5 – 3.5m	Minimum 0.7m
Disabled parking bay	Minimum 1.5m
Loading zone	Minimum 1.5m



4. Permit Requirements

4.1 Who requires a permit?

A person displaying advertising signs, banners, flags or goods or whom places street furniture or ancillary items on a road or municipal place must ensure that:

- a) A permit is applied for and issued prior to display
- b) The Code is complied with and
- c) The Disability Discrimination Act 1992 is complied with.

4.2 Why is a footpath trading permit required?

Obtaining a permit provides a formal administrative mechanism for which traders and Council are able to document and demonstrate compliance with the Code.

Permits expire on 30 June of each year.

4.3 How do I apply for and/or renew a footpath trading permit?

It is imperative you read through the Code if you are a local business trader interested in using the footpath for commercial activity.

When applying for and/or renewing a footpath trading permit, consideration must be given to the type of activity you intend to carry out.

For both new permits and permit renewals you must complete an application form, attach any relevant documentation and submit to Council accompanied by the appropriate fee.

The cost of a footpath trading permit will depend on the type of footpath trading permit being sought. Current permit costs will be consistent with the annual fee structure as approved and adopted by Council each year.

All Council fees and charges, including footpath trading permit fees, are subject to an annual review as part of Council's fees and charges review process.

4.4 Insurance requirements

All traders must ensure that they hold and maintain throughout the duration of the permit, in the name of the trader, a policy of insurance to the minimum value of \$20,000,000 against liability for possible personal injury, whether at common law or by virtue of any statute or liability for property damage which may arise or could be held to arise from any act allowed by the permit.

Please note: the insurance value is subject to change dependent on advice from Council's risk insurers or as directed by legislation.

The trader must provide proof of the insurance policy (i.e. a Certificate of Currency) to Council when applying for a permit or upon payment of the annual fee, and also at any time during the duration of the permit at the request of Council or an Authorised Officer.

4.5 Assessment process

In considering an application for a permit to place items on the footpath, an Authorised Officer will take the following into account, in addition to the conditions specified in Council's Local Law and this Code:

- a) the width of the footpath;
- b) the location of existing trees, street furniture or other public infrastructure;
- c) proximity to major roads, disabled parking bays, loading zones, clearways and angle parking;
- d) the likely number of pedestrians at particular times of day;
- e) the location of nearby residences;
- f) if the vision and access of drivers, cyclists or pedestrians is obstructed which may create a hazardous situation; and
- g) if there is likely to be detriment to the amenity of the area;

An Authorised Officer may cancel or amend a permit at any time if any permit conditions are not been complied with and/or there has been a failure to comply with a Notice to Comply served in accordance with Council's Local Law. Footpath trading will only be permitted until 11pm each day unless stated otherwise in the permit. The amenity, safety or access of nearby residences must not be affected.

5. Specific requirements for footpath trading activities

5.1 Advertising signs on Council land

The trader or any other person who has been permitted by Council to place an advertising sign on Council land must ensure that the advertising sign:

- a) is at least 600mm high and at least 400mm wide;
- b) no more than 1000mm high (measured from the ground) and 800mm wide;
- c) is portable and self-supporting and not attached to or leaned against any poles, trees, balustrades etc. Access to seats and other public facilities such as bins and ticket machines should not be obstructed;
- d) is only placed within the trading activity zone and not on carriageways, median strips or in parking areas;
- e) is not situated where it obstructs the vision of a driver, or causes any other traffic hazard;
- f) is of such material and construction to minimise the risk of being blown over or causing injury to any person;
- g) does not contain flashing lights or animations;
- h) does not spin or move around (excluding appropriately secured advertising flags);
- i) is maintained by the applicant to the satisfaction of Council;
- j) is only displayed during the applicant's normal hours of trade.

Permission may be granted to allow the placement of an advertising sign outside a premises not occupied by the trader. Any application must be accompanied by written permission from the proprietor of that business which fronts the Council land on which the items are intended to be placed. In this instance public liability insurance must be extended to include this situation of risk. In some cases, permission may not be granted depending on circumstances as determined by the Authorised Officer.

The maximum number of signs permitted per premises is two.

Traders must affix the permit label issued by Council to the front window or door of their business in a prominent position.

5.2 Display of goods on Council land

A trader must:

- a. only display goods in the trading activity zone, to provide a consistent and unobstructed walkway;
- b. only place goods, items and furniture on the footpath during the normal hours of trade, unless otherwise stated in the permit;
- c. ensure display stands and tables are in good stable condition, and be able to withstand adverse weather conditions and to not create a risk for pedestrians, property and passing traffic. Stands and tables should be aesthetically pleasing and not in a worn or decrepit state;
- d. ensure that stands and tables do not cause any damage to the footpath;
- e. ensure that stands and tables do not exceed a height of 1.5 metres, a length of 1.5 metres and a width of 0.75 metres.
- f. ensure that goods have a contrasting colour to their background to assist the vision impaired;
- g. ensure displays do not overhang either the kerb or walkway;
- h. ensure that a building permit is obtained for full-length shop awnings;
- i. ensure displayed goods do not impede access to a loading zone or disabled parking bay;

- j. ensure displayed goods do not cause any difficulty to pedestrians and people exiting or accessing parked vehicles, the footpath or any other Council asset, such as bins, seating and ticket machines.

5.3 Outdoor dining facilities on Council land

Café furniture and ancillary items are only permitted at premises which are registered under the Food Act 1984 to serve food and/or beverages, unless otherwise permitted by an Authorised Officer.

The trader is responsible for the conduct of patrons at tables and chairs in the outdoor dining area and must:

- a. ensure that patrons do not move tables and chairs and obstruct the footpath;
- b. ensure that patrons do not allow pets, prams, walking frames or other items to obstruct the footpath;
- c. not serve, cause or allow patrons to be served food or beverages whilst they are standing on the footpath, except for take away sales;
- d. ensure there is a clearance of 0.5 metres between each premises to allow pedestrian access points from the footpath to the parking bay and/or road;
- e. ensure access points of 1.0 metre wide are provided at every six angled parking bays. This applies to tables, bollards, ropes, chains, barrier screens or anything similar that would ordinarily obstruct movement of pedestrians;
- f. ensure that staff providing table service give all pedestrians passing priority over their own movements into and out of the outdoor dining area;
- g. maintain the outdoor dining area in a tidy manner. A permit may be cancelled or suspended if instances of littering or ongoing untidiness are noted;
- h. ensure that any item which is placed on the footpath is stable and of good design to prevent damage to the footpath. The trader must reimburse Council for any reinstatement works as a result of damage to footpaths caused by chairs, tables or the like;
- i. ensure that any tables and chairs have a contrasting colour to their background to assist the vision impaired;

A trader who proposes to serve alcohol on the footpath must have their Liquor License "licensed area" endorsed to include the footpath. The trader must also apply to Council for an additional permit to be allowed to serve alcohol in a public place.

5.4 Tobacco Act 1897

From 1 August 2017, changes to the Tobacco Act 1987 now means that smoking is banned in all commercial outdoor dining areas in Victoria. The introduction of smoke-free outdoor dining now means there are two types of outdoor areas for dining and drinking activities.

An outdoor area can be either:

- An outdoor dining area, or
- An outdoor drinking area.

Outdoor drinking areas:

Outdoor drinking areas include the following places if predominantly used for the consumption of drinks.

- A balcony or veranda
- A courtyard
- A rooftop
- A marquee
- A street or footpath
- Any similar outdoor area

Drinks can include both alcoholic and non-alcoholic drinks such as coffee.

Outdoor drinking areas within 4 metres of outdoor dining areas

To support smoke-free outdoor dining, from 1 August 2017, smoking is banned in an outdoor drinking area if any part of that area is within 4 metres of an outdoor dining area, unless separated by a wall at least 2.1 metres high.

This means that if any part of an outdoor drinking area is within 4 metres of an outdoor dining area at the same or neighbouring venue, the business owner or manager of an outdoor drinking area will need to ensure the outdoor drinking area is smoke-free, or separate the two areas by a 4 metre buffer zone, or a wall at least 2.1 metres high.

A neighbouring venue is a different venue that is located immediately next to your venue.

Customers can eat only snacks in outdoor drinking areas. A snack is a pre-packaged shelf-stable food that is sealed in the container or package in which the manufacturer intended it to be sold and does not require any preparation prior to serving. Shelf-stable food means food that can be stored safely for long periods (months), at room temperature.

Snacks also include uncut and unpeeled fruit. Examples of snacks include pre-packaged potato crisps, nuts and chocolate bars.

Pre-packaged sandwiches and hot chips are not snacks.

Signage

Venues must display acceptable 'No Smoking' signage to indicate smoke-free areas.

The signs must be displayed so they are visible to customers when entering, or within the outdoor drinking area. Signs can be obtained by contacting Council, or ordered free of charge from the Tobacco Reforms website.

5.4 Heritage areas

Advertising signage must be kept in line with the heritage nature of the area and be in a style that is neat and professional, as approved by Council.

5.5 Ancillary items

Ancillary items include, but are not limited to, umbrellas, enclosures, heaters and pot plants.

Unless approved by an Authorised Officer, ancillary items are only allowed in conjunction with café furniture, and only for premises that are registered to serve food and/or beverages under the Food Act 1984.

5.6 Outdoor speakers / amplification equipment

A trader must not use any sound amplification equipment or jukeboxes in the outdoor dining area unless authorised by Council.

Fixed speakers that a proprietor of a business proposes to install to a building or veranda may require a permit, please contact Council's Development Department. Where these items are fitted without permission, an Authorised Officer may direct the proprietor to remove the items.

5.7 Noise emission

A trader must take all necessary steps to ensure that no noise or other disturbance emanates from the outdoor dining area which creates a nuisance to others or causes detriment to the amenity of the area.

5.8 Heaters

Outdoor heaters should, wherever possible, be affixed to the awnings or verandas in order to be located off the footpath. A permit may be required to undertake this activity, please contact Council's Development Department.

Free standing patio heaters which have a base on the footpath can be used; however it must be a certified gas appliance with a maker's warranty. This is to be included as an ancillary item on your permit and covered by the traders' public liability insurance.

A trader must ensure that any outdoor gas heater used in conjunction with their permit complies with any safety standards specified by Energy Safe Victoria.

5.9 Umbrellas

The trader must ensure that any umbrella is placed only in the trading activity zone.

Any umbrella used must be no higher than 2.2 metres and must not protrude over the kerb. During inclement weather, water from large umbrellas should be discharged in areas outside the pedestrians' walking path.

Umbrellas should be secured to the footpath by a lock-in device. Lock-in devices will only be approved when the device lies flush with the footpath when umbrellas are not displayed.

Umbrella plans and specifications are required to be lodged with Council prior to any umbrella being placed with a lock-in device. Approval for a lock-in device will only be given upon special application to Council's Development Department.

If a lock-in device is fitted without prior Council approval, an Authorised Officer must require that the lock-in device is removed and the footpath is reinstated to its original condition. Traders are responsible for any damage will be invoiced for any repairs.

Where a lock-in device is not used, any umbrella must be secured to the satisfaction of Council's Engineering Services Department.

5.10 Barrier screens

For safety reasons a trader must ensure that screens or screening devices are used when there are tables and chairs.

There are several types of screens approved by Council:

- a. Temporary canvas screens – the type commonly provided by coffee companies;
- b. High barrier screens – made of safety glass or heavy duty opaque plastic and fitted to the footpath with a locking device; and
- c. Full-length awnings/blinds attached from veranda to the footpath – A building permit required, please contact Council's Development Department.

5.11 Temporary canvas screens

A trader must ensure that any temporary canvas screen is placed only in the trading activity zone. A set back of 0.5 metres is required from each property boundary to ensure a 1 metre access point between premises.

Temporary canvas barrier screens must be placed so that the screens are stable and secured or weighted to prevent being moved by patrons or in adverse weather conditions. Barriers must be removed from the trading activity zone at the close of business each day.

5.12 High barrier screens

High barrier screens can be used but are not limited to opaque/clear fitted, with a lock-in device to the footpath.

A trader must gain approval to install high barrier screens by application to Council's Engineering Services Department. Any engineering design must comply with all relevant Australian Standards and the trader must provide an assessment for all proposed structures in relation to their safety and impact on Council assets before they will be considered for approval.

Guidelines for specifications will be available upon request. Screens must be fitted to the footpath with a lock-in device, but be removable if required and have side portions that fold back or are removable. Side portions must be removed during non-trading hours to facilitate street cleaning vehicles.

A set back of 0.5 metres is required from each property boundary to ensure a 1 metre access point between premises. This will apply even if there are currently no food premises adjacent, to avoid the need to reposition the lock-in device in the event that another food premises opens next door.

High barrier screens must be at least 1.5 metres in height, be transparent and constructed of safety glass or heavy-duty plastic. Each screen must have writing or symbols between 1.0 and 1.5 metres from the footpath to provide a visual guide to pedestrians.

High barrier screens must not be used as an opportunity for advertising. Only the name of the business or an appropriate design may be used on the screens. Products, specials or sales must not be displayed on the screens.

If a lock-in device is fitted without prior Council approval and required specifications are not met, an Authorised Officer will require that the lock-in device is removed and the footpath is reinstated to its original condition. The trader must comply with that requirement.

If a premises changes hands and the future trader will not be using the screens, the current or future trader will be deemed responsible for reinstating the footpath to its original condition, to the satisfaction of the Authorised Officer.

Any permit for a structure on the corner (intersection) must comply with the relevant building regulations, not higher than 1.2m within 9m from building line and must be assessed by the Council's Engineers to ensure that it will not cause any safety concerns.

5.13 Full length verandah awnings / blinds

A trader must ensure that any veranda awning or blinds are fitted in accordance with direction and approval from Council.

5.14 Ancillary items owned by business remaining on the footpath on a semi permanent basis

Semi-permanent café furniture that is fixed with lock in devices will be allowed subject to Council approval.

Lock-in screen and umbrellas, plans and specifications must be lodged with Councils Engineering Department for approval.

Painting lines or placing markers on the footpath in the business precinct to clearly indicate the footpath trading zone is prohibited, except as specified below.

Council reserves the right to place markers along the footpath when deemed necessary to ensure appropriate minimum pedestrian corridors are maintained at all times. Premises that breach the minimum required clearance may have the footpath marked as part of enforcement action.

5.15 Permanent fixtures on the footpath

Bike racks, benches, bins, pedestrian crossings, fire hydrants, other emergency assets, parking meter/ticket machines, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests.

A minimum clearance of 1 metre or greater, if deemed appropriate by an Authorised Officer, will be required on either side of any asset permanently affixed to the footpath.

Failure to maintain this clearance will constitute a breach of permit and may result in infringement penalties and/or possible cancellation of the permit, in accordance with Section 12 of the Community Local Law No 2.

Items must not be placed directly in front of parking meters/ticket machines and the walkway zone. Rubbish bins, parking meters and any other Council assets will not be relocated at the request of traders as part of their trading activities unless approved by Council. Traders should take this into account when selecting a site. Any request must be in writing and submitted to Councils Engineering Department. The request must include a plan showing the site of the proposed relocation and a letter signed by the trader outside whose premises the Council asset exists. Council may charge traders for the cost of relocation of public assets.

6. Enforcement provisions

Council Authorised Officers will check compliance with this Code and with the conditions of relevant permits on a regular basis.

Upon detection of a non-compliance, an Authorised Officer will take action in accordance with Council's Local Laws or the Planning Scheme, as applicable.

Enforcement action may include:

- a. a verbal direction to comply
- b. a written notice to comply
- c. an infringement notice and the
- d. an Authorised Officer may impound the items on the footpath that do not comply with the Local Law, this Code or the conditions placed on any permit.

Section 44 - Commercial activity on Council land

1. The Code:
 - a) has been adopted by the Council for the purposes of this Council's Community Local Law No. 2 (2017);
 - b) has the objective of providing for the peace, order, wellbeing and safety of people and the amenity of public places in the municipality; and
 - c) is available for inspection at the Council's offices and service centres during business hours.
2. The whole of the Code is incorporated into and forms part of this Local Law.
3. Council may amend the Code from time to time in accordance with the provisions contained in the Code.
4. An amendment does not take effect until notice of the Council's decision to amend the Code is published in the Victoria Government Gazette.
5. A person on whom an obligation is imposed by the Code must ensure that:
 - a. where under the Code a permit is necessary, that permit is obtained; and
 - b. the Code is complied with.

Section 45 - Trading activities on roads and in a municipal place

1. Without a permit, a person must not trade on a road or in a municipal place and may not:
 - a) place any advertising sign, banner or flag
 - b) display any goods
 - c) place any outdoor dining furniture or associated facilities
 - d) place any structure for the purpose of selling or offering to sell any goods or services
 - e) place goods or services carried out or placed on the person or any other moveable thing do so from land adjacent to a road or a municipal place
 - f) solicit or collect any waste materials, gifts of money, subscriptions, or do so from premises to premises adjacent to a road
 - g) busk
 - h) hold a street festival or event, other than a funeral.

Penalty: 3 Penalty units

Note: For processions or festivals on roads controlled by VicRoads, prior consent must be obtained from the Chief Commissioner of Victoria Police and VicRoads.

2. A person displaying advertising signs, banners or flags, placing street furniture and/or displaying goods on a road or municipal place must ensure that:
 - a) A permit is applied for and issued prior to display; and
 - b) The Code is complied with; and
 - c) The Disability Discrimination Act 1992 is complied with.

3. In considering an application for a permit under sub-clause (1), Council must have regard to the requirements of:
 - a) The Code
 - b) The Disability Discrimination Act 1992
 - c) Permits required by the Public Health and Wellbeing Act 2008, Food Act 1984 or any other legislation have been obtained
 - d) The activity will disturb, annoy or disrupt adjacent property owners or occupiers
 - e) The activity will be detrimental to the amenity of the area
 - f) The safety of road users or the passage of vehicles will be affected by the placement
 - g) Waste water disposal, litter and garbage, lighting and advertising signs
 - h) Any other matter relevant to the circumstances of the application.
4. When an advertising sign, banner flag or good is placed or displayed contrary to this Local Law or in contravention of any permit conditions, a Notice to Comply may be issued by an Authorised Officer.
5. Failure to comply with a Notice to Comply may result in the advertising sign, banner, flag or the good being removed by an Authorised Officer and impounded.
6. Council may determine a fee that must be paid by the owner of any impounded advertising sign, banner, flag or good before the Council releases the impounded item.
7. Advertising signs, banners, flags or goods that have been impounded by Council for more than one month may be disposed of by Council by tender or public auction, or may be transferred to the municipal landfill or given away. Where perishable goods have been impounded, the Council may dispose of the goods as soon as reasonably appropriate.
8. A person must not, without a permit, erect or place on any road, roadside or municipal place, a vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any goods or service or conducting a raffle or lottery.
9. A person must not, without a permit, sell or offer for sale on any road, roadside or municipal place, any goods carried about on a person or animal.
10. A person must not without a permit, engage in spruiking or promoting goods or services or permit another person to engage in spruiking or promoting goods or service on any road or municipal place.
11. A person must not without a permit, give or offer to the public on any road or municipal place, any pamphlet or brochure advertising goods, services or events.

B.20.57 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 8-7-20
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 11 of the Local Government Act (2020) enables Council to delegate to the Chief Executive Officer, 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 11 of the Local Government Act 2020.

As per letter attached from Maddocks dated 8 July 2020 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.

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

Ensures the CEO has the appropriate delegation to implement the Council Plan.

Economic Implications

Ensures the CEO has the appropriate delegation to implement the Council Plan.

Environmental Implications

Ensures the CEO has the appropriate delegation to implement the Council Plan.

Risk Management Implications

Appropriate delegation ensures the organisation can run effectively and efficiently.

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 11 of the Local Government Act 2020 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.**



Maddocks

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Date Rec'd	13 JUL 2020	File #	S16-08-01
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Copies	ESQ-LM	Security	2
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Comments			

From
Maryam Popal

Date
8 July 2020

Direct
03 9258 3305

Email
maryam.popal@maddocks.com.au

Partner
Melanie Olynyk

Our Ref MSB:MARP:628721

Dear subscriber

Delegations and Authorisations Service Update Second Update for 2020

We are pleased to provide you with our second update to the Delegations and Authorisations Service for 2020. This update takes into account legislative changes which were assented to, or made, on or after 28 January 2020, 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 S1, S3, S4, S5, S6, S7, S11, S12, S13, S14, C3, C5 and C7 Instruments. We have outlined *some* of the changes to each Instrument below. We have also introduced two new Instruments. The S16 new Instrument has been introduced in light of Amendment VC179, which amends the Victorian Planning Provisions (VPP) and planning schemes in Victoria following the 2019/2020 bushfires. The S17 new Instrument has been introduced for the purposes of the *Oaths and Administrations Act 2018 (OA Act)*.

1. Changes to the S1 Explanatory Notes

We have updated the S1 Explanatory Notes to reflect the *Local Government Act 2020 (Vic) (2020 LGA)*.

2. Changes to the S5 Instrument of Delegation from Council to CEO (S5)

We have sought to clarify the limitations on a CEO's powers by making minor amendments to our S5 Instrument.

[628721: 27105129_1]



Maddocks

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

Our S6 Instrument has been updated to reflect the commencement of the 2020 LGA, as well as the commencement of some changes to the *Residential Tenancies Act 1997* (Vic). We have also updated the corresponding template Council resolutions in S3 and S4.

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

We have produced a new S7 Instrument to replace the existing S7 and S7A Instruments.

In relation to the new S7 Instrument, we note that:

- 4.1 ss 216D(2), 216D(5)(a) and 216(5)(b) of the *Building Act 1993* (Vic) (**Building Act**) have been amended by the *Building and Environment Protection Legislation Amendment Act 2020* (Vic). These amendments will commence on 1 December 2020, unless proclaimed earlier;
- 4.2 s 86B of the *Electricity Safety Act 1998* (Vic) has been substituted by the *Emergency Management Legislation Amendment Act 2018* (Vic) (**EM Amendment Act**) and will no longer be relevant to councils. This amendment will commence on 1 December 2020, unless proclaimed earlier;
- 4.3 the EM Amendment Act has introduced a number of new provisions into the *Emergency Management Act 2013* (Vic) (**2013 EM Act**) which will commence on 1 December 2020, unless proclaimed earlier;
- 4.4 the *Gender Equality Act 2020* (Vic) was assented to on 25 February 2020. A number of powers, duties and functions have been included our S7 Instrument which will commence on 31 March 2021, unless proclaimed earlier;
- 4.5 ss 7A(2), 21(10)(a), 21(10)(b) and 21(10)(c) of the *Subdivision Act 1988* (Vic) have been introduced by the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act* (Vic) (**MSA (EML) Act**);
- 4.6 the *Great Ocean Road and Environs Protection Act 2020* has been inserted and the relevant provisions will commence on 1 December 2020 unless proclaimed earlier;
- 4.7 the new *Electric Safety (Electric Line Clearance) Regulations 2020* replace the previous *Electric Safety (Electric Line Clearance) Regulations 2015*;
- 4.8 the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020* have been inserted and are in force; and
- 4.9 it contains relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

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Our S11 Instrument has been updated to refer to the upcoming replacement of the *Emergency Management Act 1986* (Vic) with the 2013 EM Act, due to amendments made by the EM Amendment Act. These amendments commence on 1 December 2020, unless proclaimed earlier.



Maddocks

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

In relation to our S12 Instrument, we note that:

- 6.1 ss 18D(2) and 24(4A) of the Building Act has been introduced by the MSA (EML) Act; and
- 6.2 s 112(3) of the MSA (EML) Act has been inserted.

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

We have produced a new S13 Instrument to replace the existing S13 and S13A Instruments.

In relation to the new S13 Instrument, we note that:

- 7.1 s 54(1)(a)(vii) of the 2013 EM Act has been included due to amendments made by the EM Amendment Act;
- 7.2 s 38A of the *Freedom of Information Act 1982* (which provided an exemption for closed Council meeting documents) has been repealed;
- 7.3 the new *Local Government (Electoral) Regulations 2020* replace the previous *Local Government (Electoral) Regulations 2016*; and
- 7.4 it contains relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

8. Changes to the S14 Instrument of Delegation by Chief Executive Officer for VicSmart Applications (S14)

Our S14 Instrument has been updated to reflect the commencement of the 2020 LGA.

9. New S16 Instrument of Delegation by Chief Executive Officer for Bushfire Reconstruction

This new Instrument of Delegation has been prepared in light of Amendment VC179, which changes the VPP and planning schemes in Victoria by:

- 9.1 replacing the existing blank Clause at 52.10 with a new Clause 52.10; and
- 9.2 amending the Schedule to Clause 72.01 to designate the Council's CEO as the responsible authority for planning permit applications made under the new Clause 52.10.

The new Instrument takes into account the new provision inserted in Clause 52.10-2, which exempts planning permit applications for the use and development of land from third-party notice and review requirements, subject to meeting the conditions of the clause. The application must be made within 5 years of the damage or destruction of the building.

10. New S17 Instrument of Appointment and Authorisation (Oaths and Affirmations Act 2018)

We have prepared a new Instrument of Appointment and Authorisation for the purposes of the OA Act. Section 12 of the OA Act deals with administering oaths and affirmations, and s 19 of the OA Act deals with who are authorised affidavit takers. Pursuant to ss 48(4) and (5)



Maddocks

of the 2020 LGA, a senior officer of a council can be authorised by the council's CEO for the purposes of both ss 12 and 19 of the OA Act.

11. Changes to the C3 and C5 Instruments for Planning Committees

We have updated the C3 Council Resolution, Appointment and Delegation (Planning Committee) and the C5 Instrument of Delegation (Planning Committee).

12. Changes to the C7 Instrument of Delegation to Community Asset Committees (C7)

Our C7 Instrument has been amended to become an Instrument of Sub-Delegation, relying on s 47(1)(b) of the 2020 LGA. This template is used by Council's CEO to sub-delegate powers to a member of a Community Asset Committee.

It can be used in conjunction with the C6 Council Resolution, Appointment and Delegation (Community Asset Committees). That template sets out the suggested form of a Council resolution for the establishment of a Community Asset Committee.

Council's CEO may also establish a Community Asset Committee relying on s 65 of the 2020 LGA in exercise of their S5 Instrument. However, we have not provided for the CEO to sub-delegate that power in our S7 Instrument of Sub-Delegation from Council's CEO to Staff.

Local Laws

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

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

Updating Your Instruments

As always, 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.

We also wish to advise that Bronte Wright, who many of you will know through your contact with her as part of the Service, has commenced a new role in-house at a government agency and so will no longer be a point of contact. Instead, please direct any queries you have to Maryam Popal (maryam.popal@maddocks.com.au), a lawyer who works closely with me, or myself.

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner

Instrument of Delegation
S5 Instrument of Delegation to The Chief Executive Officer

18 August 2020

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (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 18 August 2020;
2. the delegation
 - 2.1 is subject to any conditions and limitations set out in the Schedule;
 - 2.2 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.3 remains in force until Council resolves to vary or revoke it.

Delegation Sources

- Local Government Act 2020

Titles

Title	Position	Name
CEO	Chief Executive Officer	John McLinden

S5 Instrument of Delegation to The Chief Executive Officer

Local Government Act 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
11(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 1. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 1.1 entering into a contract exceeding the value of \$1,000,000; 1.2 making any expenditure that exceeds \$1,000,000 (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$2,000,000); 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days; 1.4 electing a Mayor or Deputy Mayor; 1.5 granting a reasonable request for leave under s 35 of the Act; 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; 1.7 approving or amending the Council Plan; 1.8 adopting or amending any policy that Council is required to adopt under the Act; 1.9 adopting or amending the Governance Rules; 1.10 appointing the chair or the members to a delegated committee; 1.11 making, amending or revoking a local law; 1.12 approving the Budget or Revised Budget; 1.13 approving the borrowing of money; 1.14 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; 2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be

Local Government Act 2020		
Provision	Powers and Functions Delegated	Delegate
		<p>done by Council resolution;</p> <p>3. 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;</p> <p>4. 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</p> <p>4.1 policy; or</p> <p>4.2 strategy</p> <p>adopted by Council;</p> <p>5. 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 11(2)(a)-(n) (inclusive) of the Act or otherwise; or</p> <p>6. 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.</p>

B.20.58 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 8-7-20
2 S6 Delegation to Members of Council Staff

Declarations of Interest:

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

Summary

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

The changes are the result of legislative changes to the relevant Acts, or changes to position titles or 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 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 11 of the Local Government Act 2020. 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 approved 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 reviews of legislative changes have 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

Ensures staff have the appropriate delegation to implement the Council Plan.

Social Implications

Ensures staff have the appropriate delegation to implement the Council Plan.

Economic Implications

Ensures staff have the appropriate delegation to implement the Council Plan.

Environmental Implications

Ensures staff have the appropriate delegation to implement the Council Plan.

Risk Management Implications

Appropriate delegation ensures that the organization can operate efficiently and effectively.

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.**
- b) Revoke all the previous delegations related to the amended instrument on the coming into force of the amended instrument.**



Maddocks

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BW / Col			
Comments			

From
Maryam Popal

Date
8 July 2020

Direct
03 9258 3305

Email
maryam.popal@maddocks.com.au

Partner
Melanie Olynyk

Our Ref MSB:MARP:628721

Dear subscriber

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Second Update for 2020**

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[628721: 27105129_1]



Maddocks

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Maddocks

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Maddocks

of the 2020 LGA, a senior officer of a council can be authorised by the council's CEO for the purposes of both ss 12 and 19 of the OA Act.

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

Updating Your Instruments

As always, 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.

We also wish to advise that Bronte Wright, who many of you will know through your contact with her as part of the Service, has commenced a new role in-house at a government agency and so will no longer be a point of contact. Instead, please direct any queries you have to Maryam Popal (maryam.popal@maddocks.com.au), a lawyer who works closely with me, or myself.

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner

**Instrument of Delegation
S6 Instrument of Delegation - Members of Staff**

18 August 2020

Instrument of Delegation

In exercise of the powers conferred by the 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 18 August 2020; and

3.2 the delegation:

3.2.1 remains in force until varied or revoked;

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

3.2.3 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;

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;

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; 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 or delegated committee.

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	Powers and Functions 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	Powers and Functions 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	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DDP, EHO, PHRSC	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DDP, EHO, PHRSC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DDP	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDP, EHO, PHRSC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, PHRSC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, PHRSC	If s 19(1) applies

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHO, PHRSC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHO, PHRSC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO, PHRSC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, PHRSC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DDP, EHO, PHRSC	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, PHRSC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to register, renew or transfer registration	DDP, EHO, PHRSC	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, PHRSC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	ND	Where Council is the registration authority
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

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, PHRSC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, PHRSC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, PHRSC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, PHRSC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DDP, EHO, PHRSC	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, PHRSC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, PHRSC	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	DDP, EHO,	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PHRSC	Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHO, PHRSC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, PHRSC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	ND	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO, PHRSC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DDP, PHRSC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	Powers and Functions 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	Powers and Functions 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	Powers and Functions 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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DDP, DM	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DDP, DM, PP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DDP, DM, PO, PP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	ND	
s 12B(1)	Duty to review planning scheme	ND	
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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.

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 26(1)	Power to make report available for inspection	DDP, DM, PP	
s 26(2)	Duty to keep report of panel available for inspection	DDP, DM, PO, PP	
s 27(2)	Power to apply for exemption if panel's report not received	DDP, DM, PP	
s 28	Duty to notify the Minister if abandoning an amendment	DDP, DM, PP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	DDP, DM, PO, PP	
s 30(4)(b)	Duty to provide information in writing upon request	DDP, DM, PO, PP	
s 32(2)	Duty to give more notice if required	DDP, DM, PO, PP	
s 33(1)	Duty to give more notice of changes to an amendment	DDP, DM, PO, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CEO, DDP	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DDP, DM	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DDP, DM, PO, PP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DDP, DM, PO, PP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DDP, DM	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDP, DM	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDP, DM	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DDP, DM	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDP, DM	
s 46GP	Function of receiving a notice under s 46GO	DDP, DM	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DDP, DM	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DDP, DM	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDP, DM	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	ND	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been	DDP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	referred to the valuer-general		
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)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DDP, PM	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDP, PM	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDP, PM	Where Council is the development agency
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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 2020	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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(a)	Function of receiving the monetary component	DCS, DDP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	DDP, DM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	responsible for the use and development of that land		is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DDP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DDP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DDP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DDP	Where Council is a development agency under an approved infrastructure contributions plan

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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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 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	DCS, DDP	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	owner a portion of the proceeds in accordance with s 46GZF(5)		
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	costs incurred by a 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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	DDP, DM, PP	
s 46QD	Duty to prepare report and give a report to the Minister	DDP	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	ND	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ND	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, PO, PP	
s 49(2)	Duty to make register available for inspection	DDP, DM, PO, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	DDP, DM, PO, PP	
s 50(5)	Power to refuse to amend application	DDP, DM, PP	
s 50(6)	Duty to make note of amendment to application in register	DM, PO, PP	
s 50A(1)	Power to make amendment to application	DDP, DM, PO, PP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, PO, PP	
s 50A(4)	Duty to note amendment to application in register	DDP, DM, PO, PP	
s 51	Duty to make copy of application available for inspection	DDP, DM, PO, PP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DDP, DM, PO, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DDP, DM, PO, PP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DDP, DM, PP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DDP, DM, PP	
s 61(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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	DDP, DM, PO, PP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, PM, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DDP, DM, PO, PP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DDP, DM, PO, PP	
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	DDP, DM, PO, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	be included as referred to in s 62(1)(a)		
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, PO, PP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, PO, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DDP, DM, PO, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DDP, DM, PM, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DDP, DM, PP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PO, PP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(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	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DDP, DM, PM, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DDP, DM, PP	
s 69(2)	Power to extend time	DDP, DM, PO,	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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	DDP, DM, PO,	If the recommending referral authority objected to the

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	grant an amendment to a permit	PP	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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DDP, DM, PO, PP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DDP, DM, PP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DDP, DM, PP	
s 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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DDP, DM, PO, PP	
s 96F	Duty to consider the panel's report under s 96E	DDP, DM, PP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	DDP, DM, PP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DDP, ND	
s 96J	Power to issue permit as directed by the Minister	DDP, DM, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DDP, DM, PO, PP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less	DDP, DM, PO,	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	than 5 years from receipt of the certificate	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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DDP, DM, PP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DDP, DM, PP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DDP, DM, PP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DDP, DM, PP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DDP, DM, PP	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DDP, DM, PP	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DDP, DM, PP	
s.107(1)	function of receiving claim for compensation	CEO, DDP, DM, PP	
s 107(3)	Power to agree to extend time for making claim	CEO, DDP, DM, PP	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DDP, DM, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DDP, DM, PO, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DDP, DM, PO, PP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DDP, DM, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DDP, DM, PP	Except Crown Land
s 129	Function of recovering penalties	DDP, DM, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DDP, DM, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DDP	
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	CEO, DDP, DM, PP	Where Council is the relevant planning authority

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	156(4)		
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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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	
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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	CEO, DDP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, PP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DDP, DM, PP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DDP, DM, PP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DDP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	If no objections are made under s 178D

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DDP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DDP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DDP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DDP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DDP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DDP	
s 179(2)	Duty to make available for inspection copy agreement	DDP, DM, PO, PP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

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

Rail Safety (Local Operations) Act 2006		
Provision	Powers and Functions Delegated	Delegate
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

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

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

Rail Safety (Local Operations) Act 2006			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO	Where Council is a public statutory authority engaged in the provision of housing
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 206AZA(2)	Function of receiving written notification	CEO	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 207ZE(2)	Function of receiving written notification	CEO	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	DDP, MBS, PHRSC	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(1)	Power to give tenant a notice to vacate rented premises	DDP, MBS, PHRSC	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	DDP, MBS, PHRSC	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	DDP, MBS, PHRSC	
s 317ZDA(2)	Function of receiving written notification	DDP, MBS, PHRSC	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	Powers and Functions 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
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	ND	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	DI, EAM, EM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DI, EAM, EM	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DI, EAM, EM	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DI, EAM, EM	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DI, EAM, EM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Duty to register public road in public roads register	DI, EAM, EM	Where Council is the coordinating road authority
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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DI, EM	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant	DI, EAM, EM	Where Council is the responsible road authority, infrastructure

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	provider of public transport)		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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
s 87(2)	Duty to investigate complaint and provide report	CEO, DI, EAM, EM	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 the Head, Transport for Victoria	DI, EAM, EM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DI, EM	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria 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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 the Head, Transport for Victoria	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	DI, EAM, EM,	Where Council is the infrastructure manager or works manager

Road Management Act 2004				
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations	
	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	WM	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	
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	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 cis 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	Powers and Functions 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	CEO, DDP, DM, PP	

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	or any information provided under section 54 of the Act		
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DDP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DDP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DDP, DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions 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	

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	Powers and Functions 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	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 emergency procedures	DDP, EHO, PHRSC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EHO, EM, PHRSC	
r 25(3)	Duty to consult with relevant floodplain management authority	DDP, EHO,	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 26	Duty to have regard to any report of the relevant fire authority	PHRSC, PP	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DDP, EHO, EM, MBS, 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	DDP, EHO,	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	movable dwelling	MBS, PHRSC	

Road Management (General) Regulations 2016			
Provision	Powers and Functions 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	

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 16(3)	Power to issue permit	DI, EAM, EM, WM	Where Council is the coordinating road authority
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			
Provision	Powers and Functions 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.20.59 2020 LOCAL GOVERNMENT COMMUNITY SATISFACTION SURVEY

Responsible Officer: Director Corporate Services
File Number: S01-28-01-V2
Attachments: 1 2020 Local Government Community Satisfaction Survey

Declarations of Interest:

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

Summary

This report provides a summary of the community satisfaction survey results for the Swan Hill Rural City Council following the 2020 survey.

The 2020 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 our 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 52 for Swan Hill Rural City Council represents a two point decline on the 2019 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 58 which indicates that our community considers Swan Hill Rural City Council's performance to be slightly lower than the average Victorian citizens view on their own municipality. Council's overall performance index score of 52 is slightly lower than the average score of 55 received by our peer Council group of large rural municipalities.

Council's two top performing areas are customer service with a score of 69, and Community Consultation with a score of 52. Council has maintained a positive rating on customer service in 2020 and made significant gains among Robinvale residents across most key performance measures since 2019. Council's customer service is rated in-line with the Large Rural group and State-wide averages (index scores of 68 and 70 respectively).

Lobbying (index score of 50) is significantly improved since 2019 among both Robinvale residents (up 21 points) and younger adults aged 18 to 34 years (up 8 points).

Council's lowest two performing service areas are Sealed Local Road maintenance with a score of 44 and Decisions Made in the Interest of the Community with a score of 45. Council continues to perform in line with the Large Rural group average but significantly lower than the State-wide average on Sealed Roads. A significant decline in performance on Community Decisions (index score of 45, down six points) sees it become one of Council's lower rated areas in 2020. At the time the survey was completed Council was responding to some community concerns in relation to the Our Place project and the Swan Hill aerodrome. These issues are likely to have impacted on the score for community decisions.

Over the next 12 months, Council will be developing a new Community Engagement Strategy which will help to improve better communication between Council and community members.

Overall council performance

Results shown are index scores out of 100.



Swan Hill 52










State-wide 58



Large Rural 55



Summary of Swan Hill Rural City Council performance

Services	Swan Hill 2020	Swan Hill 2019	Large Rural 2020	State-wide 2020	Highest score	Lowest score
 Overall performance	52	54	55	58	Central residents, Aged 18-34 years	Robinvale residents
 Overall council direction	50	48	50	51	Aged 18-34 years	Aged 35-49 years
 Customer service	69	70	68	70	Robinvale residents	Aged 65+ years
 Consultation and engagement	52	54	54	55	Aged 18-34 years	Lakes residents
 Lobbying	50	52	53	53	Aged 18-34 years	Murray Mallee residents
 Community decisions	45	51	52	53	Aged 18-34 years	Robinvale residents
 Sealed local roads	44	46	47	54	Aged 65+ years	Aged 50-64 years

Consultation

The Executive Leadership team has reviewed the results of the survey.

Financial Implications

The Community Engagement Strategy will identify what resources Council will need to implement the actions in the strategy.

Social Implications

The survey measures perceived performance of Council across a range of services.

Economic Implications

The survey measures perceived performance of Council across a range of services.

Environmental Implications

The survey measures perceived performance of Council across a range of services.

Risk Management Implications

Perceptions of performance are an indication of the level of Public Relations risks that Council may be facing.

Council Plan Strategy Addressed

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

Options

Nil.

Recommendations

That Council:

- 1. Note the Swan Hill Rural City Council 2020 Community Satisfaction Survey.**
- 2. Consider the implication of the survey when developing the Community Engagement Strategy.**



**2020 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 S R E S E A R C H



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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 twenty-first 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 nine years shows that councils in Victoria continue to provide services that meet the public's expectations.

Serving Victoria for 21 years

Each year the CSS data is used to develop this State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 21 years of results, the CSS offers councils a long-term 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 4



Swan Hill Rural City Council – at a glance

Overall council performance

Results shown are index scores out of 100.



Swan Hill 52



State-wide 58



Large Rural 55

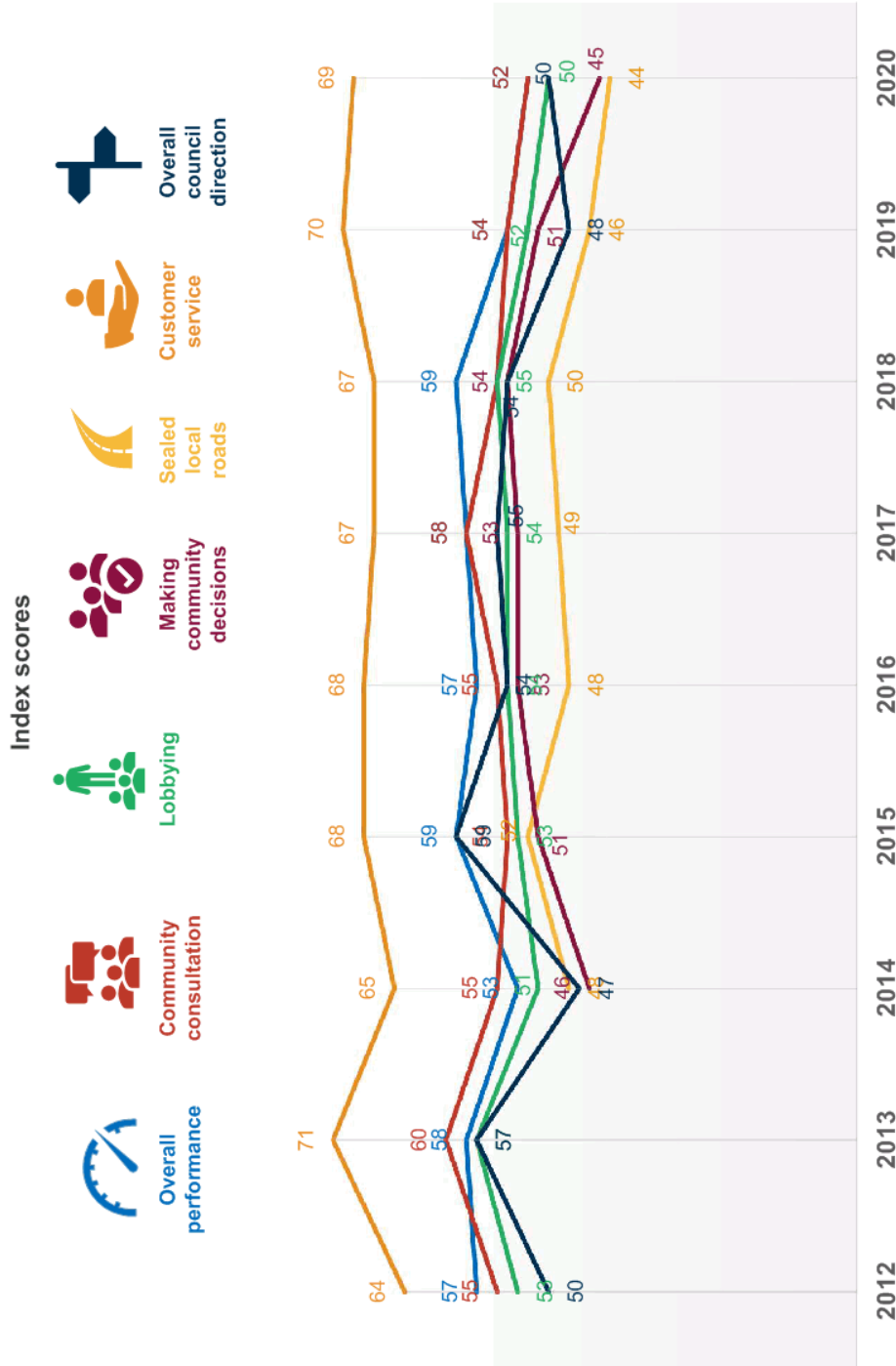
Council performance compared to State-wide and group averages

Areas where Council performance is significantly higher	State-wide average	Group average
None	Compared to State-wide average	Compared to Group average
The three areas where Council performance is significantly lower by the widest margin	<ul style="list-style-type: none"> Sealed local roads Community decisions Consultation and engagement 	<ul style="list-style-type: none"> Community decisions Lobbying

J00858 Community Satisfaction Survey 2020 – Swan Hill Rural City Council



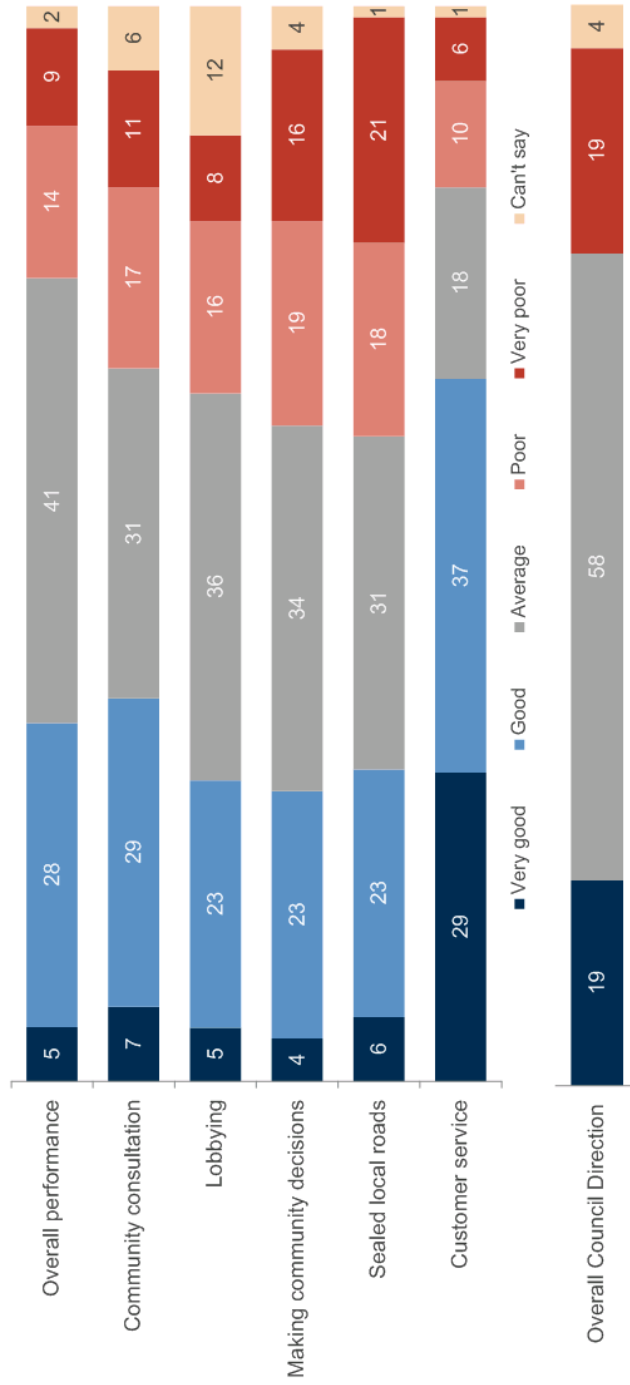
Summary of core measures





Summary of core measures

Core measures summary results (%)



J00858 Community Satisfaction Survey 2020 – Swan Hill Rural City Council



Summary of Swan Hill Rural City Council performance

Services	Swan Hill 2020	Swan Hill 2019	Large Rural 2020	State-wide 2020	Highest score	Lowest score
Overall performance	52	54	55	58	Central residents, Aged 18-34 years	Robinvale residents
Overall council direction	50	48	50	51	Aged 18-34 years	Aged 35-49 years
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Lobbying	50	52	53	53	Aged 18-34 years	Murray Mallee residents
Community decisions	45	51	52	53	Aged 18-34 years	Robinvale residents
Sealed local roads	44	46	47	54	Aged 65+ years	Aged 50-64 years

Significantly higher / lower than Swan Hill Rural City Council 2020 result at the 95% confidence interval. Please see Appendix A for explanation of significant differences and index scores.

J W S R E S E A R C H



Focus areas for the next 12 months

Overview

Council has maintained a positive rating on customer service in 2020 and made significant gains among Robinvale residents across most key performance measures since 2019. However, perceptions of Council performance on individual service areas and overall appear slightly lower. While not statistically significant decreases since last year (except on community decisions), current results continue a trend of small but steady declines since 2018 and are Council's lowest ratings since 2012.

Focus areas

Making decisions in the community interest has typically been one of Council's better performing areas, with an index score above 50 for the past five years before this year's sharp decline to its lowest ever rating (index score of 45). Over the next 12 months, a focus on good communication and transparency with residents, and demonstrating community interest in Council decisions, will be important to regaining those positive community perceptions.

Comparison to state and area grouping

Council performs in line with the Large Rural group average but below the State-wide average on consultation and sealed local roads. On lobbying and community decisions, as well as overall performance, Council is rated significantly lower than both the Large Rural group and State-wide averages and may wish to focus more efforts in these areas over the next year.

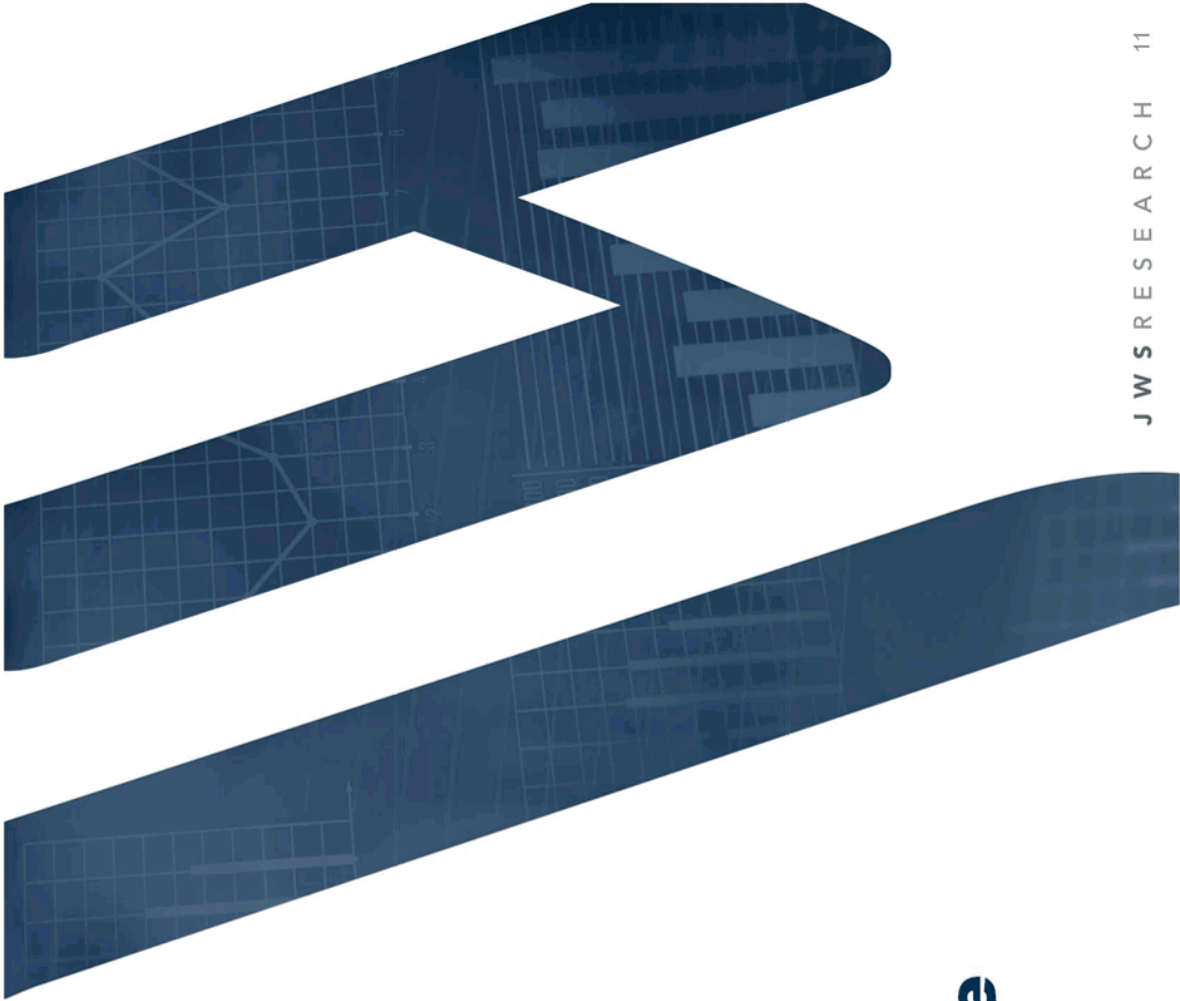
Key geographic targets

Over the next year, Council should seek to consolidate and build upon the significant gains made among Robinvale residents since 2019. Council should also focus extra attention on Central residents to arrest the significant declines among this (usually very positive) cohort. Their perceptions of overall performance have now declined significantly for the second year in a row. Lakes residents may also warrant some extra attention, particularly around lobbying and community interest in Council decisions.



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DETAILED FINDINGS



Overall performance

J W S R E S E A R C H 11



Overall performance

The overall performance index score of 52 for Swan Hill Rural City Council is broadly in line with the 2019 result (index score of 54). However, while the two-point decrease is not a statistically significant change, it extends the five-point decline recorded over 2018 to 2019 and is Council's lowest rating to date.

Council's overall performance is rated statistically significantly lower (at the 95% confidence interval) than the average for Councils in the Large Rural group and the State-wide council average (index scores of 55 and 58 respectively).

- Most demographic and geographic cohorts declined slightly in their perceptions of overall Council performance in the past year, in line with the overall trend.
- However, perceptions among Central residents, the most positive group, declined significantly (index score of 54, down five points).
- In contrast, Robinvale residents, the least positive group, improved their perceptions significantly (index score of 45, up 13 points).

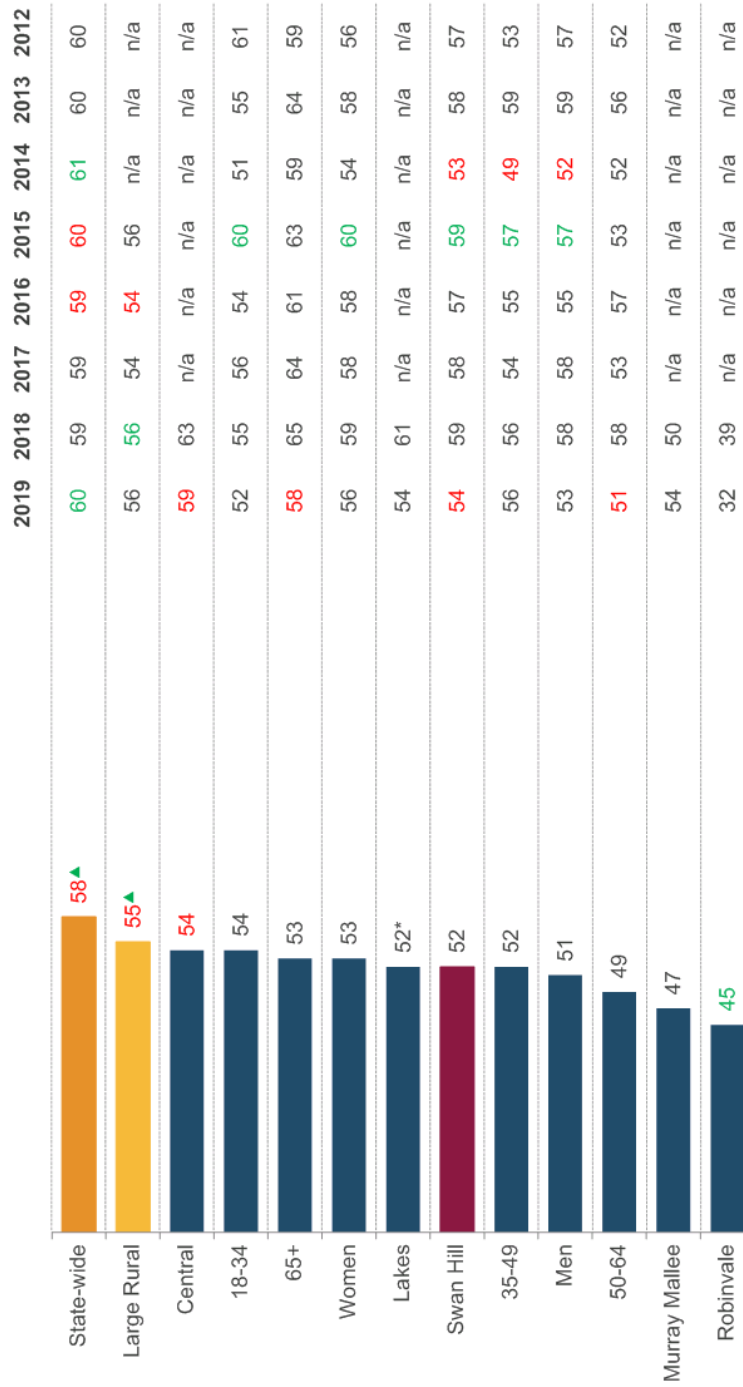
More residents rate Swan Hill Rural City Council's overall performance as 'very good' or 'good' (33%) than rate it as 'very poor' or 'poor' (23%). However, the largest proportion (41%) sit mid-scale, rating Council's overall performance as 'average





Overall performance

2020 overall performance (index scores)

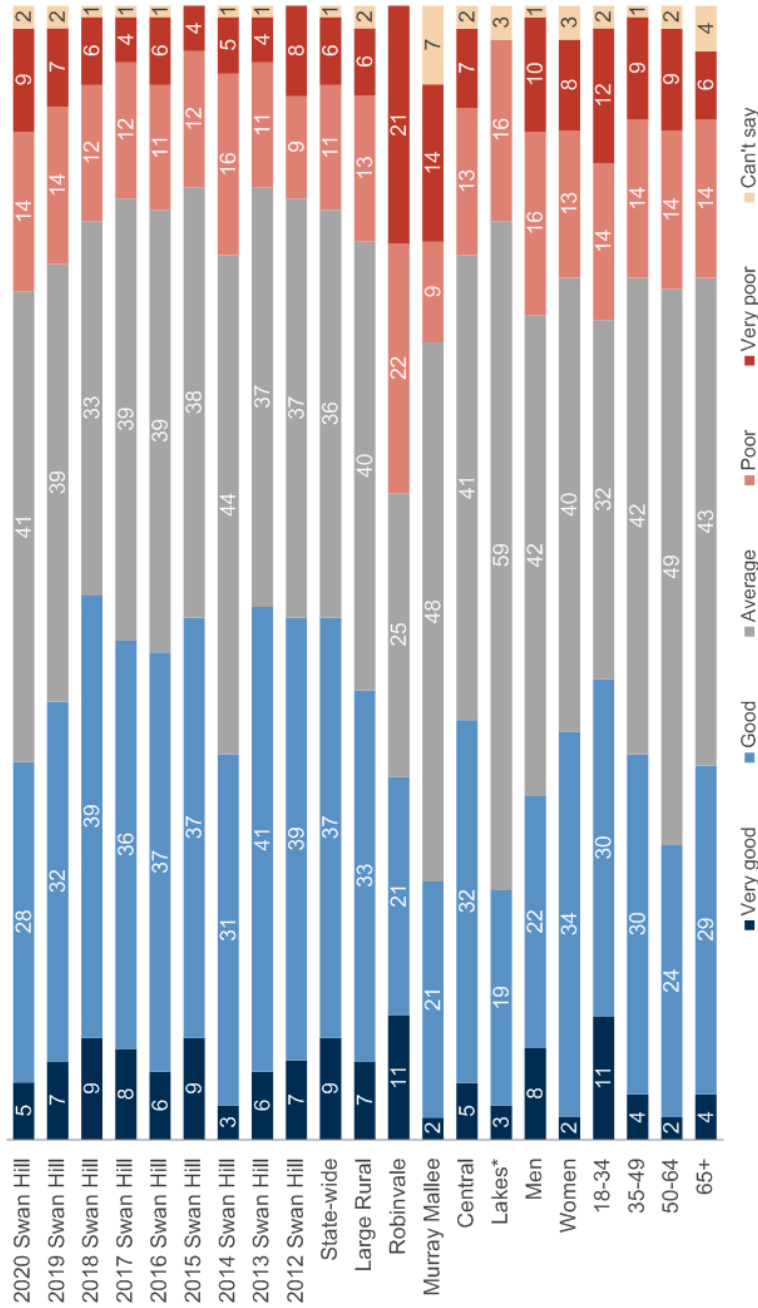


Q3. ON BALANCE for the last twelve months, how do you feel about the performance of Swan Hill Rural City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
 Base: All respondents. Councils asked state-wide. 62 Councils asked group. 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Overall performance

2020 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: 62 Councils asked group: 17
 *Caution: small sample size < n=30



Top performing service areas

Consultation and engagement (index score of 52) continues to be Swan Hill Rural City Council's best performing area in 2020, with community perceptions significantly improved among Robinvale residents (index score of 53, up 18 points from 2019).

However, a two-point decrease overall since 2019 continues a steady decline in this area, from an index score of 58 in 2017 to Council's lowest rating to date. Contributing to this result is a significant decline among Central residents this year (index score of 51, down eight points).

Lobbying remains another of Council's better performing areas (index score of 50) and is significantly improved since 2019 among both Robinvale residents (index score of 49, up 21 points) and younger adults aged 18 to 34 years (index score of 56, up eight points).

However, overall performance on lobbying is two points lower than 2019, on a steady decline from an index score of 55 in 2018, and also at its lowest point to date. Again, contributing to this result is a significant decline among Central residents (index score of 52, down five points), as well as residents aged 65+ years (down seven points) and Lakes residents (down 12 points).

Council rates in line with the Large Rural group average on community consultation and significantly better on lobbying but below the State-wide average on both areas.



Consultation and engagement (index score of 52) is the area where Council performed best in 2020.



Low performing service areas



Council rates lower – relative to its performance in other areas – in the areas of sealed local roads (index score of 44) and community decisions (index score of 45, down six points).

Swan Hill Rural City Council continues to rate lowest – relative to its performance in other areas – on sealed local roads (index score of 44). A two-point decrease since 2019 continues a steady decline from an index score of 50 in 2018 to Council's lowest rating to date.

- Residents aged 50 to 64 years (index score of 36) rate Council performance significantly lower than the Council-wide average.

Council continues to perform in line with the Large Rural group average but significantly lower than the State-wide average on sealed roads.

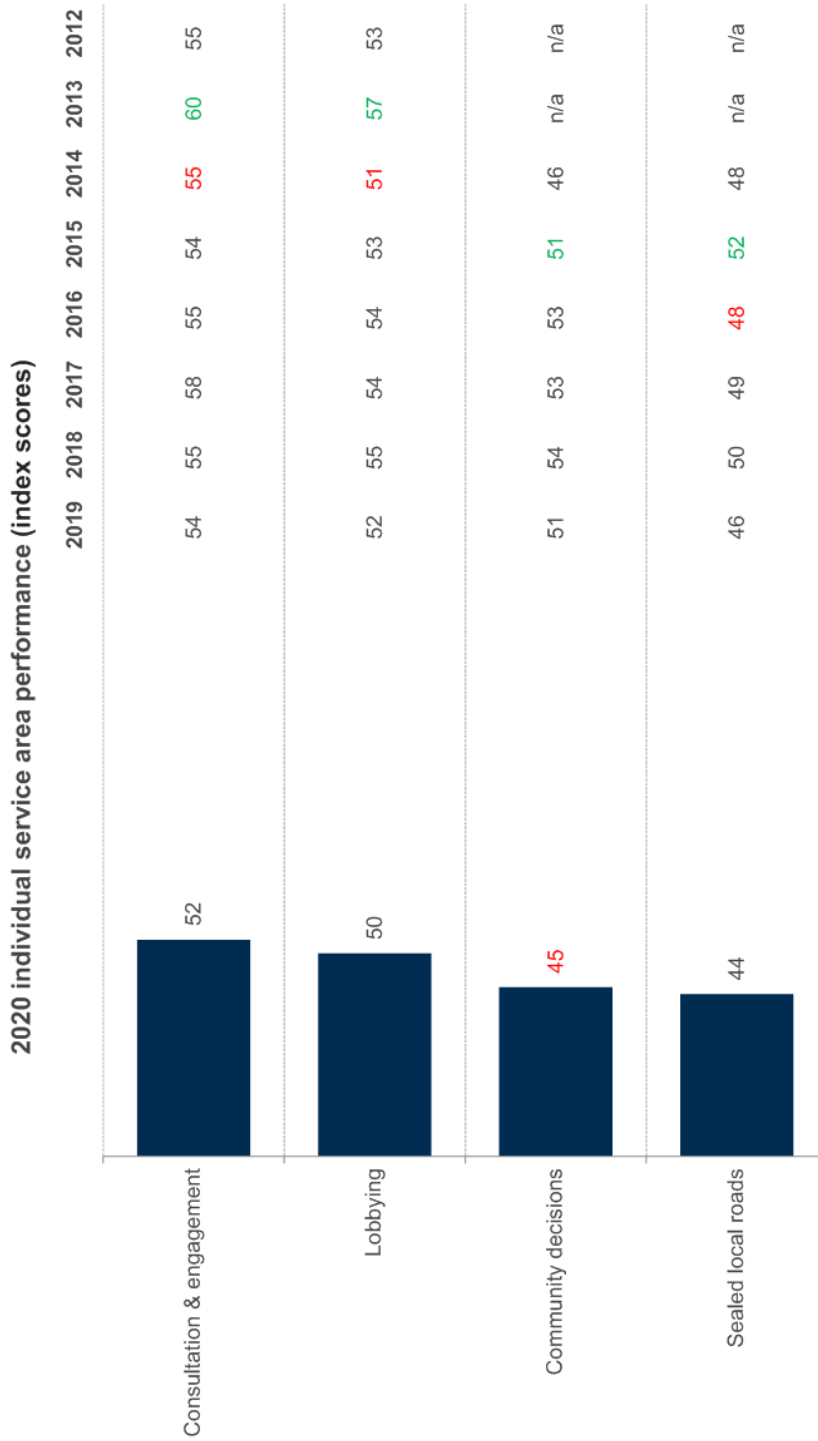
A significant decline in performance on community decisions (index score of 45, down six points) sees it become one of Council's lower rated areas in 2020. Council has not recorded a rating below 50 in this service area since 2014 (index score of 46).

- Contributing to this result are significant declines among Central and Lakes residents (seven points and 16 points, respectively), as well as women and most age groups (all 35+ years).

Council also now performs significantly below the Large Rural group and State-wide averages on community decisions.



Individual service area performance



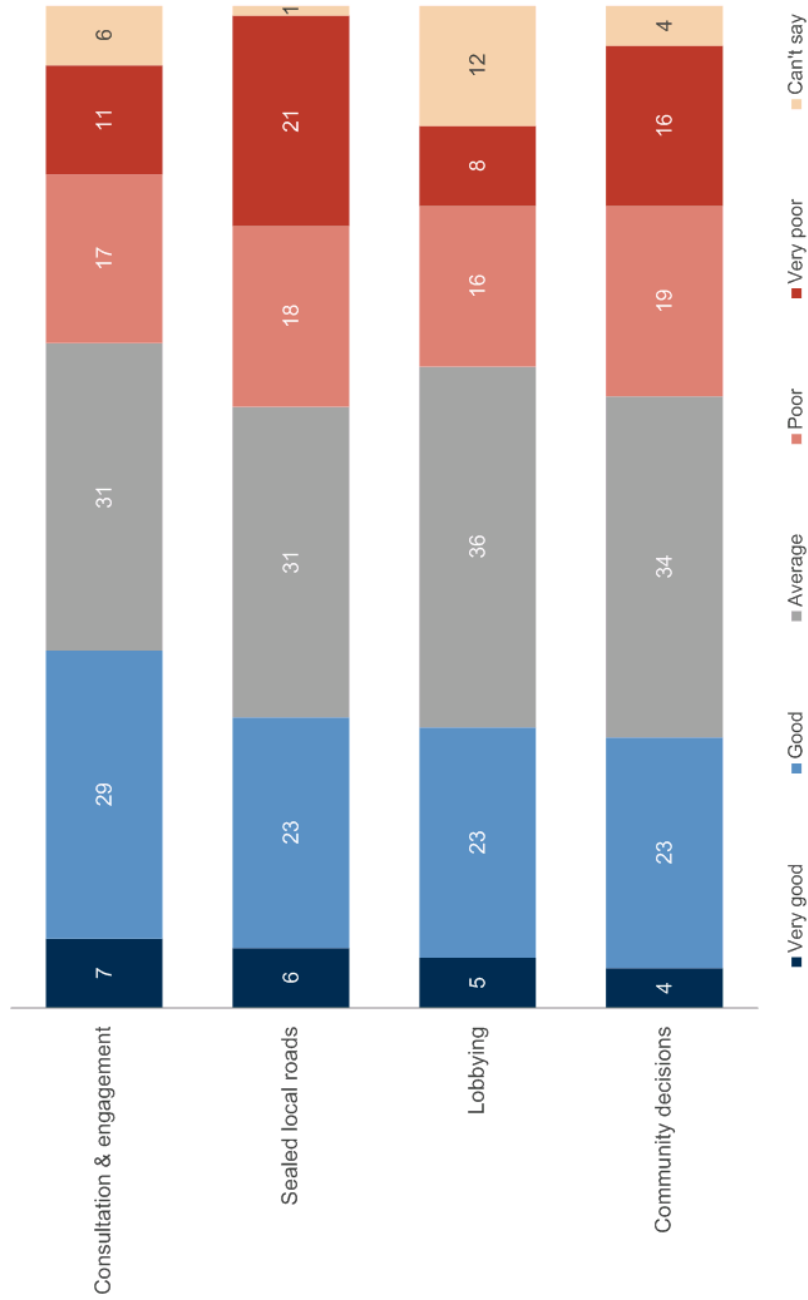
Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.

J00858 Community Satisfaction Survey 2020 – Swan Hill Rural City Council



Individual service area performance

2020 individual service area performance (%)



Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked state-wide: 62 Councils asked group: 17

J W S R E S E A R C H 18



J W S R E S E A R C H 19

Customer service



Contact with council and customer service

Contact with council

Almost six in ten Swan Hill Rural City Council residents (58%) have had contact with Council in the last 12 months, similar to 2019.

Rate of contact has decreased over the last year among residents aged 18 to 34 years (46%, down from 60%).

In person (35%) and by telephone (30%) continue to be the main methods of contacting Council.



Among those who have had contact with Council, 66% provide a positive customer service rating of 'very good' or 'good', including 29% of residents who rate Council's customer service as 'very good'.

Customer service

Swan Hill Rural City Council's customer service index of 69 is in line with 2019. Positive customer service ratings have been largely maintained over the last five years, ranging between 67 and 70.

- Perceptions among Robinvale residents improved significantly over the past year (index score of 74, up 23 points and the highest among all groups).
- However, perceptions among Central residents declined (index score of 67, down seven points).

Council's customer service is rated in-line with the Large Rural group and State-wide averages (index scores of 68 and 70 respectively).

Among residents who have had contact with Council, around two thirds (66%) provide a positive customer service rating of 'very good' or 'good'.

Council's customer service ratings are high for the main modes of contact, being in person and by telephone (index score of 71 and 68 respectively).

Ratings among those, who communicated most recently via email, declined nine points in the last year to an index score of 63, indicating some attention is needed here.

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Contact with council

2020 contact with council (%)
Have had contact

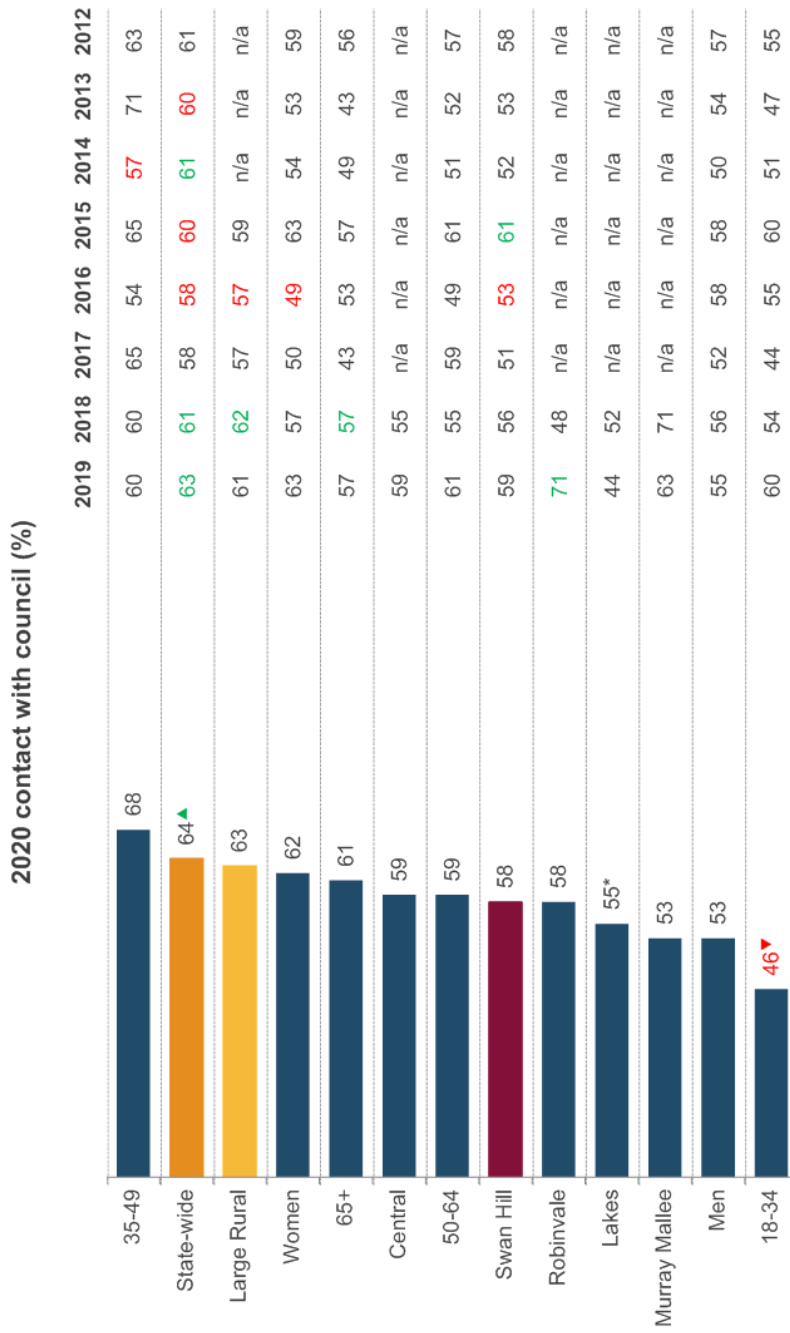


Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
Base: All respondents. Councils asked state-wide: 26 Councils asked group: 7

J W S R E S E A R C H 21



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: 26 Councils asked group: 7
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Customer service rating

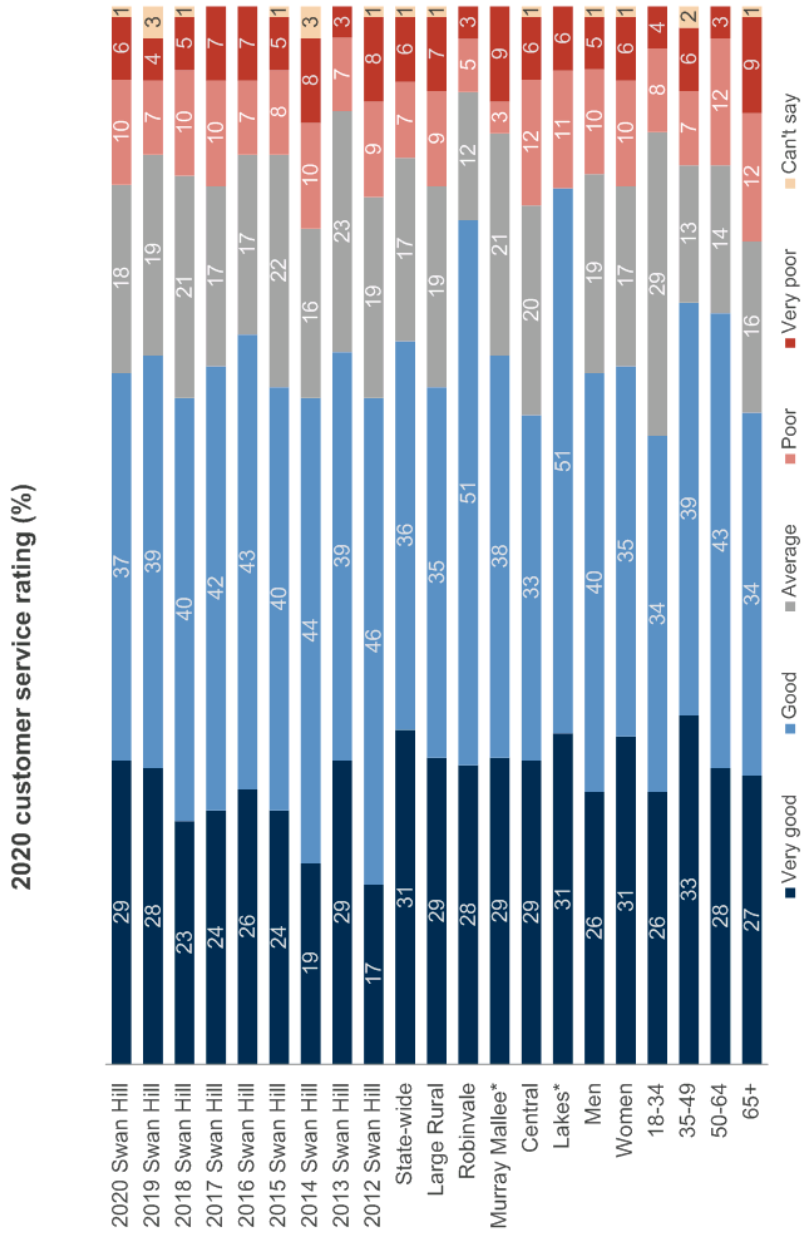
2020 customer service rating (index scores)

	2019	2018	2017	2016	2015	2014	2013	2012
Robinvale	74	51	42	n/a	n/a	n/a	n/a	n/a
Lakes	72*	70	70	n/a	n/a	n/a	n/a	n/a
35-49	72	71	72	70	73	68	68	58
50-64	70	63	66	65	65	67	69	62
State-wide	70	71	70	69	70	72	71	71
Women	69	74	69	71	73	69	64	73
Murray Mallee	69*	72	56	n/a	n/a	n/a	n/a	n/a
Swan Hill	69	70	67	67	68	68	65	71
Men	68	65	64	63	65	66	65	70
Large Rural	68	69	67	66	67	67	n/a	n/a
18-34	68	75	59	59	66	62	57	70
Central	67	74	72	n/a	n/a	n/a	n/a	n/a
65+	65	70	70	71	70	75	67	81

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: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Customer service rating

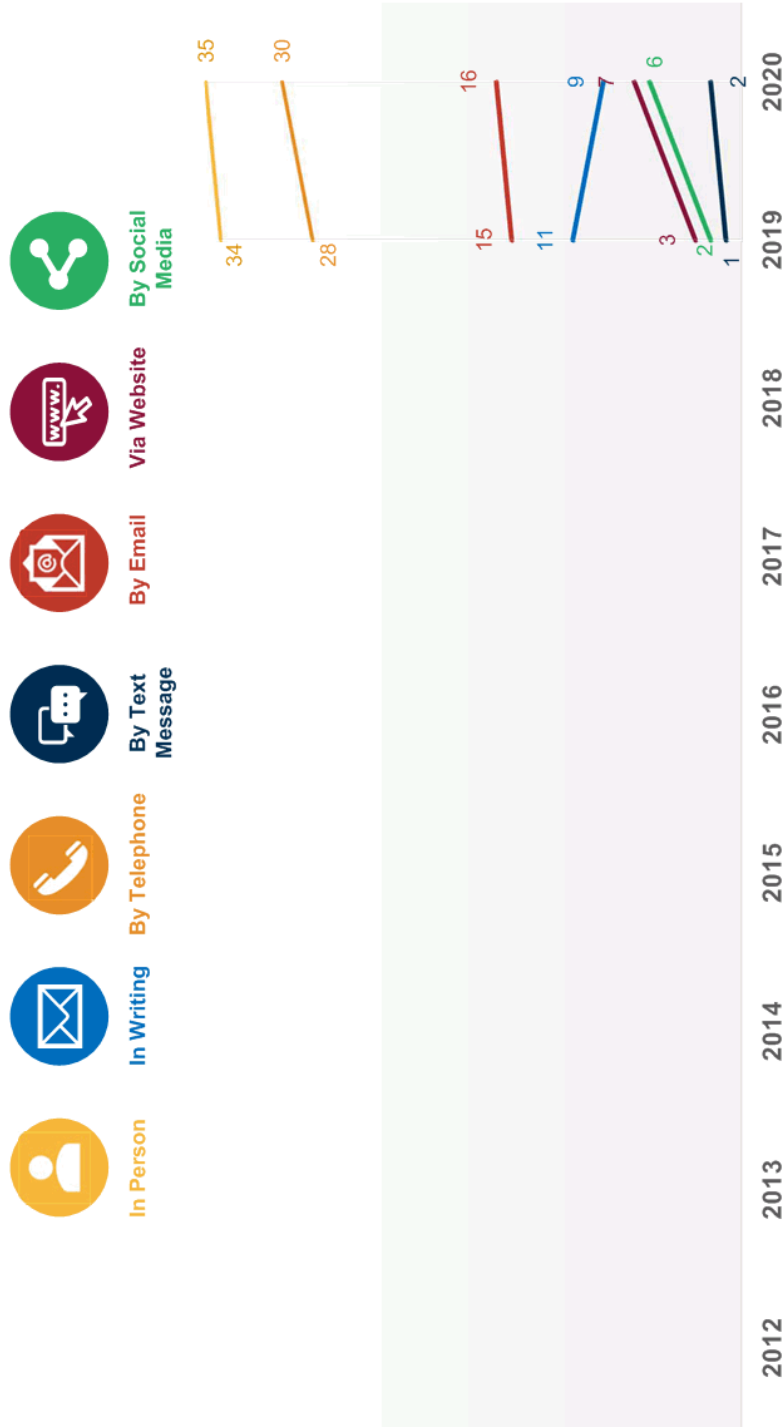


Q5c. Thinking of the most recent contact, how would you rate Swan Hill Rural City Council for customer service?
 Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
 Base: All respondents who have had contact with Council in the last 12 months.
 Councils asked state-wide: 62 Councils asked group: 17
 *Caution: small sample size < n=30



Method of contact with council

2020 method of contact (%)

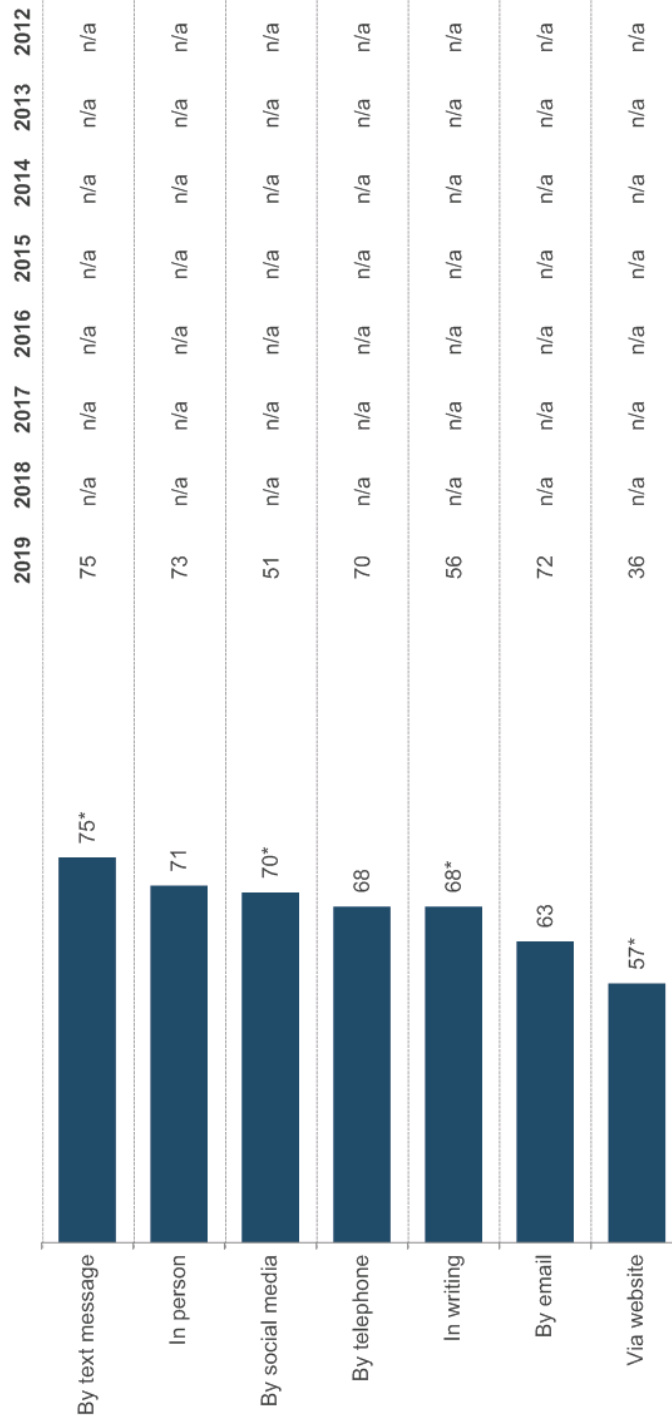


Q5a. Have you or any member of your household had any recent contact with Swan Hill Rural City Council in any of the following ways?
 Base: All respondents. Councils asked state-wide: 26 Councils asked group: 7
 Note: Respondents could name multiple contact methods so responses may add to more than 100%



Customer service rating by method of last contact

2020 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: 26 Councils asked group: 7

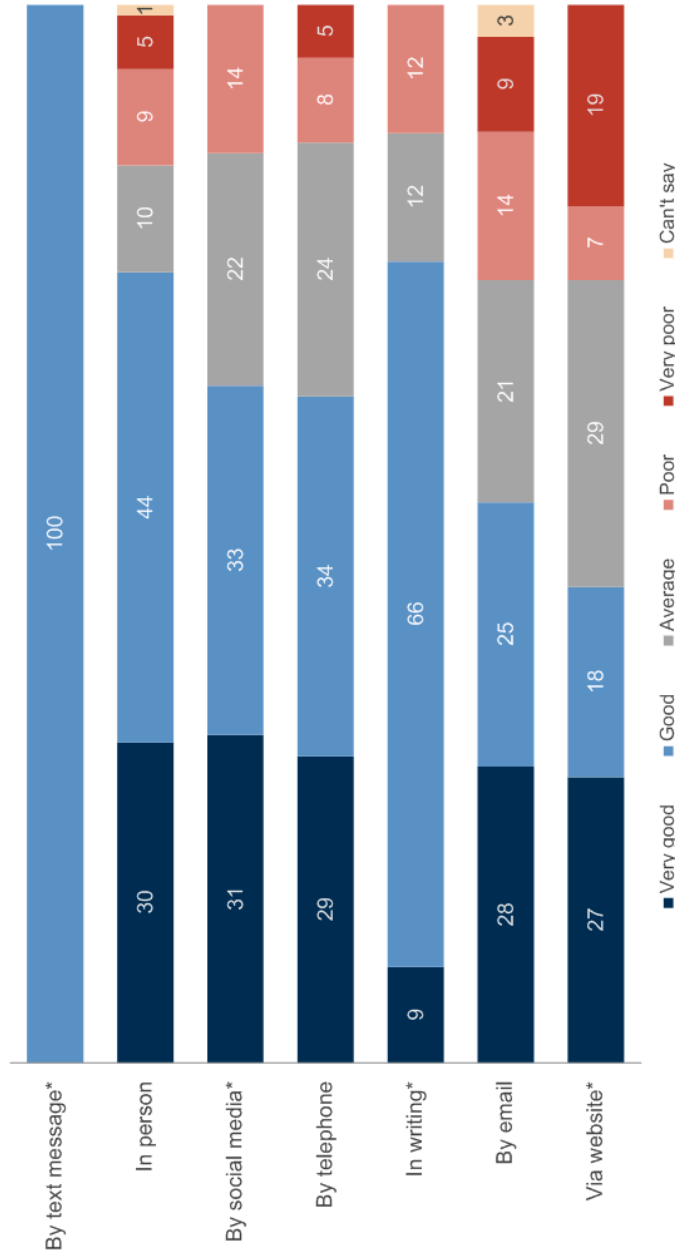
Note: Please see Appendix A for explanation of significant differences.

*Caution: small sample size < n=30

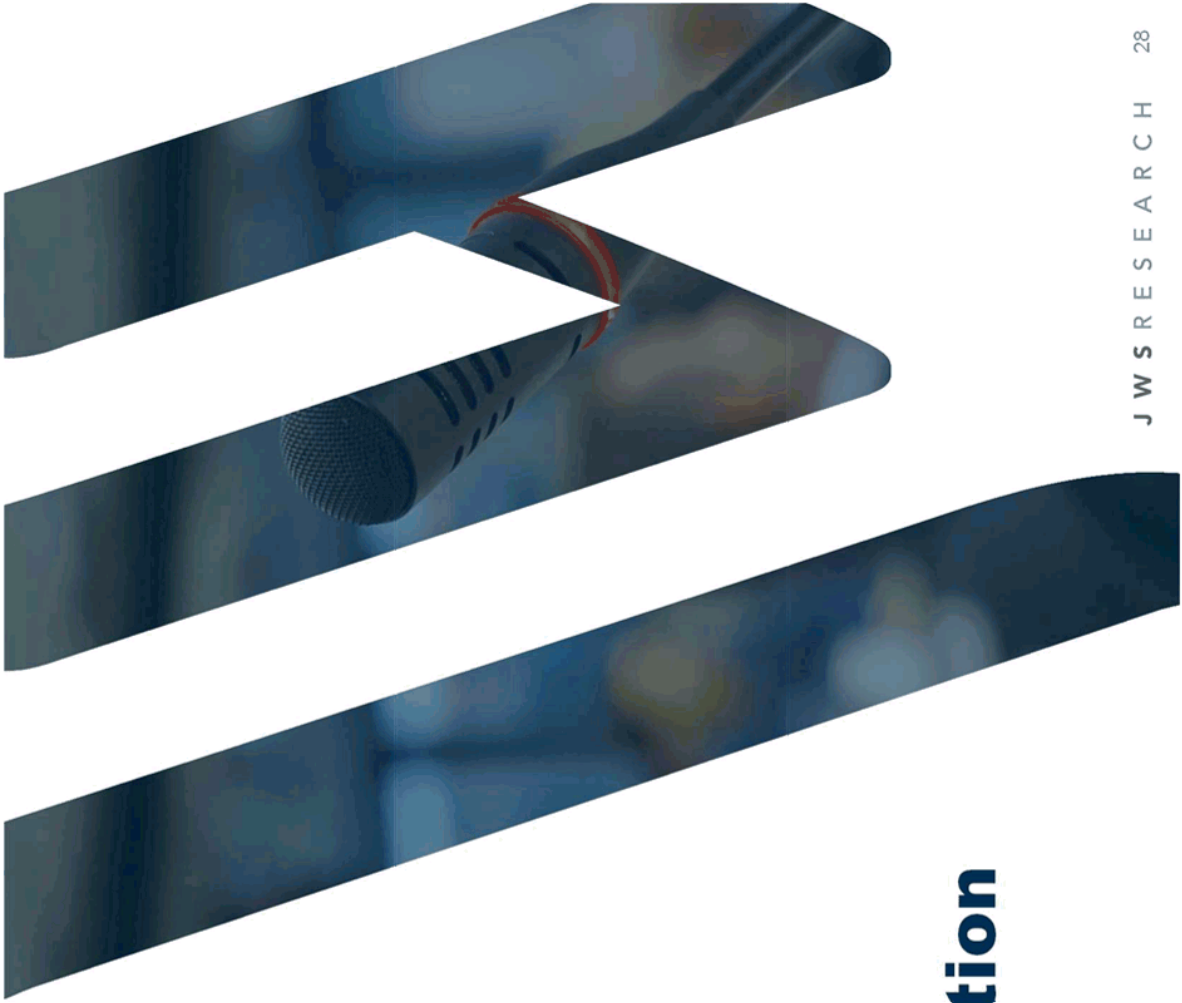


Customer service rating by method of last contact

2020 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: 26 Councils asked group: 7
*Caution: small sample size < n=30



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Communication



Communication

In 2020, the preferred form of communication from Swan Hill Rural City Council remains newsletters sent via mail (24%). However, almost as many residents now prefer communication via social media (23%), after a substantial seven-point increase since 2019.

Social media has overtaken interest in both emailed newsletters, which appears to be in decline, and newsletters inserted into local papers, which remains unchanged.

- The most preferred form of communication for residents aged under 50 years remains social media (33%) and this preference has strengthened since 2019.
- The most preferred forms of communication for residents aged over 50 years are Council newsletters sent via mail (26%, down points) and advertising in a local newspaper (25%, up six points).





Best form of communication

2020 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. Councils asked state-wide: 33 Councils asked group: 9
 Note: 'Social Media' was included in 2019.



Best form of communication: under 50s

2020 under 50s best form of communication (%)

- 

Advertising in
a Local
Newspaper
- 

Council
Newsletter
via Mail
- 

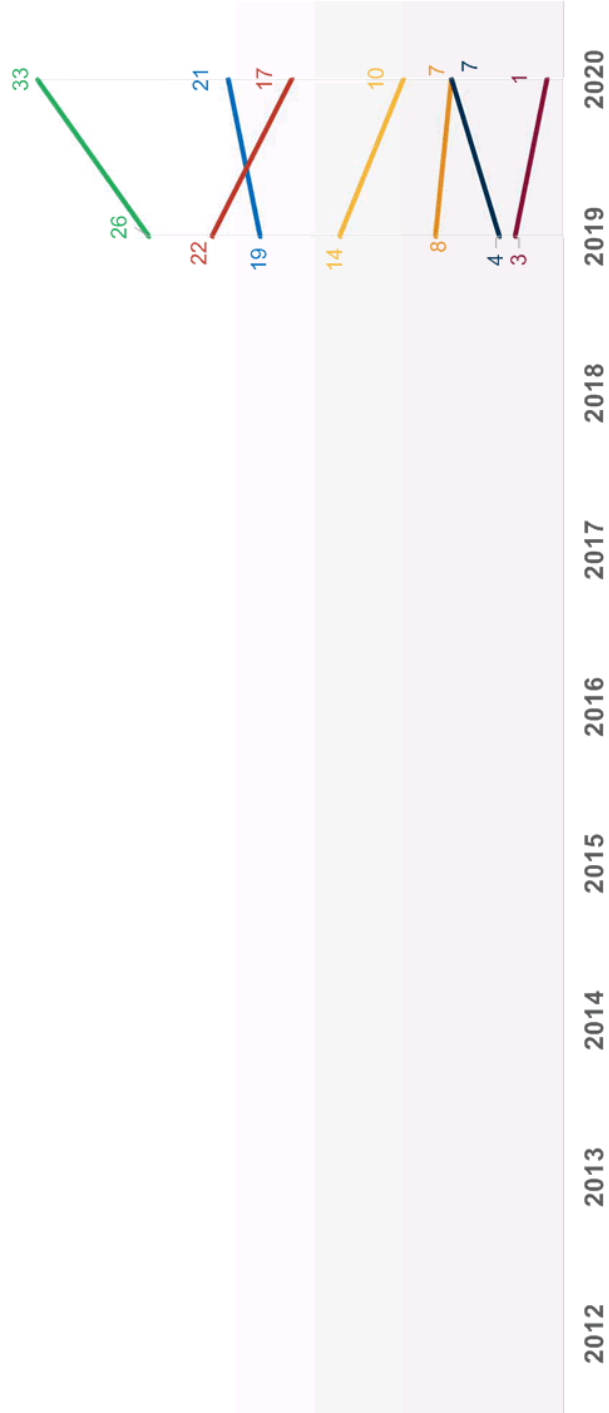
Council
Newsletter
via Email
- 

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 aged under 50. Councils asked state-wide. 33 Councils asked group: 9
 Note: 'Social Media' was included in 2019.



Best form of communication: over 50s

2020 over 50s best form of communication (%)

- 

Advertising in
a Local
Newspaper
- 

Council
Newsletter
via Mail
- 

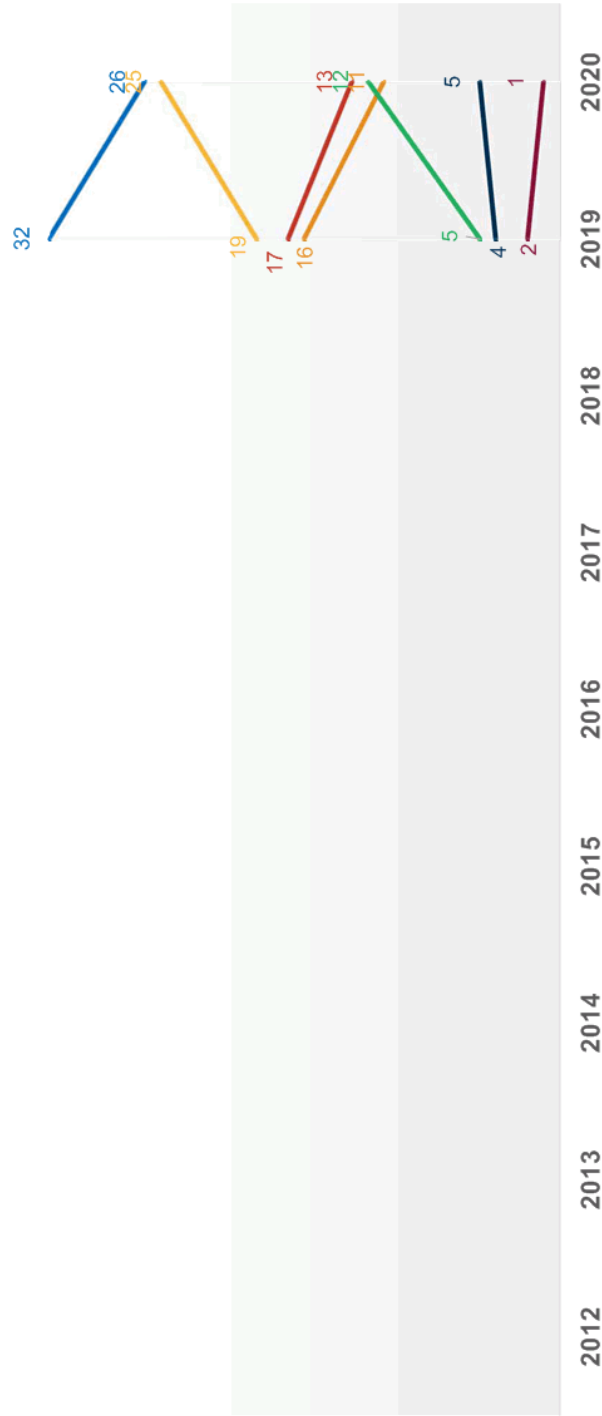
Council
Newsletter
via Email
- 

Council
Newsletter as
Local Paper Insert
- 

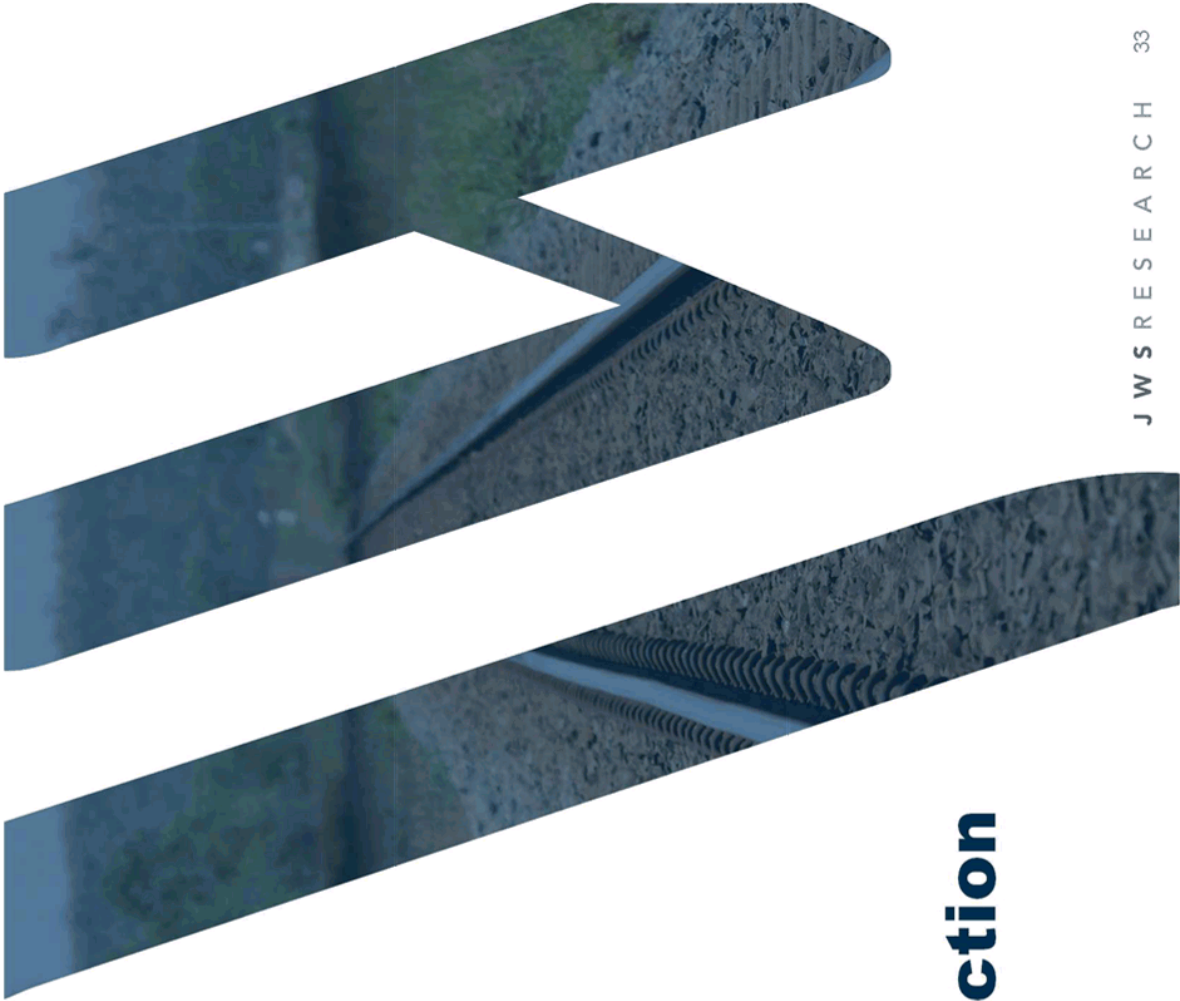
Council
Website
- 

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 aged over 50. Councils asked state-wide: 33 Councils asked group: 9
 Note: 'Social Media' was included in 2019.



Council direction

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



Council direction

Perceptions of Swan Hill Rural City Council's overall direction appear slightly better than in 2019.

A smaller majority (58%, down six points) believe the direction of Council's overall performance has stayed the same over the last 12 months.

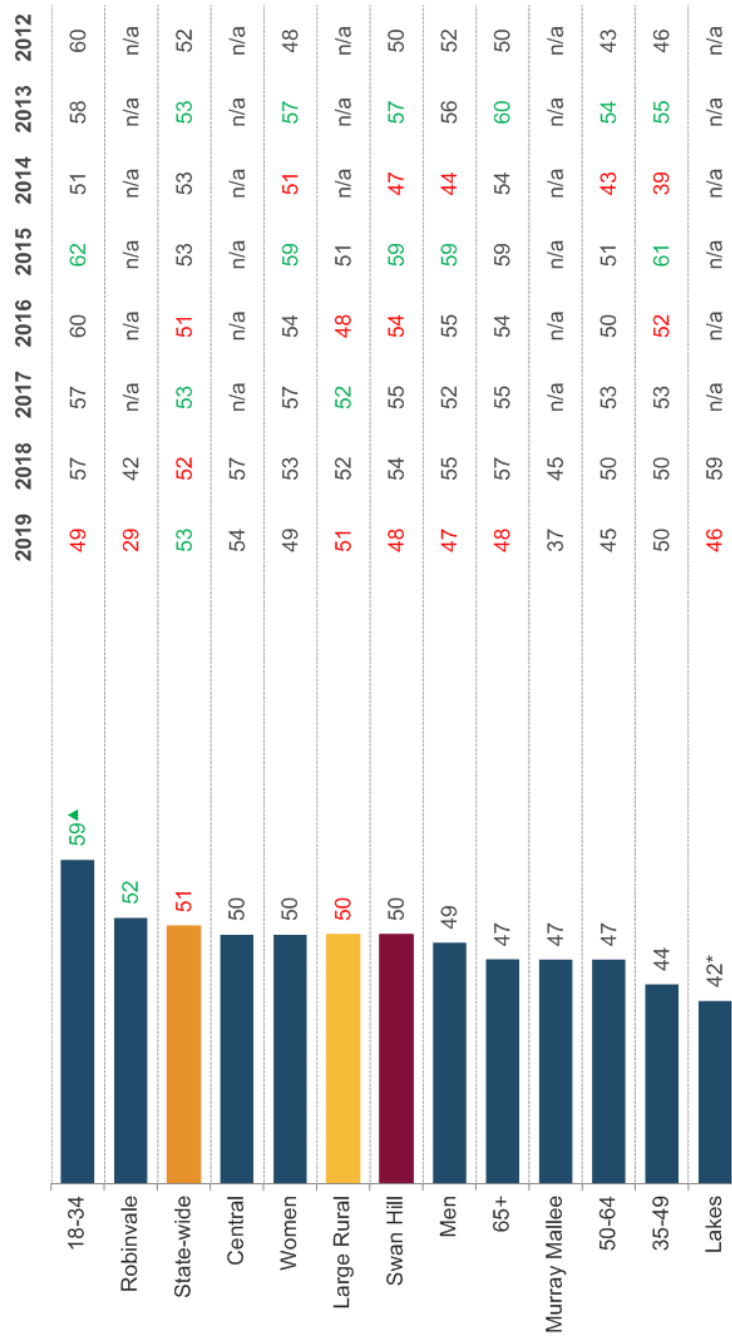
- 19% believe the direction has improved in the last 12 months (up four points from 2019).
- The same proportion (19%) believe it has deteriorated (similar to 18% in 2019).
- The most satisfied with Council direction (and most improved since 2019) are residents aged 18 to 34 years.
- The least satisfied with Council direction are Lakes residents.





Overall council direction last 12 months

2020 overall direction (index scores)

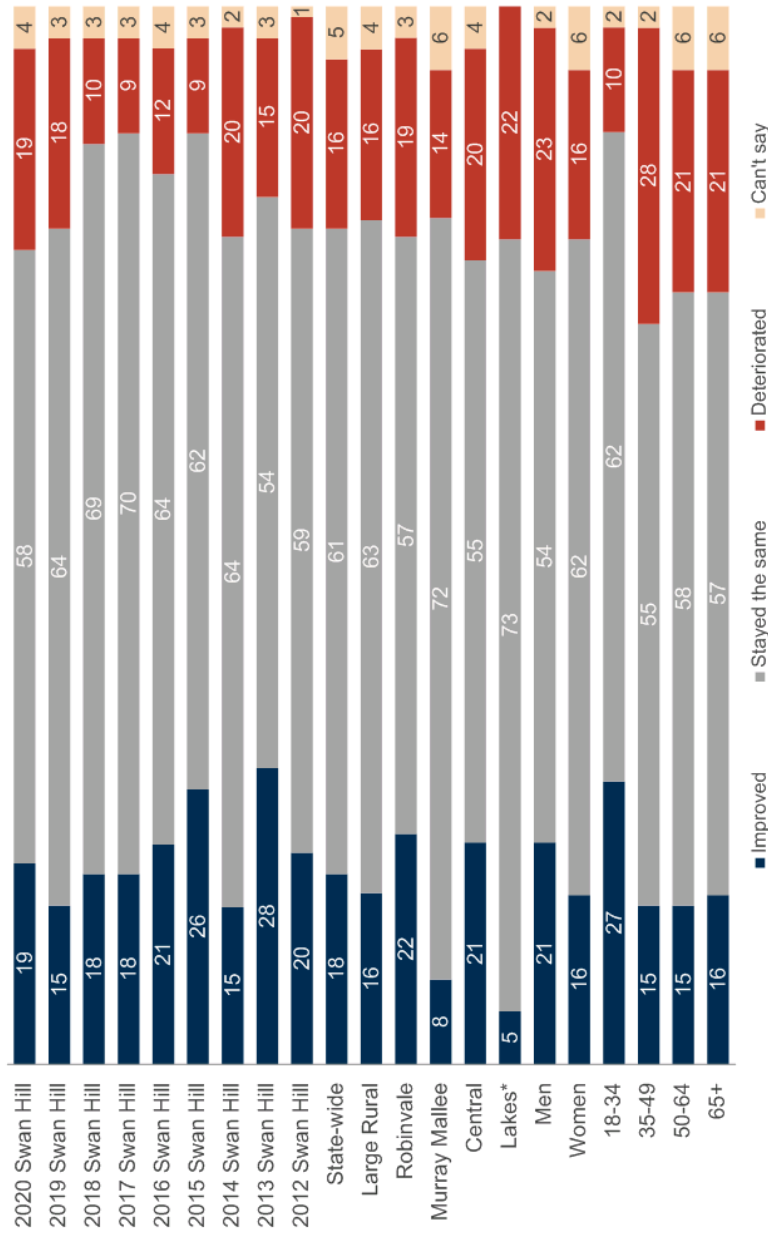


Q6. Over the last 12 months, what is your view of the direction of Swan Hill Rural City Council's overall performance?
 Base: All respondents. Councils asked state-wide. 62 Councils asked group. 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Overall council direction last 12 months

2020 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: 62 Councils asked group: 17

*Caution: small sample size < n=30



Individual service areas

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Community consultation and engagement performance



2020 consultation and engagement performance (index scores)

	2019	2018	2017	2016	2015	2014	2013	2012
18-34	57	54	53	61	52	53	59	61
State-wide	55▲	56	55	55	54	56	57	57
Large Rural	54	54	54	52	52	54	n/a	n/a
Murray Mallee	54	51	50	n/a	n/a	n/a	n/a	n/a
Robinvale	53	35	37	n/a	n/a	n/a	n/a	n/a
Men	52	53	54	59	54	52	53	58
Swan Hill	52	54	55	58	55	54	55	60
Central	51	59	59	n/a	n/a	n/a	n/a	n/a
35-49	51	55	56	57	58	57	49	61
Women	51	55	57	56	56	57	56	62
65+	50	54	61	59	56	57	56	61
50-64	47	53	53	51	55	52	54	56
Lakes	45*	54	56	n/a	n/a	n/a	n/a	n/a

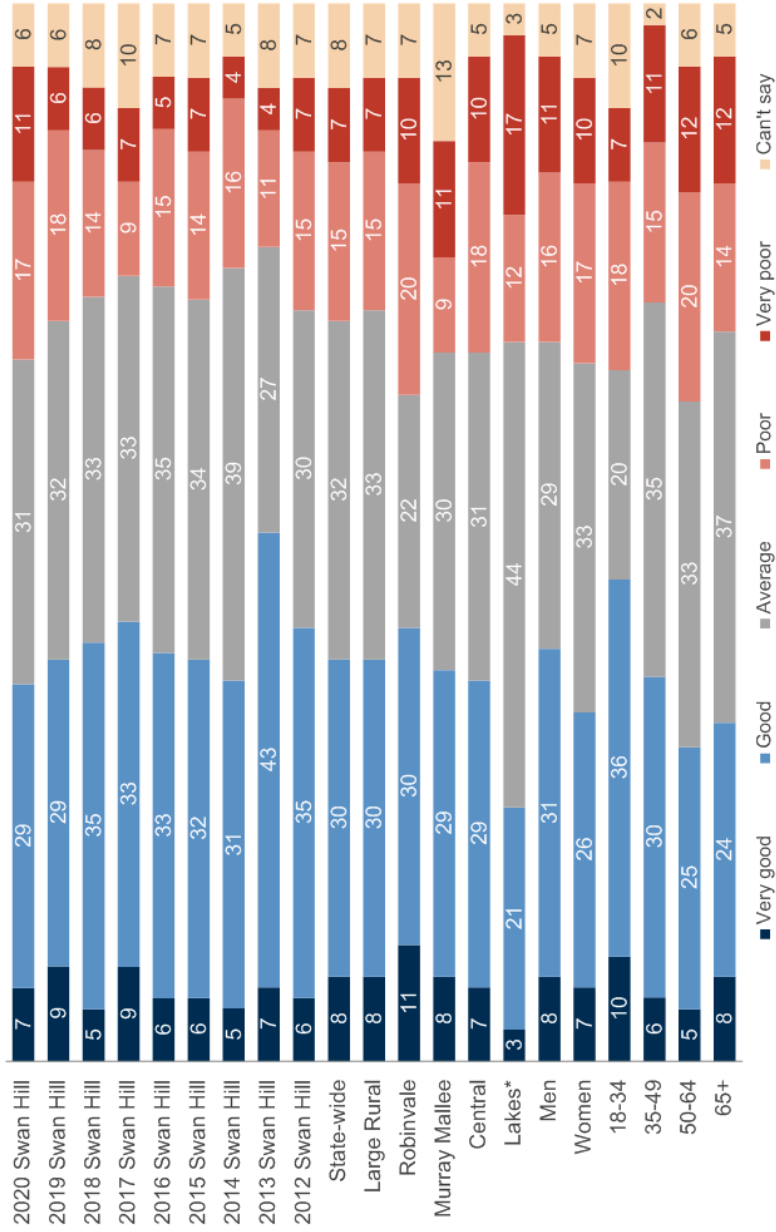
Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Community consultation and engagement performance



2020 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: 62 Councils asked group: 17

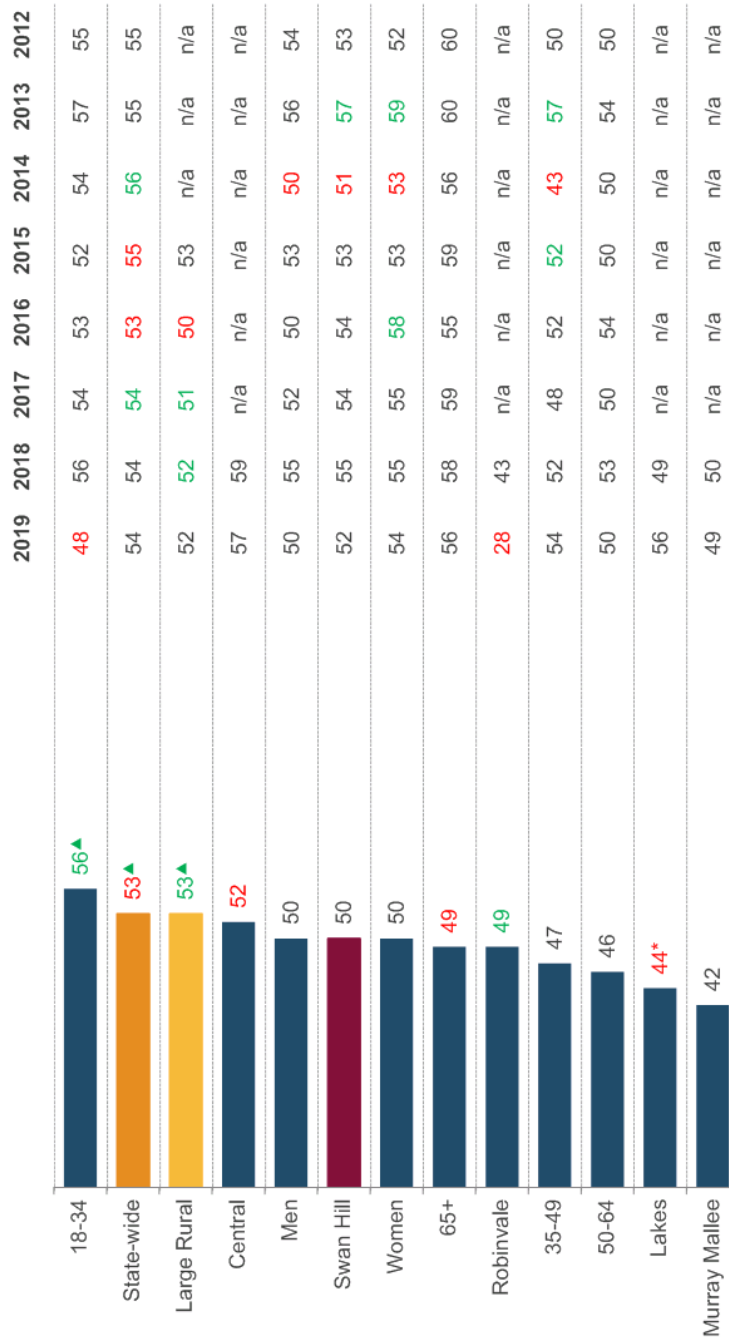
*Caution: small sample size < n=30



Lobbying on behalf of the community performance



2020 lobbying performance (index scores)



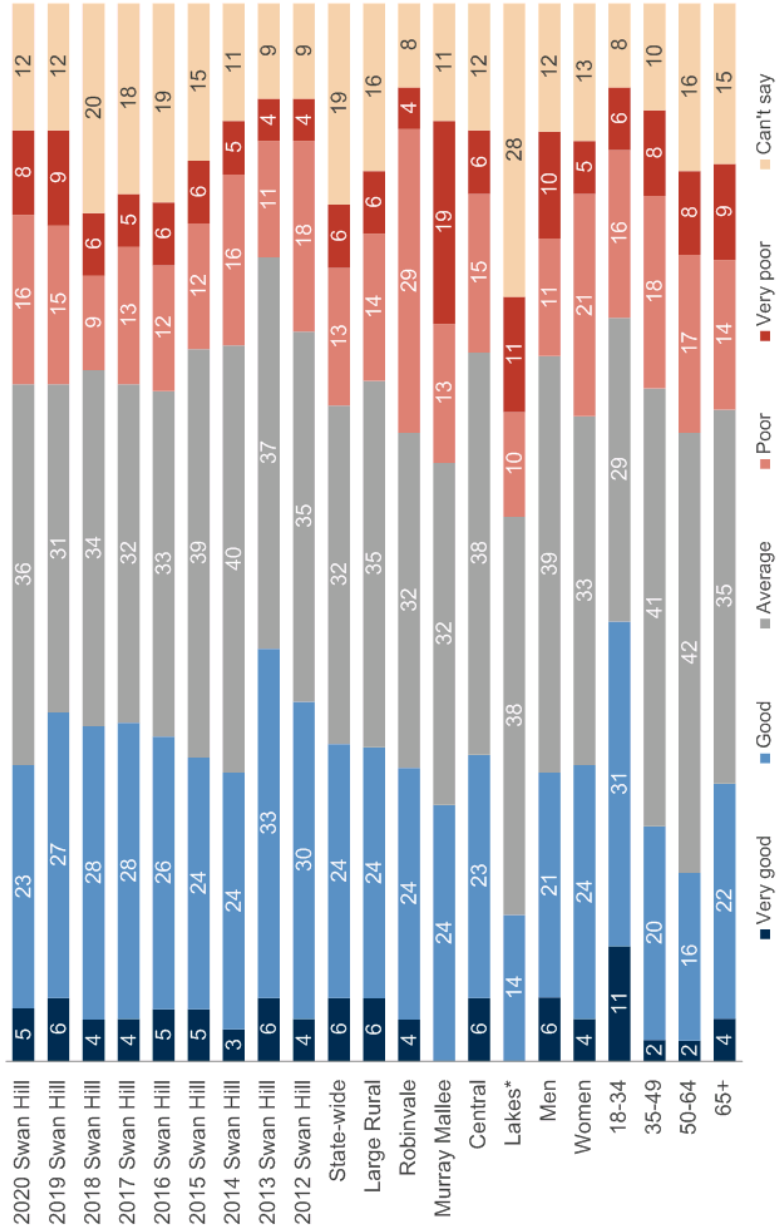
Q2. How has Council performed on 'Lobbying on behalf of the community' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



Lobbying on behalf of the community performance



2020 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: 62 Councils asked group: 17

*Caution: small sample size < n=30

Decisions made in the interest of the community performance



2020 community decisions made performance (index scores)

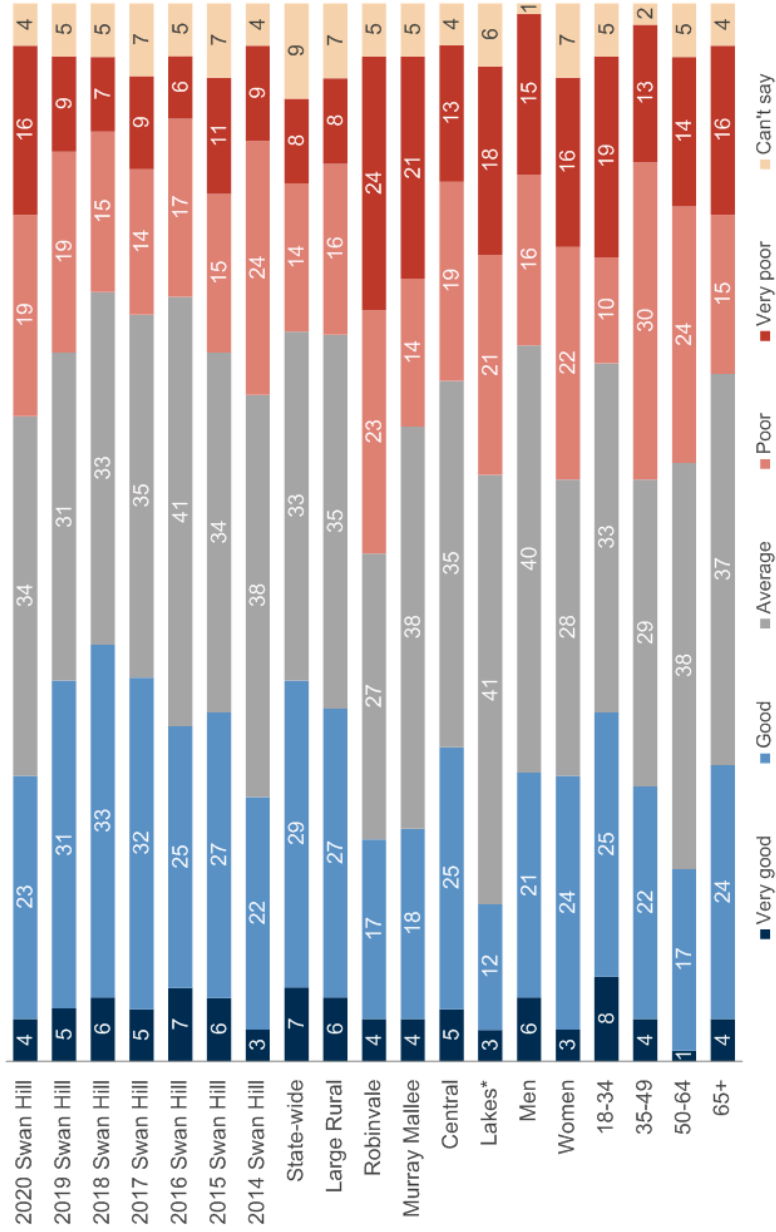
	2019	2018	2017	2016	2015	2014	2013	2012
State-wide	53▲	54	54	54	55	57	n/a	n/a
Large Rural	52▲	52	51	50	52	n/a	n/a	n/a
18-34	49	48	55	53	51	49	n/a	n/a
Central	48	55	n/a	n/a	n/a	n/a	n/a	n/a
Men	47	50	54	52	53	50	45	n/a
65+	46	53	60	58	56	58	52	n/a
Swan Hill	45	51	54	53	53	51	46	n/a
Women	43	52	54	54	53	52	48	n/a
35-49	43	52	53	52	49	46	40	n/a
Murray Mallee	42	50	43	n/a	n/a	n/a	n/a	n/a
50-64	41	52	49	44	55	47	43	n/a
Lakes	39*	55	57	n/a	n/a	n/a	n/a	n/a
Robinvale	38	30	38	n/a	n/a	n/a	n/a	n/a

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: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30

Decisions made in the interest of the community performance



2020 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: 62 Councils asked group: 17
 *Caution: small sample size < n=30



The condition of sealed local roads in your area performance



2020 sealed local roads performance (index scores)

	2019	2018	2017	2016	2015	2014	2013	2012
State-wide	56	53	53	54	55	55	n/a	n/a
65+	53	58	57	58	60	57	n/a	n/a
18-34	43	50	47	43	50	48	n/a	n/a
Large Rural	47	45	43	44	45	n/a	n/a	n/a
Central	50	54	n/a	n/a	n/a	n/a	n/a	n/a
Women	45	49	49	51	55	49	n/a	n/a
Swan Hill	46	50	49	48	52	48	n/a	n/a
Men	47	52	49	45	50	48	n/a	n/a
35-49	45	44	44	41	52	38	n/a	n/a
Lakes	45	50	n/a	n/a	n/a	n/a	n/a	n/a
Robinvale	36	40	n/a	n/a	n/a	n/a	n/a	n/a
Murray Mallee	37	39	n/a	n/a	n/a	n/a	n/a	n/a
50-64	43	47	42	49	47	49	n/a	n/a

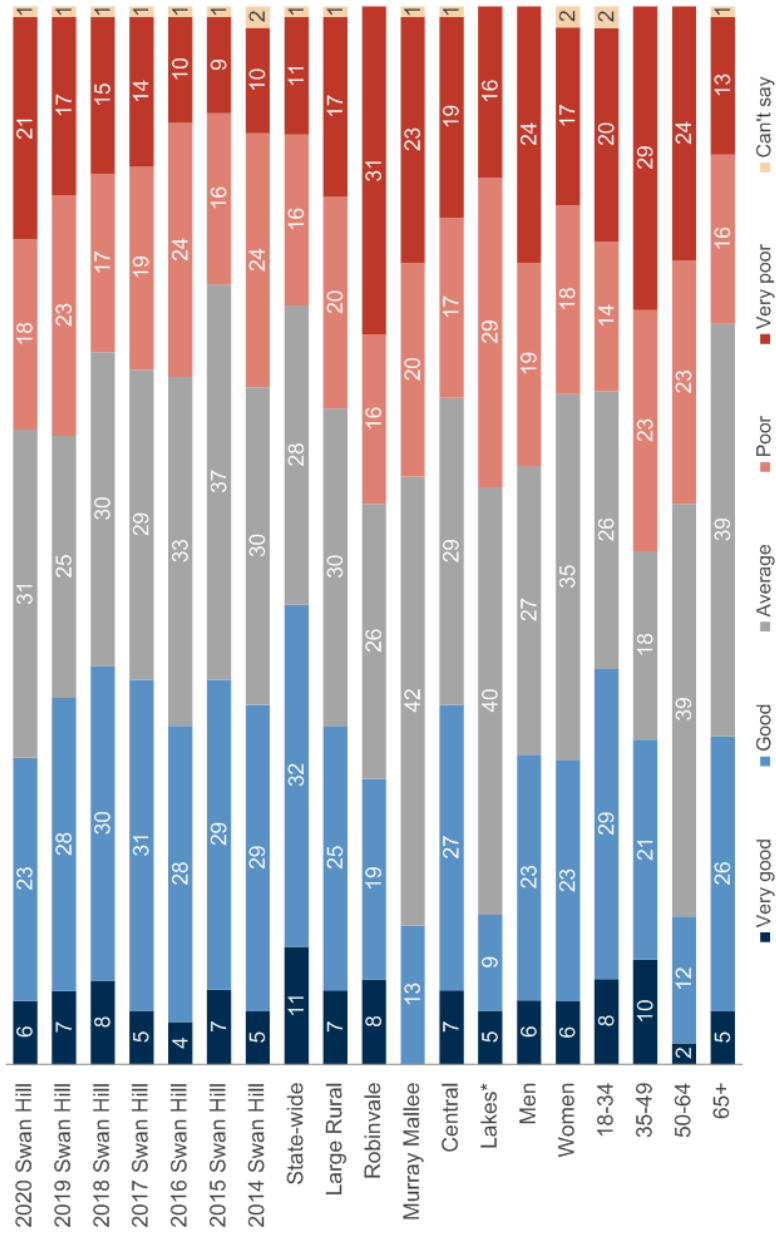
Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
 Base: All respondents. Councils asked state-wide: 62 Councils asked group: 17
 Note: Please see Appendix A for explanation of significant differences.
 *Caution: small sample size < n=30



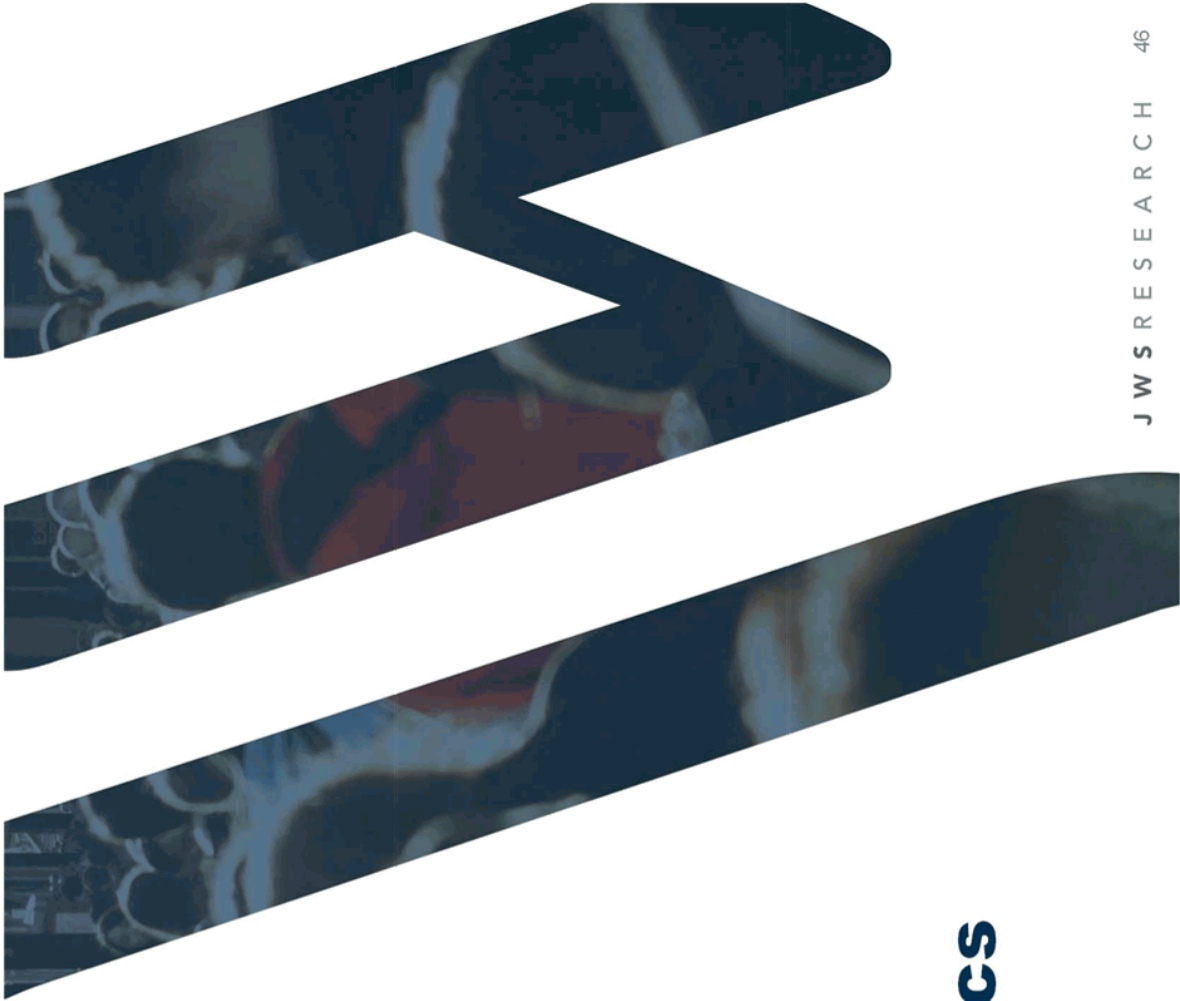
The condition of sealed local roads in your area performance



2020 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: 62 Councils asked group: 17
 *Caution: small sample size < n=30

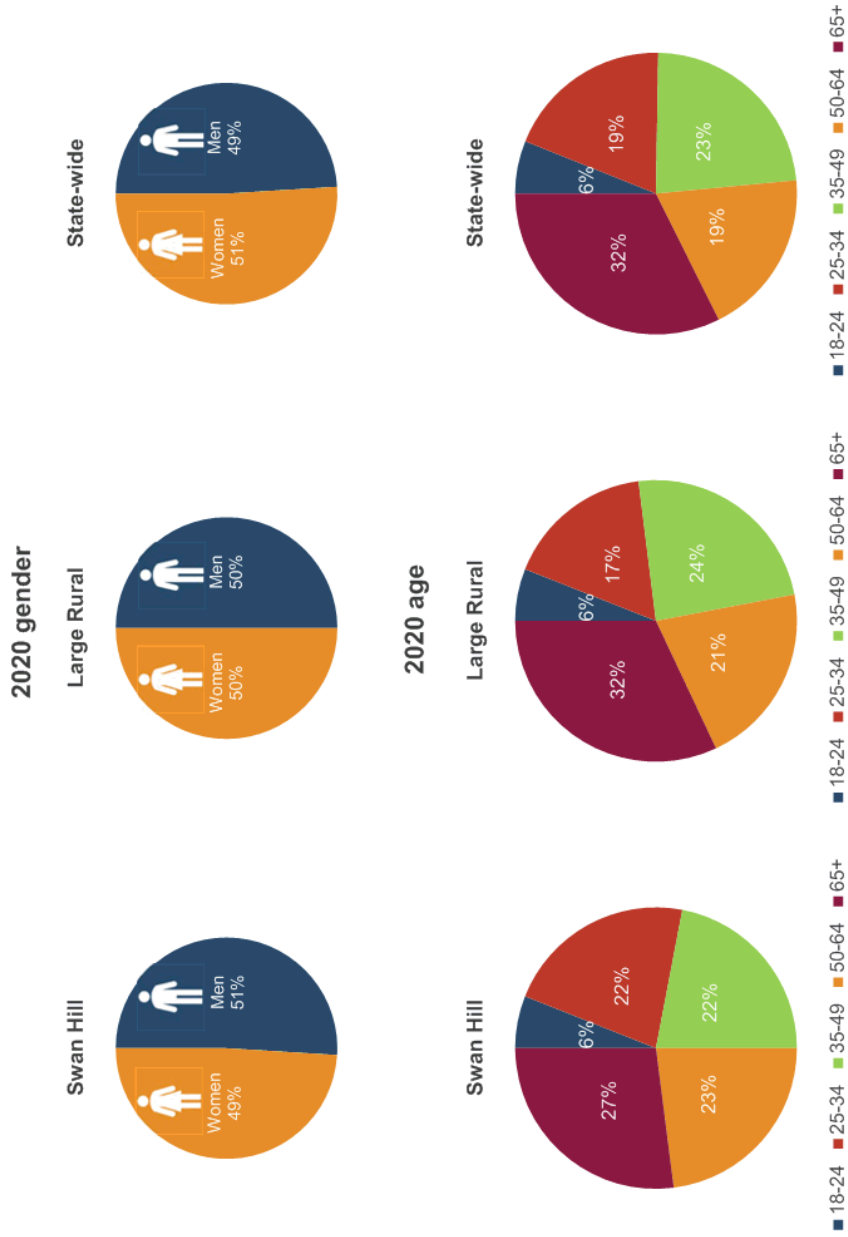


Detailed demographics

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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. 62 Councils asked group. 17
 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**

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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 2020 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 15,900 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	174	203	+/-7.4
Women	226	197	+/-6.5
Robinvale	49	55	+/-14.1
Murray Mallee	52	49	+/-13.7
Central	268	270	+/-5.9
Lakes	31	27	+/-17.9
18-34 years	51	112	+/-13.8
35-49 years	102	89	+/-9.7
50-64 years	112	91	+/-9.3
65+ years	135	109	+/-8.4



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 (▼).

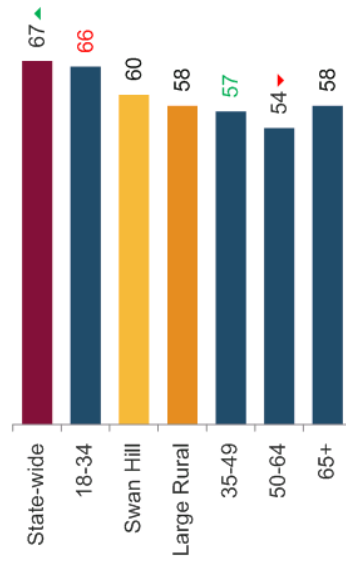
Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 'Total' result for the council for that survey question for that year. Therefore in the example below:

- ▲ 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 2019. 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 2019.
- The result among 18-34 year olds in the council is significantly lower than the result achieved among this group in 2019.

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:

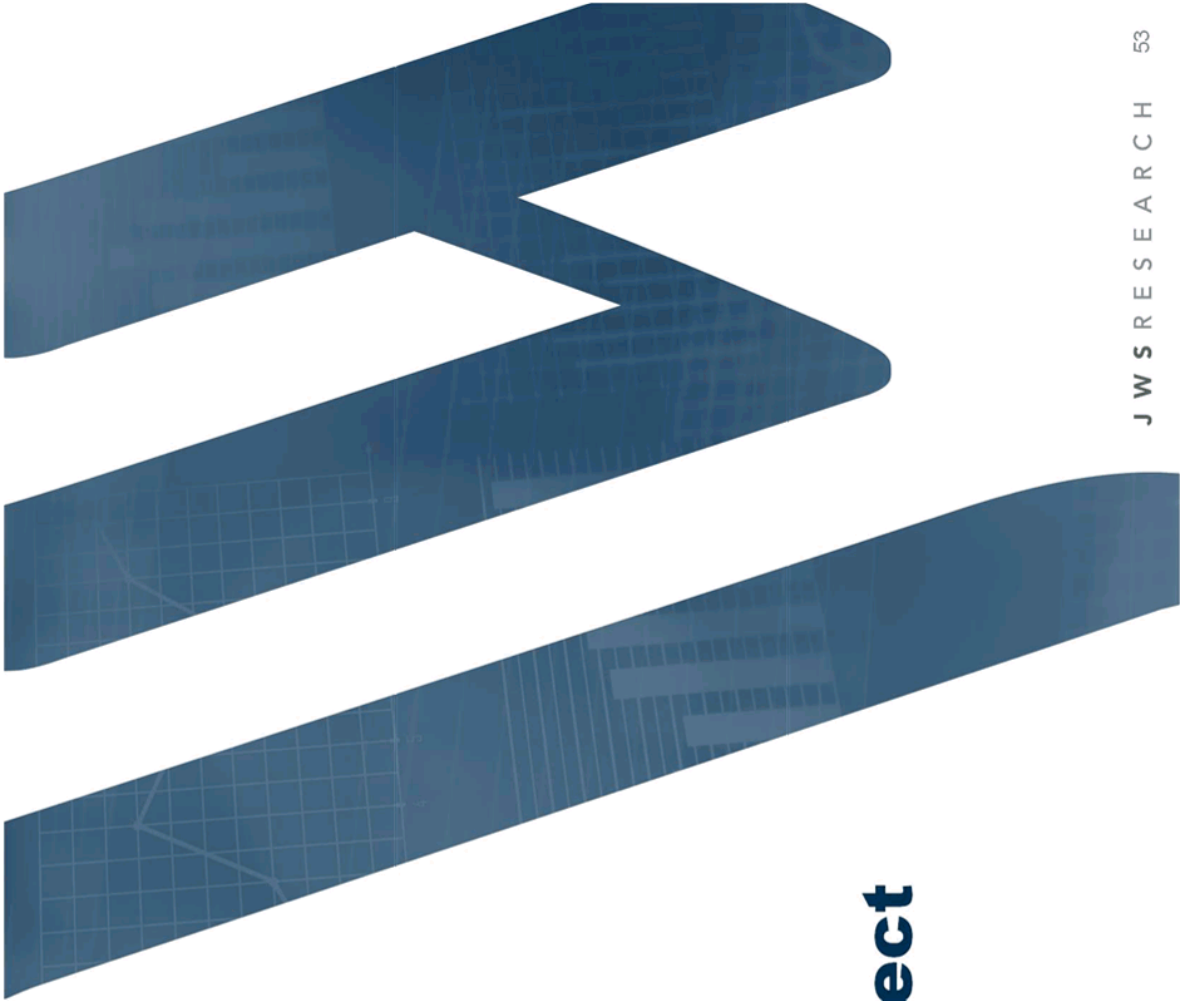
$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$5^2 / \$3) + (\$6^2 / \$4))$$

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:

- Background and objectives
- 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 2020 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 2020 results are compared with previous years, as detailed below:

- 2020, n=400 completed interviews, conducted in the period of 30th January – 22nd March.
- 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 60% 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 30th January – 22nd March, 2020.



Appendix B: Analysis and reporting

All participating councils are listed in the State-wide report published on the DELWP website. In 2020, 62 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 2012-2020 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 and Small Rural.

Councils participating in the Large Rural group are:

- Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, 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 2020 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: 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 2012-2020 have been made throughout this report as appropriate.



Appendix B: Core, optional and tailored questions

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 2020 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 2020 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 2020 State-wide Local Government Community Satisfaction Survey receives a customised report. In addition, the State government is supplied with this State-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all council areas surveyed, which is available at:

<http://www.delwp.vic.gov.au/local-government/strengthening-councils/council-community-satisfaction-survey>.

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.



Appendix B: Glossary of terms

Core questions: Compulsory inclusion questions for all councils participating in the CSS.

CSS: 2020 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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J W S R E S E A R C H



B.20.60 COUNCIL PLAN – PROGRESS REPORT FOR THE FOURTH QUARTER OF 2019/20

Responsible Officer: Director Corporate Services
File Number: S16-28-03
Attachments: 1 Council Plan – Progress Report June 2020

Declarations of Interest:

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

Summary

The purpose of this report is to present the fourth quarter progress update of Council's performance against the Council Plan 2017-2021. The period reported is from 1 April 2020 to 30 June 2020.

The quarterly progress report, provided as an attachment, offers a summary of the progress against the five Council Plan areas; Economic Growth, Community Enrichment, Infrastructure, Governance and Leadership, and Environment. The report also provides updates for any actions carried over from previous years.

The intent of this report is to give Councillors and the community the confidence that Council is on track to meet its published commitments.

Discussion

In accordance with Section 125 of the *Local Government Act 1989*, Council developed and adopted a four-year Council Plan on 27 June 2017.

The plan is a strategic document outlining what Swan Hill Rural City Council will do to help achieve Council's and the community's vision for the municipality.

The plan describes Council's priorities and outcomes for its four-year term and how these will be resourced.

The plan has been divided into five areas:



Economic Growth



Community Enrichment



Infrastructure



Governance and Leadership



Environment

This report provides the fourth quarter update in relation to the actions taken and progress made to achieve these goals and strategic objectives in the 2019/20 financial year.

Regular reporting to Councillors and the community is a key principle of transparency and good governance. This report is provided to Council on a quarterly basis and published online for the community to access.

Some of the key highlights from the fourth quarter include:

- Completed and adopted Public Convenience Facilities Strategy and Urban Trees management Plan.
- Council has partnered with the Mallee Catchment Management Authority to undertake pest and weed works on roadsides that support on farm control. Most of this work is concentrated around Robinvale, Sea Lake and Waitche area to support indentified Biodiversity Corridors. Rabbit, African Boxthorn and Cactus are the main targets with other minor weed species.
- Council's new Youth Strategy is now complete and was adopted by Council in June 2020.
- Council's first Municipal Early to Middle Years Plan was adopted at the April 2020 Council Meeting.
- A Planning permit has been issued for the subdivision of land to build houses in Ronald Street Robinvale. Tenders have been released for the subdivision works

Consultation

Council consulted the community during the development of the Council Plan 2017/21.

Financial Implications

This report contains no financial implications, however many of the initiatives contained within the Council Plan requires Council to allocate funds in its 2019/20 budget to implement the Council Plan.

Social Implications

The report is provided and made available to the community to increase awareness of the activities of Council, provide a mechanism for transparency and could increase community involvement in decision making at Council level.

Economic Implications

Implementation of the actions will improve a number of economic outcomes for our community.

Environmental Implications

Implementation of the actions will improve a number of environmental outcomes for our community.

Risk Management Implications

Council is required to be compliant with the *Local Government Act 1989* in regards to the Council Plan and annual reporting. This quarterly report supports that compliance.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

Not applicable for this report.

Recommendations

That Council adopts the fourth quarter Council Plan - Progress Report 2019/20.



Council Plan Progress Report - June 2020



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Key Results Areas

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Introduction

What is the Council Plan?

The Council Plan is a strategic document outlining what the Swan Hill Rural City Council (Council) will do to achieve Council's and the community's vision for the municipality. The 2017-2021 plan describes Council's Strategic Initiatives for its four-year term.

The Council Plan is an important document that drives everything the Swan Hill Rural City Council does over a four-year period. It sets the vision, priorities and outcomes for Council's term and lists how progress will be measured. The plan guides Council's annual budget, which determines the projects, services, events and other initiatives that will be funded and delivered in the next financial year.






Council is held accountable for its progress on the Council Plan's outcomes through quarterly progress reports, and annually in the Swan Hill Rural City Council's Annual Report.



How we will track and measure our progress

Each of the Council Plan Initiatives has a number of objectives that will track Council's progress. Council will report on its progress in completing the four-year priorities quarterly with updated progress commentary.

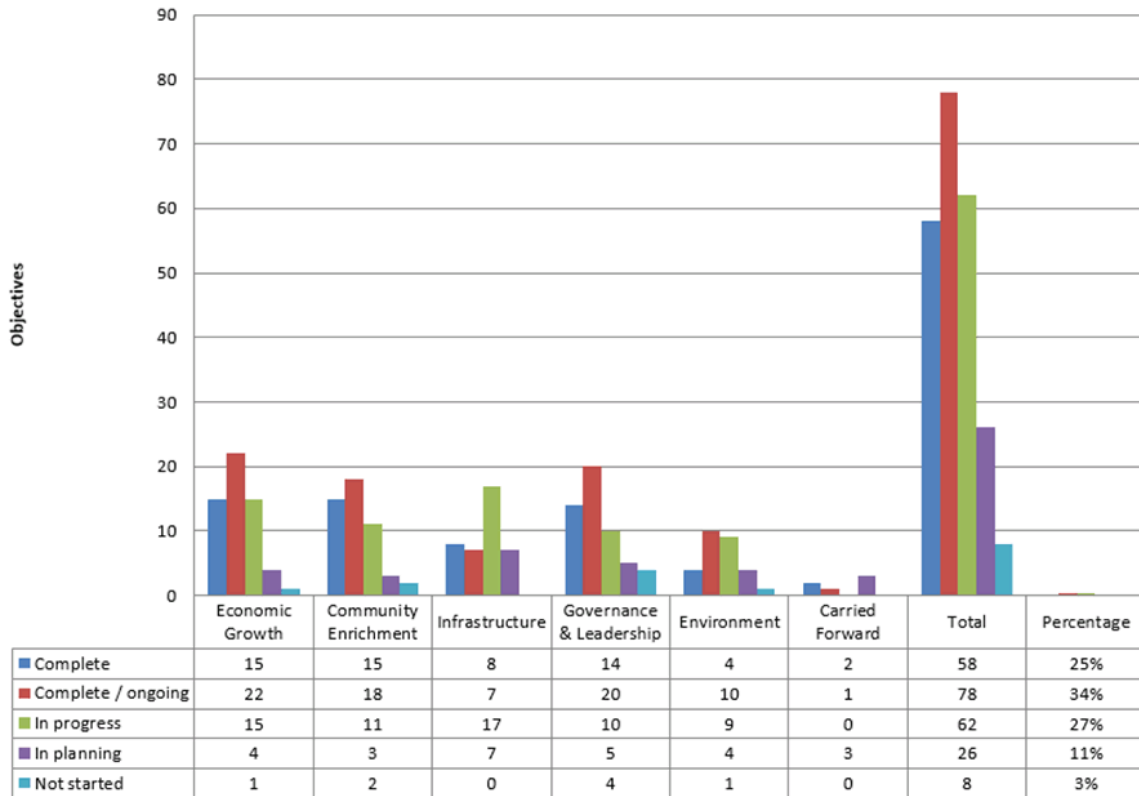
All objectives will be marked with the following symbols to represent their current status:

-  Complete - the objective has been completed.
-  Completed/Ongoing - objectives/actions that span over a number of years that cannot be marked as completed until later years.
-  In progress - these objections are past the planning phase, and are in progress towards completion.
-  In planning - objectives that are not complete or in progress but actions have been taken are marked as in planning stage.
-  Not started - objectives that have not been commenced at the time of reporting.

Overall results snapshot

The Council Plan 2017-21 includes 92 initiatives and 232 actions through which the achievement of the Council Plan may be measured over its four-year term. Each action has a nominated responsible officer who is a member of the Leadership Team, reflecting the importance placed on achieving targets. As some objectives/actions span over a number of years they cannot be marked as completed until later years.

Progress Report Graph







The following objectives were marked as complete during the fourth quarter:



- Implement the Day product review. Works at LMI, Pyap and Towninnie now complete. Iron House works have commenced and will be completed by end of July (2.7.1).
- Review Youth Strategy. Local Logic Place has been appointed to conduct the new Youth Strategy 2020-2025. New Strategy complete and adopted by council June 2020
- Develop an Early Years Plan (EYP). Council's first Municipal Early to Middle Years Plan was adopted at the April 2020 Council Meeting (6.3.3).
- Investigate organic waste disposal opportunities. Business plan for regional composting facility between Buloke, Yarriambiack and Swan Hill completed April 2020 (16.2.3).

Council has made progress on the following:

- Identify opportunities to rationalise Council assets. Toilet Strategy has been approved and a number of rationalisations have been identified (10.3.2).
- Council has also partnered with the Mallee Catchment Management Authority to undertake pest and weed works on roadsides that support on farm control. Most of this work is concentrated around Robinvale, Sea Lake and Waitche area to support identified Biodiversity Corridors. Rabbit, African Boxthorn and Cactus are the main targets with other minor weed species (15.6.1).
- Develop an effective partnership arrangement with Robinvale College. At 30 June 2020, the building was on schedule, within budget and set for an October 2020 practical completion, allowing for planning the January 2021 opening (6.6.2).
- Investigating the possibility of updating Councils Have Your Say selection including new marketing material and project consultation site (11.4.2).

Objectives carried forward from Council Plan 2013-17

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
12.1 Pursue funding for the redevelopment of the Swan Hill Regional Art Gallery	12.1.1 Provide final designs and all costs and contingencies	In planning 	Our Region Our Rivers funding secured. On 17 September Council endorsed Option 1 concept for further design work by architects, and the project is proceeding. Further opportunities for funding are being sought on an ongoing basis. As of April 2020 two potential sites with two possible designs each have been considered in response to public submissions.
12.5 Develop and implement a Cultural Plan	12.5.3 Development continues	Complete 	October 2018 The Creative Strategy was adopted by Council
13.1 Review and implement identified actions following the review of Aboriginal Partnership Plan	13.1.2 Implement actions identified in Aboriginal Partnership Plan	Complete/ongoing 	Aboriginal Community Partnership Strategy adopted September 2017. The Actions within the Plan will continue to be implemented. New strategy in draft format. Murray River Cultural Centre Feasibility Study has commenced.
15.3 Review of the Municipal Strategic Statement (MSS) taking into consideration appropriate accommodation options	15.3.1 Commence MSS review	Complete 	Review of MSS is complete. Amendment C73 has been authorised by the Minister subject to conditions. C73 will go to a panel hearing on 19 November 2019.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
19.2 Actively pursue suitable alternative opportunities arising from decommissioned irrigation infrastructure	19.2.6 Modernisation undertaken, Channel decommissioned.	In planning 	Finalising options for opportunities and land ownership. Have received a contract from DHHS for purchase of land. We have received legal advice concerning acquisition of deceased estates. Concepts are being developed of possible uses for the land and high level cost estimates. The options will be presented to Council for consideration in July 2020.
	19.2.7 Gain ownership of the available land for future development	In planning 	Finalising options for opportunities and land ownership. Have received a contract from DHHS for purchase of land. In discussions with GMW in regards to transfer of their land. Project scope to be developed and presented to Council in 2019: We have received legal advice concerning acquisition of deceased estates.



Key result area Economic growth











“We will encourage new business development, provide support for business expansion and will continuously seek to help our existing businesses”.








We will:







1. Encourage and attract new business to our region.
2. Assist existing businesses to expand and increase their efficiency.
3. Have a region with an equipped and productive workforce.
4. Provide land use planning that is responsive and which proactively encourages appropriate development.







What have we done





STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
1.1 Formulate new ways to encourage new business development.	1.1.1 Identify and investigate suitable land parcels for new business.	Complete 	March 2018. Economic and Community Development Unit continue to work with Planning to identify opportunities to expand new businesses.
	1.1.2 Apply for funding through Regional Development Victoria (RDV).	In planning 	Council were successful in obtaining \$3.98M funding from both RDV and BBRF that will support new commercial activities within the Swan Hill Riverfront Precinct. Works include providing improved public access infrastructure from CBD to riverfront and the creation of new public spaces / facilities such as the active play precinct.
	1.1.3 Develop a business expansion or relocation strategy.	Complete 	April 2018 Business Expansion and Retention Strategy completed and presented to Council. Follow up work is being completed by monitoring jobs and talking to employers on barriers.
	1.1.4 Commence an Investment Attraction campaign.	Completed/ongoing 	Ongoing through business visits and networking. Working closely with RDV Industry Engagement Officers









STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
1.2 Identify the types of businesses suited to this region and develop investment prospectuses.	1.2.1 Perform an industry gap analysis.	Completed/ongoing 	The industry gap analysis is scheduled to be presented to Council later this year.
	1.2.2 Review the Investment Attraction Policy.	In progress 	Currently reviewed and will be presented to Council later this year.
	1.2.3 Develop suite of industry and business prospectuses.	In progress 	Development has commenced.
	1.2.4 Market the opportunities available.	Completed/ongoing 	Working on possible investment by developers to construct residential and commercial ventures, in particular short term residential. Working with manufacturing industry to attract new businesses to the region.
1.3 Investigate and identify potential export opportunities and facilitate connections.	1.3.1 Analyse the region's products and identify where we have competitive advantages that may provide opportunities for growth.	In progress 	To be completed as part of the Liveability Campaign.
	1.3.2 Investigate what role Council can play with development of new markets.	In progress 	Assistance with agriculture export opportunities.
	1.3.3 Facilitate connections and partnerships to achieve market access.	In progress 	Organised information sessions on labour related issues. Continue to inform the horticulture industry of available export opportunities through grants and training programs
	1.3.4 Encourage the establishment of value adding industries.	In progress 	Assisting horticulture producers to enter the export market or strengthen existing markets through assisting with sourcing funding for new infrastructure and facilitating planning processes. Identifying training and advice opportunities for the agriculture sector.
1.4 Pursue new businesses that are upstream processors for our local produce.	1.4.1 Engage with local industry to identify opportunities.	In progress 	Assisting retail businesses to expand premises. Facilitating for local goods and services industries to be competitive in tendering contracts for new developments such as solar farms.
	1.4.2 Work with industry to establish new businesses.	In progress 	Working with interstate composting business to establish new composting business in Swan Hill region. Working with new businesses in retail, hospitality and construction.









STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
1.5 Promote new technologies and new ways of working.	1.5.1 Investigate and market opportunities for internet based business.	In progress 	Delivery of a series of training programs for businesses. Information sessions and mentoring also facilitated.
	1.5.2 Promote and educate industry and the community to encourage the uptake of new technologies through training and workshops.	Completed/ongoing 	September 2019 Training for job readiness delivered through Connect U. Business training in conjunction with Australian Small Business Advisory Services around Digital Solutions. Workshops held on drone technology and combat online shopping. Delivered ATO workshops with a component explaining new online tools for businesses
1.6 Increase the availability of appropriate housing to support growth of industry and agriculture.	1.6.1 Investigate the housing needs and identify appropriate solutions.	Completed/ongoing 	The amount of available housing in both Swan Hill and Robinvale is of concern. A housing strategy is complete for Robinvale. An action plan has been developed and some actions commenced. Officers are working with a range of government agencies to assist in investment. A Planning permit has been issued for the subdivision of land to build houses in Ronald Street Robinvale. Tenders have been released for the subdivision works
	1.6.2 Facilitate combined public and private sector investment to diversify housing stock.	Completed/ongoing 	Officers have been liaising with owners of land ready for development to assist in progressing development - both in Swan Hill and Robinvale. Advocacy is underway with the state government to ensure diversity in housing types is achieved across the municipality. Further stages of development at Tower Hill, are in the planning stage
2.1 Encourage the growth of agriculture through appropriate advocacy and strategic planning.	2.1.1 Advocate for improved transport links.	Complete 	Central Murray Regional Transport Strategy adopted.
	2.1.2 Review the Municipal Strategic Statement (MSS) to ensure the growth of agriculture is supported.	Completed/ongoing 	Review of MSS is complete. Amendment C73 includes the implementation of the commendations within the Rural Land Use Strategy, which is used to protect agriculture. Amendment C73 has been authorised by the Minister subject to conditions. Exhibition period for C73 has ended. Received 15 submissions. Panel hearing was 19 November 2019. Council adopted the amendment on 17 March 2020. Amendment is sent to the minister for approval. 26/06/2020 - still awaiting on the Minister's approval.
	2.1.3 Implement the Rural Land Use Strategy.	In progress 	Will be implemented as part of Amendment C73 excluding the Rural Living Zone areas.






STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
2.2 Investigate opportunities for Agricultural businesses to establish new enterprises.	2.2.1 Engage with local industry to identify opportunities, for example clean energy on farms.	Complete 	Working with OLAM to establish telecommunications towers in Wemen and Annuello, and looking at possibility of point-to-point laser technology. Wemen and Bannerton solar farms operating on land leased from farmers.
	2.2.2 Investigate opportunities for agri-tourism products and experiences e.g. paddock to plate, farm stays.	Completed/ongoing 	Initial audit of Farm Gates between Robinvale and Swan Hill has been undertaken. Next stage is to develop product / experiences based on seasonality and product type and location. Audit to be undertaken in other outlying areas and stage the implementation.
2.3 Encourage organisations to joint tender for works and services.	2.3.1 Investigate, and where possible implement, shared contracts and services with the region's Councils.	Completed/ongoing 	Ongoing discussion and liaison via Loddon Mallee Procurement Excellent Network. Council has recently engaged with 6 other Councils for new procurement contracts. We are currently participating in a joint Power Purchase Agreement with 47 other Councils. Council has made all Municipal Association of Victoria (MAV) contracts available to staff as an alternative to Council's own tender procurement process.
	2.3.2 Conduct workshops and provide advice to local business and tenderers to improve their tendering processes.	Completed/ongoing 	Procurement Policy reviewed and adopted at December 2019 Council Meeting. Several sessions on a range of topics have been conducted by EDU with local businesses. Doing Business with Council information sessions held in June 2019. Vendor Panel will make it easier for businesses to quote and tender for Council works and works from all other Vendor Panel members.
2.4 Actively pursue opportunities for regionally focused infrastructure.	2.4.1 Advocate for additional and upgraded infrastructure that will improve efficiency of local businesses e.g. rail freight.	Completed/ongoing 	Council maintains an active role in the Victorian Rail Freight Alliance and is the coordinating member of the Central Murray Regional Transport Forum.
	2.4.2 Advocate for adequate and alternative utilities supplies.	In progress 	Council continues to advocate to both state and federal governments and agencies about major infrastructure requirements for the municipality. Submissions are either made or supported in this regard

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
2.5 Investigate options for investment in renewable energy technologies for the municipality.	2.5.1 Complete and adopt a study.	Completed/ongoing 	The Social Access Solar Garden Project led by the Institute of Sustainable Futures is now complete. However more work is required on site selection and the business model SHRCC was interested in testing was not adequately tested through the project. No further investigation has taken place since November 2018. Opportunities for landholders and businesses do exist however through the Mallee Sun Solar Bulk Buy to lower energy costs.
	2.5.2 Facilitate renewable energy projects.	In planning 	Meetings have been held with State and Federal politicians to raise awareness of the need to fund a network upgrade to allow more solar energy to enter the grid and be used in Melbourne and parts of the state and interstate.
2.6 Encourage and assist existing business to pursue value adding to their industry.	2.6.1 Undertake forums and discussions with industry to understand opportunities.	Completed/ongoing 	The Connect U program has included the manufacturing industry on the website/portal. This portal has been established as an alternative to setting up a committee.
	2.6.2 Complete an analysis of relevant industry data.	Completed/ongoing 	Data recorded and analysed after each business visit.
	2.6.3 Identify and prioritise government grant applications.	Completed/ongoing 	Ongoing Applied for and received the following grants: Federal Government Drought Funding – Round 1 Successful Federal Government Drought Funding – Round 2 Successful Applied for the following grants: Murray Darling Basin Economic Development Fund Regional Airports Program Successful Victorian Camping Grants (For Robinvale , Swan Hill and Lake Boga) Successful
	2.6.4 Develop business prospectus.	Not started 	

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
2.7 Improve the commercial position of the Pioneer Settlement.	2.7.1 Implement the Day Product Review.	Complete 	Works at LMI, Pyap and Towninnie now complete. Iron House works have commenced and will be completed by end of July.
	2.7.2 Review the promotion plan.	Complete 	Plan presented to Council Assembly in June 2018. Plan now in place for 2018-19 financial year onwards.
	2.7.3 Enhance the Heartbeat of the Murray night time product by improving operational effectiveness and adding additional elements to the visitor experience.	Complete 	New evening soundscapes implemented enhancing the walk to and from the Paragon. Long term plan for new entry building will include the 'Heartbeat holding area'.
2.8 Utilise Swan Hill Incorporated, market and promote the region as a place to live, work and invest.	2.8.1 Continue agreement with Swan Hill Incorporated.	Complete 	A Special Rate for marketing and business development programs in the Swan Hill region was declared at the April 2019 Council Meeting. The agreement between Council and Swan Hill Inc. was adopted by Council at the September Council Meeting.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
3.1 Assist local businesses to up-skill and retrain their workforce.	3.1.1 Identify skills shortages and training gaps.	Completed/ongoing 	Connect U program being reviewed due to resignation of coordinator. Meeting with SuniTAFE and MMLLEN to determine direction to happen in new year. SuniTAFE Swan Hill has a new program called Skills and Job Centre that will fulfil some of this object. EDC is on Committee
	3.1.2 Advocate for support for regional training opportunities.	In progress 	EDC attending meeting with SuniTAFE re Nursing training. Council has input in the Skills and Job Centre program.
	3.1.3 Create partnerships to deliver short courses and training.	Completed/ongoing 	Training for job readiness delivered through Connect U. Business training in conjunction with Australian Small Business Advisory Services around Digital Solutions.
3.2 Promote the benefits of the region as a place to live, work and invest.	3.2.1 Participate in regional expos.	Completed/ongoing 	Attendance at Country Tennis Week in Albury to showcase region.
	3.2.2 Support regional promotion of the municipality.	Completed/ongoing 	Council signed new MoU with Murray Regional Tourism Board in August 2017 and continues partnership with Swan Hill Inc to leverage and collaborate on regional promotional opportunities. Dream Swan Hill campaign launched in October 2019 and ramping up in 2020
	3.2.3 Advertised all job vacancies with a link to a website that outlines regional information.	Completed 	Job advertisements contain links to the New Residents Guide and Discover Swan Hill sections on Council's website.
	3.2.4 Develop New Residents Guide.	Completed 	Launched in September 2017. Media release published in The Guardian on 27/08/17. Guides available for Swan Hill and Robinvale, printed and online and updated when needed.
3.3 Implement the Workforce Development Strategy.	3.3.1 Complete a project to quantify labour force data from within the municipality, with a particular focus on agricultural sector.	In progress 	Constant monitoring via Agribusiness committee and industry visits. SunRise 21 has completed a report on growth in horticulture which will allow extrapolation of data re employment

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
3.4 Encourage the development of appropriate accommodation for various workforces.	3.4.1 Review the Municipal Strategic Statement (MSS) and Planning Scheme to ensure diverse housing and land is available.	In progress 	Review of MSS is complete. Diverse housing and land availability was considered during this review. Additional land was not required due to the approval of the C58 Amendment: South West Development. Continuing to review rural living land supply, this will form part of the settlement strategy that is to be undertaken.
	3.4.2 Investigate opportunities for improved public transport.	Completed/ongoing 	Continued support and involvement in Mallee Local Transport Forum.
	3.4.3 Investigate alternative ways to provide accommodation.	Completed/ongoing 	Robinvale Housing Strategy and Population Determination completed and implementation planned. Dec 2019 Council is in the process of subdividing Ronald Street Robinvale and continues with Stage 12 development of Tower Hill. Working with DFAT to develop accommodation options
3.5 Improve the employability skills of the long term unemployed and unskilled in Robinvale and district.	3.5.1 Continue to facilitate the Robinvale Employment Network project.	Completed 	Council no longer facilitates the Robinvale Employment Network project.
4.1 Review of the Municipal Strategic Statement (MSS).	4.1.1 Revise Municipal Strategic Statement (MSS) and refer back to the Minister for approval.	Completed 	MSS has been re-written removing the need for a review in 2018.
4.2 Identify and zone appropriate land for future development.	4.2.1 Identified land through strategic work program.	Completed/ongoing 	Rural living land has been identified in the Rural Land Use Strategy to be rezoned. The Minister for Planning requested that the Rural Living Zone areas be taken out of Amendment C73. A further review of the Rural Residential land supply of the municipality will be undertaken to justify rural living rezonings.
	4.2.2 Rezone land as approved by Council.	In progress 	Rural Living land has been identified in the Rural Land Use Strategy to be rezoned. A further rural residential review will be undertaken to justify any rezoning of land to Rural Living Zone. Prepare a Settlement Strategy that identifies and recommends rural residential and rural living development opportunities.
	4.2.3. Prepare a Settlement Strategy that identifies and recommends rural residential and rural living development opportunities (included as part of 19/20 review)	In progress 	A brief has been completed and approved by the State Government. Once a consultant is selected work is expected to commence in August 2020

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
4.3 Investigate and develop options for de-watered farming land.	4.3.1 Complete audit of areas with de-watered land.	Complete 	An audit was completed and further strategic work is to be undertaken.
	4.3.2 Develop and implement strategy to address issues.	In planning 	Further strategic work to be undertaken.
4.4 Review of the availability and suitability of industrial land in Swan Hill and Robinvale.	4.4.1 Complete an Industrial Zones Strategy.	Complete 	The review has been completed and adopted by Council.
	4.4.2 Amend planning scheme as appropriate.	Complete 	No amendment required as a result of the strategy.
4.5 Review Small towns for further housing development.	4.5.1 Develop and implement Small Town Strategy.	In planning 	Further strategic work to be undertaken. This will potentially be replaced by the Residential Land Review strategy to be undertaken this year.





Key results area Community Enrichment







“We will provide a range of services to individuals and to the broader community that assist all in our community to live healthy, fulfilling lives. We will embrace our role as a regional centre by providing a range of cultural opportunities ”






We will:







1. Help all people to find a place in our community.
2. Provide services and support initiatives that create a healthy and safe community.
3. Develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.










What have we done







STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
5.1 Review and implement the Aboriginal Partnership Plan.	5.1.1 Undertake initiatives with the intent to work toward developing a Registered Aboriginal Party.	In progress 	The Aboriginal Liaison Officer engaged through Altus continues to assist to develop Our Place - on a needs base. (Identifying an Aboriginal language name and business model remain key focus) January Newsletter Developed / Communication list developed and system for distribution of information such as invitations and newsletters working well and continues to grow. Our Place Site visits conducted with Elders and community members on the two potential sites where Our Place might be located. Two Aboriginal Officers have been contracted to engage with the Aboriginal community. These Officers have conducted home visits with the Aboriginal community to provide information in regards to the potential two sites where Our Place might be located and they have assist the Aboriginal community to complete surveys in regards to developing a Business Case model for Our Place.
5.2 Investigate opportunities to develop Aboriginal leadership capabilities.	5.2.1 Investigate leadership opportunities e.g. scholarship, grants, host a forum with young people and local service providers.	Completed/ongoing 	Koori Youth Council of Victoria held their Blackout event in Swan Hill in June 2017, and was targeted at engaging young Aboriginal community members. Around 90 attended on the day. Koori traineeship in Business Administration set up in July 2017. Koori scholarships advertised in 2019 with no applications received. Council to look at other options when there are no applicants, such as commencing a Koori trainee position. Scholarship program in 2020 on hold due to COVID-19.






STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
5.3 Establish and maintain partnership with organisations that support Culturally and Linguistically Diverse (CALD) communities.	5.3.1 Participate in the Settlement Services Group to provide support to new arrivals through adapting how services are provided.	Completed/ongoing 	June 2019: Council is represented on local refugee groups, including attendance at forums, consultations with Sunraysia Mallee Ethnic Communities Council and other groups. Regular updates to refugee groups on Council services, guidance and assistance is provided.
	5.3.2 Assist with the delivery of multi-cultural events.	Completed/ongoing 	Annual Swan Hill Harmony Day community celebrations take place (cancelled in 2020 due to Covid-19). The library meeting room is used weekly by a volunteer community group to run English conversation sessions for migrant women.
	5.3.3 Review of service access plans to ensure inclusion.	Complete 	Plans reviewed and adopted in December 2017. Quarterly reports on achievements to be presented to Councillor Assembly, with six-monthly reports to Council Meeting.
	5.3.4 Investigate and advocate for ways of skilled people attaining permanent residency (included as part of 18/19 review).	In Progress 	Council is a partner in the Try Test and Learn program, a Federal initiative auspiced by the Sunraysia Mallee Ethnic Communities Council to relocate underemployed and unemployed refugees from metropolitan areas to regional Victoria
5.4 Develop and implement Disability Action Plan.	5.4.1 Adopt the plan.	Complete 	Adopted at December 2017 Council Meeting.
	5.4.2 Implement the actions within timelines.	Complete 	The Community Access and Inclusion Strategy (CAIS) and its implementation plan was adopted by Council at the December 2017 meeting. The Community Access and Inclusion Strategy (CAIS) have been integrated into Council's core business. The Rural Access Officers role ceased at 31 December 2019. Council no longer receives external funding for this program. Infrastructure will be inclusive of all abilities as a way of doing things. This was recently exemplified by the Swan hill Riverside Park adventure playground - all abilities status.



STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
5.5 Implement actions from the Youth Strategy 2015-19.	5.5.1 Review make up and role of Youth Council.	Complete 	A review of the make up and role of Youth Council was undertaken by Youth Council and discussed at Council Assembly in July and September 2017.
	5.5.2 Implement actions in the Youth Strategy within budget and timelines.	Complete 	2017-2018 Annual Operational Plan prepared and actions for 2017-18 were implemented. 2018-19 Operational Plan prepared and actions being implemented. Operational plan was developed for 2019-2020 and is being implemented.
	5.5.3 Improve partnerships and relationships with other youth services.	Completed/ongoing 	Youth Support Program staff record all activities undertaken on an annual reporting / evaluation template in chronological order that is cross referenced with the 2018-19 Annual Operational Plan. All events are evaluated.
	5.5.4 Hold youth specific events.	Completed/ongoing 	Youth Support Program staff record all activities undertaken on an annual reporting / evaluation template in chronological order that is cross referenced with the 2018-19 Annual Operational Plan. Events held include Youth Week Leadership Camp, Youth Ball, and Empower Project has commenced.
	5.5.5 Review Youth Strategy (included as part of 18/19 review).	Complete 	Local Logic Place has been appointed to conduct the new Youth Strategy 2020-2025. New Strategy complete and adopted by council June 2020






STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
5.6 Strengthen our connection with youth.	5.6.1 Review the structure of the Youth Council with young people.	Complete 	A review of the make up and role of Youth Council was undertaken by Youth Council and discussed at Council Assembly in July and September 2017.
	5.6.2 Deliver a responsive and relevant program of Youth Services.	Completed/ongoing 	Youth Support Program staff record all activities undertaken on an annual reporting / evaluation template in chronological order that is cross referenced with the 2019-2020 Annual Operational Plan.
	5.6.3 Deliver the actions within the Youth Strategy.	In progress 	Events held include Youth Week Leadership Camp, Youth Ball, and Empower Project has commenced. Up Skilling and leadership opportunities have been delivered to young people.
	5.6.4 Develop work placement and work experience programs.	Completed/ongoing 	2019 - 6 Scholarship places advertised and 5 were awarded into the following workgroups: Engineering, Economic Development x 2, Youth Inc, and Depot.
	5.6.5 Implement the Robinvale Employment Program in accordance with the funding agreement.	Complete 	Council has exited out of the Robinvale Employment Network program.
	5.6.6 Maintain and develop our partnerships with youth agencies.	Completed/ongoing 	YACVic Rural Officer is co-located at Youth Inc. Youth Support Program staff attend relevant network meetings including Southern Mallee Sub Regional Group, Child Youth and Family Network, Victorian Rural Youth Services, and Swan Hill College Wellbeing Team. Empower Project has started and will continue over four years.




STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
5.7 Develop and implement Cultural Services Plan.	5.7.1 Develop and adopt a plan.	Complete 	The Creative Strategy was adopted by Council at the October 2018 Council meeting.
	5.7.2 Implement initiatives within timeframes and subject to adequate resourcing.	Completed/ongoing 	Sept 2019 The Library, Art Gallery and Performing Arts programs have delivered a range of programs, activities and exhibitions.
6.1 Review and implement actions within the Public Health and Wellbeing Plan.	6.1.1 Review the Plan, including actions, to address violence against women.	Complete 	Adopted at the October 2017 Council Meeting. An annual operational action plan for quarterly reporting has been developed.
	6.1.2 Report on status of actions biannually.	Completed/ongoing 	Reporting undertaken bi-annually, beginning in February 2018. Ongoing: No formal reporting is required linked to funding, but reports to key representative groups are provided.
6.2 Strategically position Council's ongoing role regarding the community-based aged care reforms.	6.2.1 Produce an options paper on integration of Commonwealth Home Support Program to National Standards.	Complete 	Options paper completed - investigation of findings and responses to be developed.
	6.2.2 Ascertain how HACC/Commonwealth Home Support Program services can be delivered within funding levels.	In progress 	In progress, due to uncertainty and lack of definitive information from the Commonwealth.
	6.2.3 Develop positive Aging Plan.	Not started 	
6.3 Review and determine Council's role in early years and child care services.	6.3.1 Review early years services.	In planning 	Local Logic Place is the consultant appointed to undertake the Municipal Early - Middle Years Plan in August 2019. One of the objectives of this project is to define Council's role and investment in early - middle years services.
	6.3.2 Produce a report on outcomes and provide recommendations.	In progress 	Local Logic Place provided an overview of MEMYP consultation at Council Assembly on 26th November 2019. A draft MEMYP was presented at Council Meeting on 18th February 2020 where it was approved to be circulated for public comment for three weeks. The period for public comment has now passed and the MEMYP will be presented at the April Council Meeting 2020

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
6.3 Review and determine Council's role in early years and child care services (continued).	6.3.3 Develop an Early Years Plan (EYP).	Completed 	The engagement commenced in August 2019 and was completed in February 2020. Council's first Municipal Early to Middle Years Plan was adopted at the April 2020 Council Meeting.
	6.3.4 Implement EYP actions within timeframes and resources.	In Progress 	SHRCC adopted the Municipal Early-Middle Years Plan (2020-2029) in April 2020. An Annual Operational Plan is being developed for implementation in 2020/2021.
6.4 Improve personal and community safety by working with partners on community safety issues.	6.4.1 Promote awareness of the Community Charter for the Prevention of Violence against Women.	In planning 	Council participated in the '16 Days of Action' facilitated by the State, and undertook Orange events that were promoted on social media and in the press. Council will be undertaking a gender equity audit and assessing White Ribbon compliance during 2018-19. June 2019: gender equity audit delayed due to lack of resources, but with assistance of Women's Health Loddon Mallee, will take place during 2019-2020. Council will be required to develop a Gender Equity Action Plan (GEAP) during 2020-21, and preliminary work began by engaging with local and state-wide groups during April-May 2020.
	6.4.2 Implement the requirements of Child Safety Standards.	Completed 	Revised Child Safe Standards Policy presented for adoption at the December 2017 Council meeting. Ongoing actions to remain compliant will continue. DHHS conducted an audit of Child Safe Standards in June 2018, and determined Council is compliant.
	6.4.3 Expand and continue CCTV operation.	In progress 	Requirements and opportunities are monitored and investigated with relevant stakeholders.
	6.4.4 Enforce local laws and develop a MOU with Victoria Police to support additional community crime prevention measures.	Completed/ongoing 	Council has attended Police call out sessions to educate and update Officers on the new Local Law No.2 2017 and provided resources in Robinvale and Swan Hill. Council and Police MoU has been updated.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
6.5 Plan for the future provision of sport and recreation facilities and services.	6.5.1 Support the development of sport and recreation clubs across the municipality.	Completed/ongoing 	Swan Hill Recreation Reserves Master Plan was endorsed at the Council meeting in May 2018. A Recreation Implementation Plan was developed and was endorsed by Council on 19 March 2019. Clubs will continue to be supported through Council's Community Grants Programs. Current projects - Robinvale and Nyah Netball Courts, Robinvale and Gurnett Oval cricket nets and Indoor Future Development Report. COVID 19 support packages have been provided and assistance with return to play procedures
	6.5.2 Complete and implement the Recreation Reserve Master Plan.	In progress 	Masterplan completed and implementation commenced.
6.6 Expand library services in Robinvale and review the delivery of library services in our small communities.	6.6.1 Scope, fund and complete Robinvale Library Project within limitations.	In progress 	The funding secured by the Education Department. An architectural firm engaged by the Education Department to manage the project. Community survey conducted to determine the library programming and opening hours the Robinvale community would like for the community library. The Design Brief developed. The project continues to remain on track with the schematic design phase completed mid June and the design development phase completed and signed off in August. Building works commenced in February 2020. At 30 June building works on track and within budget.
	6.6.2 Develop an effective partnership arrangement with Robinvale College.	In planning 	June 2018: Draft Community Joint Use Agreement (CJUA) developed. June 2019: the joint use agreement with the Education Department is nearly completed, and initial concept drawings and schematics are agreed by all parties. The next piece of work is to finalise the operational needs of the facility. Building works commenced in February 2020. with works to be completed in late 2020 and opening in early 2021. At 30 June 2020, the building was on schedule, within budget and set for an October 2020 practical completion, allowing for planning the January 2021 opening.
	6.6.3 Confirm that the new library is meeting the Robinvale community's needs.	Not started 	This can only be completed after the library opens which is expected to be in early 2021. Community consultation to determine the Robinvale community's needs was completed in late 2018 to determine the community's needs and incorporate these in the library design.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
<p>6.7 Investigate the need for an off leash dog park.</p>	<p>6.7.1 Survey community needs for off-leash dog park.</p>	<p>Complete</p> 	<p>Survey completed in May 2017. The survey results were taken to Council in November 2017 and resulted in Council adopting to trial four off leash areas for two years. At the half way point of the trial, a survey was completed to assess how the community thought that the trial was working. The survey was completed online in late January 2019.</p>
	<p>6.7.2 Develop a project scope if the community need is identified.</p>	<p>Completed/ongoing</p> 	<p>In November 2017, Council adopted to trial four off leash areas for two years. Signage, rubbish bins, dog waste dispensers/bags were installed in all areas. Council conducted a media campaign to educate dog and non-dog owners about the use of these areas. Over the two year trial, quarterly assessments will be undertaken to gauge use, compliance and complaints. The community had the opportunity to provide feedback through a survey at the half way point of the trial that was made available through Council's website and Facebook. 103 responses were received from the community. At the September Council meeting Council resolved to cease the trial and continue only with one off leash area. Council also resolved to budget in the future for off leash parks in Robinvale and Swan Hill.</p>

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
7.1 Support the capacity of communities to self-manage and self-regulate.	7.1.1 Review and renew Community plans as appropriate.	Completed/ongoing 	Robinvale Plan - reviewed and updated Aug 2017 Lake Boga - Plan-reviewed and updated Nov 2017 Swan Hill - No review needed, Council does not want a Swan Hill Community Plan Piangil - reviewed 2018 Woorinen - review completed 2018 Nyah - Due now Boundary Bend - review complete 2018 Beverford - working to re establishing the group, possibility of joining with Speewa and Tyntynder Ultima - completed 2017 Manangatang - review complete 2018 Wemen - review complete 2018
	7.1.2 Implement ways to encourage all communities to actively participate in the community grants program.	Completed/ongoing 	All communities are encouraged via email and by Council representatives at TRG meetings to apply for the community grants. TRG are encouraged to distribute the grant info throughout their community and networks encouraging other local community groups to be involved.
	7.1.3 Advocate on behalf of our communities for priority issues and opportunities.	Completed/ongoing 	Continue to work with the TRG to prioritise their projects, updating implementation plans on a yearly basis to reflect their hopes and aspirations. The "Vibrant Villages" town concept plans have been finalised, and a funding application submitted to RDV for \$500K for implementation. These plans will guide Council and the TRG for funding applications and provide a structure 5 year plan
	7.1.4 Sponsor Loddon Murray Community Leadership Program.	Completed/ongoing 	Support is provided on an annual basis, subject to the Annual Budget process.
7.2 Review each of our Community Plans.	7.2.1 Develop and publish new Community Plans.	Completed/ongoing 	Robinvale Plan-reviewed and updated Aug 2017 Lake Boga-Plan-reviewed and updated Nov 2017 Swan Hill - No review needed, Council does not want a SHCP Piangil - reviewed 2018 Woorinen - review completed 2018 Nyah - review completed 2018 Boundary Bend - review complete 2018 Beverford - working to re establishing the group, possibility of joining with Speewa and Tyntynder Ultima completed 2017 Manangatang - review complete 2018 Wemen - review complete 2018.In conjunction to the reviews, each community plan has been vital in the development of the Vibrant Villages milk bar plans. This has provided Council with a mini review of priorities for each of the towns, not including Wemen and Robinvale. The Milk Bar plans will be reviewed annually, keeping priorities up to date.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
7.3 Plan for the development of the Swan Hill Regional Art Gallery precinct.	7.3.1 Determine the long-term site for Swan Hill Regional Art Gallery.	Complete 	Reviewing two potential sites as a result of public concerns and a council resolution. Designs and options are being investigated.
	7.3.2 Prepare final Gallery designs for approval and costed.	In progress 	Sept 2019 Council endorsed Option 1 concept for further design work by architects. Alternative designs on alternative sites are due for Council decisions early in the 2020-21 period.
	7.3.3 Secure funding and complete the project.	In progress 	Funding has been secured.






Key results area Infrastructure







“We will provide and maintain publicly accessible infrastructure that is appropriate for the community’s needs in the most effective and efficient manner possible.”







We will have:






1. Infrastructure that appropriately services community needs.
2. Infrastructure that is provided and appropriately maintained in accordance with agreed
3. standards.
4. A strong focus on asset management systems and planning.








What have we done








STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
8.1 Manage Council’s roads and road related infrastructure in line with the Road Management Plan.	8.1.1 Complete 100% of inspections outlined in Road Management Plan (RMP) by identified time frames.	Completed/ongoing 	New Road Management Plan (RMP) commenced on 1 July 2017. Council Officers are meeting all timeframes set out in the RMP.
	8.1.2 Ensure 100% defects are repaired in line with RMP timeframes	In progress 	All defect repair timeframes are being met in accordance with RMP. An internal 'Safety Action Plan' process has been implemented and shall be used in instances where appropriate warning of a defect is required until a suitable repair or treatment can be completed.
8.2 Advocate for funding for an active trail between Lake Boga and Swan Hill.	8.2.1 Complete project scope and plan to enable future funding submission	In progress 	Preliminary work only undertaken—significant scoping needs to be undertaken before grants could be applied for—eg detailed design, CHMP, tree assessment, formal Vic Track Approval






STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
8.3 Advocate for improved transport routes across the region.	8.3.1 Work with the Central Murray Regional Transport Forum (CMRTF) to identify regional priority projects.	Complete 	Strategy endorsed by Council in September 2018.
	8.3.2 Advocate with CMRTF for funding for identified projects.	In progress 	Advocacy brochures are being finalised to assist in sourcing funding. The projects also have been incorporated in the draft Murray Valley Hwy and Calder Hwy transport corridor strategies
	8.3.3 Advocate with the Rail Freight Alliance for funding for suitable rail projects.	In progress 	Ongoing as opportunities arise
	8.3.4 Advocate for the full implementation of the Murray Basin Rail Project.	In progress 	Letters have been written to relevant Ministers and the CEO has spoken with the media.
8.4 Pursue funding for a levee bank at Robinvale.	8.4.1 Complete detailed design.	Complete 	Comments as on 30 Jun 20 1. Robinvale Levee Upgrade and Associated drainage works tender closed on Thursday 28 May2020, good number of response received. 2. Shortlisted tenders evaluation meeting was held on 23 June 2020 and clarification response received on 26 June. 3. Tender is in approval stage. 4. Planning approval is in final stage.
	8.4.2 Lodge funding application.	Complete 	Council secured \$710,000 through the 2016-17 NDRGS and first instalment of \$355,000 received. We have applied for additional funding through DEWLP, which was successful. Project is at planning permit stage.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
8.5 Review the Swan Hill Active Transport Strategy.	8.5.1 Review the Strategy.	In planning 	The review of the active transport strategy was carried out as part of the Missing Links plan. Support the introduction of Anniversary Drive in Robinvale
	8.5.2 Adopt the reviewed Strategy.	In Progress 	A revised Active Transport Strategy is being prepared for presentation to Council
8.6 Review the way that we procure and maintain our Infrastructure.	8.6.1 Continuously improve the efficiency of our works and maintenance crew.	In progress 	Tablet computers are progressively being rolled out to Works teams. These enable staff to record daily completion of tasks.
	8.6.2 Identify opportunities to rationalise assets and facilities that do not have an identified service need.	In progress 	Completed and adopted Public Convenience Facilities Strategy and Urban Trees management Plan. Asset rationalisation strategy will be developed following asset management plan development. Asset Disposal policy will be presented to Council in August.
	8.6.3 Conduct a review of public facilities including public toilets (included as part of 18/19 review).	Completed 	Working with the Engineering and Asset Departments to finalise a Public Convenience Strategy. Currently out to community consultation until May 2020.
8.7 Maximise community benefits from the opportunities presented at the Chisholm Motor Sports Complex.	8.7.1 Continue to work with Community Groups of Chisholm Motor Sports complex.	Completed/ongoing 	Lease agreement and sub-leases finalised. The CRC have signed the lease agreement and 1 of the 6 motor sports clubs have returned signed sub-leases. Reminders have been sent to return sub-leases by March meeting. Name change to Swan Hill MotorPlex approved and Gazetted. CRC have reviewed master plan and developed an implementation plan 2019/20 which will be presented to Council in April for adoption.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
9.1 Implement Swan Hill and Robinvale Riverfront Masterplan.	9.1.1 Identify and successfully apply for funding opportunities.	Completed/ongoing 	In December 2019 SHRCC was successful in obtaining \$260k from the PSIF funding stream to Light Up Riverside Park. Project is progressing as planned, with path construction and light tender awarded to preferred contractor. Robinvale Riverfront Master plan was been awarded to GSA and are currently scoping up engagement plan re:COVID 19
	9.1.2 Ensure projects complete in accordance with timelines.	In progress 	Active Play Precinct and Skate Park has been completed at Swan Hill Riverside Park.
	9.1.3 Identify and encourage private sector investment.	In progress 	Commercial Development Strategy completed. Currently pursuing land acquisition opportunities.
9.2 Ensure developers comply with the Infrastructure Design Manual where relevant to local standards.	9.2.1 Improve internal and external stakeholders understanding of the Infrastructure Design Manual.	Completed/ongoing 	Ongoing communication with developers and Council's Planning Department through pre-application meetings and post-application Engineering referrals to Planning. Improved engineering process by organising pre-planning permit application meetings with developers to conceptually approve drainage and other infrastructure provisions.
	9.2.2 Develop local policy position in areas where the Infrastructure Design Manual can be varied.	In planning 	<ol style="list-style-type: none"> Ongoing discussions and consultation with key stakeholders including; IDM Author, Design and Development Consultants and Council Staff. A report was presented to Council meeting in this regard. Old policy named Footpath on Road Reserve has been cancelled and replaced by the IDM requirement. It was recommended that the current IDM is to be reviewed over time to Councils particular needs. <p>Recently Council requested some improvement in IDM related to road and footpath classification based on traffic volume which was successful</p>

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
9.3 Upgrade Swan Hill Livestock Selling Complex.	9.3.1 Implement upgrade project.	Complete 	Completed September 2019.
	9.3.2 Identify funding opportunities for future stages.	In planning 	No funding opportunities identified at present. Continuing to investigate new funding sources. Just completed safety upgrade to the cattle loading ramp.
9.4 Review the Road network and classify each road.	9.4.1 Complete a service review of the road network.	Complete 	Completed and incorporated in the Road Management Plan
	9.4.2 Identify and pursue funding opportunities for upgrades.	In progress 	<p>Round one grants have included: Lake Boga Ultima Road Reconstruction and Dead Horse Lane project design. The total contribution from the State Government to Swan Hill Rural City Council is \$700,000.</p> <p>Round two grants have included: - Dead Horse Lane (construct 2.3km from Sea Lake Swan Hill Road to EOS). \$336,250 has been budgeted for in the 2019/20 financial year. - Kenley Road (widen 4.1m seal to 6.2m for approximately 4km starting from MVH) \$210,000 has been budgeted for in the 2019/20 financial year. - Lutzies Road Ext (resheet 1.2km and realign intersection onto Sea Lake Swan Hill Rd) \$81,550 has been budgeted for in the 2019/20 financial year We received \$1,200,000 in extra funds from the second round to compliment SHRCC's budget.</p>
9.5 Plan and deliver Council's capital works program and Major Project Plan.	9.5.1 Minimise capital works and major project carry over from year to year.	In planning 	Work in progress.
	9.5.2 Complete Major Projects Plan review each year.	Complete/ongoing 	Major Projects Plan is reviewed annually in Nov/Dec.
	9.5.3 Minimise project budget overruns.	In planning 	Work in progress.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
10.1 Actively pursue opportunities from decommissioned irrigation infrastructure.	10.1.1 Work with Goulburn Murray Water to decommission channel number 9.	Complete 	Work on decommissioning is complete.
	10.1.2 Identify opportunities for land parcels taken over by Council.	In progress 	Initial discussions held with ELT and Council. 10-Year Major Projects Plan includes funding for scoping, design and implementation. A list of property owners, easements and GMW intentions for each separate parcel of land has been prepared. Advice has been obtained on the process to acquire unused land with former channels from deceased estates. Concept plan and cost estimates on possible pathway(s) were discussed by ELT June 2020.
	10.1.3 Identify funding opportunities to upgrade newly available land.	In planning 	Concept plans are being prepared for discussion with Council.
10.2 Complete the Recreation Reserve Masterplan.	10.2.1 Adopt the Recreation Reserves Masterplan.	Complete 	Completed and endorsed at May 2018 Council meeting.
	10.2.2 Establish a long term operational maintenance program for Council managed reserves.	In planning 	Working through the Recreation Reserve Masterplan to identify key areas.
	10.2.3 Investigate funding options to implement actions within the Masterplan.	Completed/ongoing 	Funding has been identified for the following projects: Robinvale Cricket Nets, Showground Cricket Nets, Gurnett Oval Cricket Nets, Showgrounds Change Rooms, Aquatics Strategic Plan, Lake Boga Recreation Reserve Playground, Riverside Park Robinvale Playground, Nyah Netball Courts.
	10.2.4 Review and update user agreements between Council and recreation reserve users groups.	In progress 	Recreation Reserve Agreements were sent to clubs in September 2019. Officers are following up on agreements which have not been returned along with required attachments - Risk Management Plan, Risk Management Policy, Medical Emergency Plan, Insurance, Oval inspection report, Building inspection report.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
10.3 Review current use of council facilities.	10.3.1 Produce usage report, including analysis of non-Council facilities that provide similar services.	In progress 	<ul style="list-style-type: none"> Ways to better calculate accurate usage are being investigated. The public Convenience Strategy utilised toilet paper usage to better gauge and rank usage to assist with decision making.
	10.3.2 Identify opportunities to rationalise Council assets.	In progress 	<ol style="list-style-type: none"> Asset Management Plans are being developed as assets are conditioned rated for valuation purposes. Asset management plans are to ISO55000 standard and include rationalisation discussion. Toilet Strategy has been approved and a number of rationalisations have been identified Multi-use options are considered for all new facilities.
10.4 Plan and deliver assets for the current and future needs of our growing community and changing environment.	10.4.1 Implement an effective asset management system.	Completed/ongoing 	<ol style="list-style-type: none"> Asset Management Working Group has been reconvened to investigate the Asset Systems used within Council. Asset Framework to be developed which will drive the asset systems.
	10.4.2 Develop and update policies, strategies and registers.	In progress 	<p>Asset Management Plan adopted in December 2017.</p> <ul style="list-style-type: none"> Asset Naming Policy and Procedure approved 2019 Public Convenience Strategy - completed <p>Further discussions and development of policy being undertake to incorporate Recreation Reserve Agreements.</p> <p>The following policies, plans and strategies are being finalised</p> <ul style="list-style-type: none"> Transport Asset Management Plan - expected completion Aug2020 Asset Framework Asset Data Dictionary - In progress <p>the Asset Framework will lead to reviewed Asset Policy and strategies.</p>
	10.4.3 Complete a centralised asset register.	In progress 	<ul style="list-style-type: none"> Ways to better calculate accurate usage are being investigated. An Asset Data Dictionary will be developed over the next 12 months and the Asset Register cleaned up to ensure that the data is accurate and usable. An asset data dictionary will consider all reporting requirements and what data is required to make good decisions.



Key results area Governance and Leadership








“We will represent the interests of our community, conduct our affairs openly, with integrity, reflecting the high levels of governance expected by our community. We will plan for the long term growth and development of our municipality by committing to a robust program of strategic planning.”







We will have:






1. Positive community engagement through appropriate and constructive consultation.
2. Effective and efficient utilisation of resources.
3. Effective partnerships and relationships with key stakeholders and staff.
4. Effective advocacy and strategic planning.









What have we done








STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
11.1 Develop Council's systems and processes to improve our customer service, efficiency and effectiveness of our operations	11.1.1 Undertake Council Services Review.	In progress 	Staff realignment occurred during November 2018. Ongoing Aged Care Reform. FDC program re-auspiced from July 2019. Multi-purpose building proposed as part of Our Place Development
	11.1.2 Implement the new IT Strategy.	In progress 	We have completed the improved Customer Services processes for Statutory Planning applications and have introduced a web based solution for planning applications. We have introduced an online payment method for Pool registrations and the Art Gallery's print and drawing awards. We remain on target for the completion of the initiatives as per the ICT Strategic plan. We have also trialled a new web based chat function and Customer Service model which will be reported against to ELT in the coming weeks.
	11.1.3 Implement Customer Service Strategy actions.	Completed/ongoing 	Ongoing.









STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
11.2 Use social media as a medium for community consultation and communication.	11.2.1 Introduce Facebook advertising.	Complete 	Facebook advertising is regularly used and posts are continuing to be used to consult and communicate with the public. A new Facebook page for the Swan Hill Big Green Shed was launched in June 2019.
	11.2.2 Increase the use of online survey tools.	Completed/ongoing 	Online surveys have been used as a community consultation tool for Council's - Communication and Engagement Strategy 2019-22 - 212 responses, Off-leash Dog Park - 103 responses, and Robinvale Community Library - 146 responses.
11.3 Establish new and alternative methods of consultation.	11.3.1 Research and report to council on contemporary consultation methods.	Complete/ ongoing 	A discussion paper has been developed and was presented to Council Assembly in October 2017.
	11.3.2 Investigate the use of multilingual publications.	Not started 	
	11.3.3 Increase the use of social media, online survey tools.	Complete 	We have been increasing the use of social media for public information (Facebook), an online survey was used effectively for the consultation regarding the communication strategy in July 2018. This will continue to occur. We are also investigating use of other social media platforms, like Twitter and Instagram.
	11.3.4 Increase the use of current and professional networks and contacts to canvass opinion and share information.	In planning 	MRGC CEOs continues to be a useful forum.
	11.3.5 Review Councils Communication strategy.	Complete 	A Communication Survey was completed in July 2018 with 212 responses from the community. New Communication and Engagement Strategy adopted by Council in December 2018.










STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
11.4 Champion a culture that values strong community engagement.	11.4.1 Include effective community engagement processes in all planning and project delivery plans.	Completed/ongoing 	As an organisation we are increasing our commitment to engage with the community affected by our projects. Nyah Road reconstruction and line-marking are recent examples. An online survey was used to consult with the community regarding the recently adopted Communication and Engagement Strategy.
	11.4.2 Conduct training for staff.	In planning 	Investigating the possibility of updating Councils Have Your Say selection including new marketing material and project consultation site
	11.4.3 Implement a project management system.	In planning 	The workflow and policies and procedures are currently under review.
11.5 Develop a strong positive message and image for Council and the region.	11.5.1 Publish two community newsletters a year.	Completed/ongoing 	Winter newsletters published and distributed in July 2019. Summer newsletter distributed 2020.
	11.5.2 Use Facebook advertising and social media to promote Council.	Complete 	Promotion continues through regular use of Council's Facebook page. A new Facebook page was created for the Swan Hill Big Green Shed was launched in June 2019.
	11.5.3 Use established connections/partnerships to promote a positive Council image.	Complete 	We seek opportunities to reinforce the message that we are here for the community through our media engagement and in our Mayoral Columns in local newspapers.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
12.1 Continually improve workplace safety and staff health and wellbeing.	12.1.1 Participate in MAV Workcover self-insurance scheme.	Complete 	Officially commenced in this scheme November 2017.
	12.1.2 Develop and implement an OH&S framework.	In progress 	Initial audit has been completed. OHS Management plan adopted by ELT and OHS committee in August 2018. Worksafe occupational health and safety management system (OHSMS) audit in November 2019, 68% conformance. Remedial Action plan submitted and approved. February and May actions completed for desk Audit. OHS Framework and OHS Management Plan 2020-2022 endorsed by ELT and the OHS committee June 2020.
	12.1.3 Implement National Assessment Tool (NAT) auditing across the organisation.	Complete 	Auditing schedule adopted by ELT October 2017. Four internal audits completed to date.
	12.1.4 Test the Business Continuity Plan.	Complete 	Business Continuity Plan testing Completed November 2017 and November 2019.
	12.1.5 Review and develop Councils Risk Framework and Strategy.	Complete 	July 2019 Council's Risk Management Framework adopted by Council , Policy, and Risk Register have been reviewed. Council's Business Continuity Management Framework and plans have been reviewed and approved by ELT. Risk Management for Risk Owners training has commenced. Risk management roles and responsibilities have been included in induction training for all staff and risk management responsibility statements for position descriptions have been developed. Risk reporting to the Audit Committee continues.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
12.2 Review results of community satisfaction survey, submissions and community consultations to identify and respond to changes in service demand or expectations.	12.2.1 Participate in annual community satisfaction survey.	Completed/ongoing 	Community survey completed March 2019. Results presented to Council in August 2019
	12.2.2 Review, report and act as appropriate on survey results, formal submissions and specific consultations.	Completed/ongoing 	Community Satisfaction Survey results are analysed and reported to Council annually. Complete for 2017, 2018 and 2019.
12.3 Implement a Project Management System.	12.3.1 Review and improve current processes.	In planning 	The workflow and policies and procedures are currently under review.
	12.3.2 Implement a centralised Project Management System utilised throughout the organisation.	Not started 	
12.4 Review council services for efficiency, effectiveness and quality.	12.4.1 Prioritise services for a detailed review.	In progress 	Staff realignment occurred during November 2018. Councils involvement in Family Day Care ceased on 30 June 2019. Ongoing review of Councils role in Aged Care.
	12.4.2 Identify relevant benchmarks for a service review.	Not started 	
	12.4.3 Implement an improvement plan.	Not started 	
	12.4.4 Implement the IT Strategy.	Completed/ongoing 	We are continually reviewing and improving Council's external facing business processes, the community portal, planning processes and an online payment gateway have been completed and we have gone live with a web chat and new Customer Service process.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
13.1 Engage and partner with organisations, business and individuals to increase co-operation and avoid duplication of resources when common objectives are identified.	13.1.1 Conduct skills audit of community organisations.	In planning 	Work with community organisations to identify gaps.
	13.1.2 Identify areas in which to increase co-operation.	In progress 	Council have engaged and partnered with organisations and businesses, holding business breakfasts and training sessions.
	13.1.3 Form strategies and partnerships for key issues / projects.	Completed/ongoing 	Some examples include the Saleyards redevelopment, advocacy for the Swan Hill Bridge replacement, housing in Robinvale, and the Swan Hill hospital.
13.2 Encourage and support Council representatives to obtain positions on relevant boards that support council's activities, providing these duties do not conflict with Council responsibilities.	13.2.1 Identify Key Board positions.	Completed/ongoing 	Council have a number of staff on boards including the Swan Hill Hospital Board, Robinvale Hospital Board, the local school boards and community sporting group boards. Councillors sit on a variety of boards which is determined following Mayoral elections each November.
	13.2.2 Discuss Board position opportunities regularly at Councillor Assemblies and Management meetings.	In progress 	As opportunities arise these are discussed and relevant officers identified.
	13.2.3 Develop advocacy strategies.	Complete 	A number of advocacy strategies have been developed including Our River – Our Region, Our Hospital, Central Murray Region Central Transport Strategy, and Our Top Five Projects. These documents are used when advocating for strategic projects with government bodies.
	13.2.4 Train staff and Councillors on Governance responsibilities and industry based awareness.	Completed/ongoing 	Presentations given to Councillors on Conflict of Interest and Principal Conduct Officer provisions of Local Government Act in November 2017, and draft new Local Government Bill in February 2018. Audit of Returns of Interest conducted in January 2018. Presentation on return of Interest forms conducted in June 2018. Training session on Local Law No. 1 delivered to Councillors in May 2019. Review of Local Law No 1 was presented to Council Assembly in March 2020

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
13.3 Ensure regular dialogue with neighbouring municipalities and other stakeholders.	13.3.1 Schedule regular meetings with Murray River Shire, Balranald Shire and Murray River Group of Councils.	Complete/ongoing 	The CEO regularly attends Murray River Group of Councils meetings. Latest meeting was held in June 2019.
	13.3.2 Schedule meetings with State Government Representatives.	In progress 	Meeting held regularly with local members. Meetings held prior to recent elections. CEO and Councillors attend the National General Assembly in June each year.
13.4 Ensure we have appropriately skilled staff that are aligned to the organisational values of Council and are recognised accordingly.	13.4.1 Implement ongoing training and education program.	Completed/ongoing 	Training needs database developed post annual performance reviews in July each year and organisational training plan implemented. More than 4,500 hours of organisational training was provided to staff during the 2018-19 year, or 22 hours per EFT, this is due to additional online learning modules being assigned to staff.
	13.4.2 Recognise achievements in innovation and best practice, including through the staff awards.	Completed/ongoing 	Staff awards were held in August 2017, 2018 and 2019. Commenced a regular innovation section in the Staff Matters Newsletter. Two staff recognised in December 2017 for innovative Occupational Health and Safety practices. 2019 Staff Awards held August 2019.
	13.4.3 Pursue industry and professional recognition for staff.	Completed/ongoing 	2018 Councils Youth Support Co-ordinator was inducted into the Youth Affairs Council Victoria Hall of Fame. 2018 and 19 recognition in the Premiers Active April. Recognition in the Vic Health Healthy Workplaces Program for Smoking, Physical Activity and Mental Health and Wellbeing.
	13.4.4 Utilise management and leadership development programs.	Completed/ongoing 	The CEO, Directors and Managers were engaged in a leadership development program for 2017/18. Coordinators completed a Leadership Development program in 2017/18. Senior Accountant participating in LGFin Pro mentoring program.
	13.4.5 Increase cross-organisational awareness and resource sharing.	In progress 	Staff short term vacancies filled internally in the first instance. Resource sharing occurs on an ongoing basis. Staff filling in across different work groups to up-skill.
	13.4.6 Invite Councillors to all staff recognition events.	Completed/ongoing 	Councillors attended Staff Recognition Awards 2017, 2018, 2019 and the Staff/Councillor Christmas event in 2017, 2018 and 2019

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
13.5 Council to lead the conversation on Bridge placement with the community.	13.5.1 Represent councils views at stakeholder meeting.	In progress 	Council has requested a review of the heritage values of the Swan Hill bridge and has requested authorities review the location of a new bridge in light of the BPAC Engineers Australia Report.
	13.5.2 Conduct public engagement and awareness campaign.	In progress 	Council regularly issues media releases. The Swan Hill bridge is part of Councils state and federal advocacy strategy.
14.1 Improve effectiveness of Council's advocacy.	14.1.1 Identify the key issues to be advocated for.	Complete 	The Advocacy Strategy outlining key issues was adopted by Council in May 2019.
	14.1.2 Develop and implement an Advocacy Strategy.	Complete 	The Advocacy Strategy outlining key issues was adopted by Council in May 2019.
14.2 Work with Swan Hill District Health and Robinvale District Health Services to develop joint advocacy strategies for improved health services for our community.	14.2.1 Adopt the health precinct plan into the Swan Hill Planning Scheme.	Complete 	Council adopted Health Precinct Plan into Swan Hill Planning Scheme in November 2017.
	14.2.2 Regular meetings with relevant bodies to determine needs.	Completed/ongoing 	A 'Swan Hill needs a new Hospital' group has been operational for some time and includes officers and Councillors working with the community to advocate for a new hospital. The Group will continue to advocate to the newly elected State and Federal Government as appropriate.
	14.2.3 Advocate State and Federal Government.	Completed/ongoing 	Swan Hill District Health and the proposed redevelopment is a key part of Council's Advocacy Strategy. Swan Hill Needs a New Hospital campaign was initiated in June 2018, and the process has continued with various activities, and presentation of petition/letters to Minister, post-June.
14.3 Advocate to State and Federal governments to fund priorities in Community Plans, Major Projects Plan and other key Council plans and strategies.	14.3.1 Develop marketing material on key issues.	Complete 	A prospectus of potential government investment opportunities has been prepared and will continue to be updated.
	14.3.2 Strategically meet with key stakeholders and policy makers.	Completed/ongoing 	The Murray River Group of Councils has been particularly useful for Council in regional advocacy.







Key results area Environment






“We will adopt work practices and implement policies that reduce the environmental impact, advocate for the protection of our environment and fulfil our regulatory obligations.”



We will have:




1. Sound policies and practices that protect and enhance our environment.
2. A waste management program that is environmentally and financially sustainable.





What have we done




STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
15.1 Be actively involved in external discussions that affect the Murray River, its tributaries and lake systems.	15.1.1 Nominate a Councillor to represent Council on the Murray Darling Association.	Complete 	Swan Hill Rural City Council has withdrawn its membership to the Murray Darling Association.
	15.1.2 Lodge submissions to Federal agencies via Murray River Group of Councils and report to Council.	In progress 	CEO has contributed to the Murray River Group of Councils advocacy campaign ACT 2017. MRGC continues to have a voice on the socio-economic impacts of the Murray Darling Basin Plan.
15.2 Maintain and improve the condition of Lake Boga foreshore and its environs within our area of control in collaboration with other stakeholders.	15.2.1 Continue restoration works.	In planning 	Discussions with other stakeholders will begin on who is responsible for certain areas.
	15.2.2 Chair and attend Lake Boga Land and On Water Management Plan meetings.	Completed/ongoing 	Meetings of the committee have been less regular with a significant number of projects completed. Goulburn Murray Water is considering a review of the Lake Boga land and on Water Management Plan.








STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
15.3 Seek to influence how environmental water is used within the municipality.	15.3.1 Attain membership to Catchment Management Authorities (CMA).	In progress 	A Council position on MDBP is under development.
	15.3.2 Seek a position on CMA committees.	In progress 	No positions were filled at the last CMA elections.
15.4 Investigate opportunities to improve stormwater runoff from townships into the River.	15.4.1 Complete an investigation.	Completed/ongoing 	1. Updates on IDM adoptions, issues and progress were provided to Council Assembly on 9 June 2020. 2. To further assists developers, surveyors and consultants a stormwater engineering guide was widely circulated in May 2020 to further clarify the IDM requirements in an easy to follow steps. 3. No further actions requested by the Council
	15.4.2 Action recommendations.	Not started 	
	15.4.3 Identify funding opportunities and submit applications.	In progress 	Successful funding application for \$410,000 from NDRGS with \$205,000 from Council.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
<p>15.5 Investigate alternative energy for council buildings, and a community solar option.</p>	<p>15.5.1 Identify additional buildings to connect to renewable energies.</p>	<p>In progress</p> 	<p>Council has joined Sustainability Victoria Local Government Energy Saver Program to take advantage of initiatives targeted at identified resource constrained municipalities. Stream 1: Establish Local Government Corporate Emissions Profile and Reduction Plan. Stream 2: Local Government owned facility energy audits. Stream 3: Implementation of Retrofit Work (funding opportunities of up to \$100,000). Ongoing investigation into solar options for facilities. Investigation of natural gas connection to Council owned buildings where possible.</p>
	<p>15.5.2 Prepare a business case for each option.</p>	<p>In progress</p> 	<p>Sustainability Victoria has made available funding to identified resource constrained councils including the Swan Hill Rural City Council to participate in the Local Government Energy Saver Program and Council has accepted the invitation to participate. Detailed audits on selected facilities have now been completed. ELT have approved priority works. Stream 3 works are now underway and is expected to be completed by June 2020. Works include solar installs on Swan Hill Depot, Nyah Community Centre, Lake Boga Community Centre, Robinvale Community Centre and Swan Hill Basket Ball Stadium. LED lighting installs will occur on main office building in Splatt St, Swan Hill Depot and Robinvale community centre. Variable speed drives will be installed at Nyah Pool and Manangatang Pool. The Splatt St main office also receive 30kWh battery install. Finally all sites that have upgrades will have Solar Analytics monitoring system that will enable staff to monitor electricity systems to help quantify the benefits of the upgrades and provide useful data on where further improvements can occur. The monitoring install is expected to be completed by the 26 June 2020.</p>

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
15.6 Advocate for improved control on private and public land of feral pests and weeds (continued)	15.6.1 Engage with local Landcare groups	Completed/ongoing 	Continue to provide support to landcare groups through landcare facilitators to support landholders in controlling pests and weeds. Council has also partnered with the Mallee Catchment Management Authority to undertake pest and weed works on roadsides that support on farm control. Most of this work is concentrated around Robinvale, Sea Lake and Waitche area to support identified Biodiversity Corridors. Rabbit, African Boxthorn and Cactus are the main targets with other minor weed species.
	15.6.2 Identify and reduce box thorn infestations.	Completed/ongoing 	Boxthorn control between Piangil and Swan Hill west of the Murray Valley Hwy has been undertaken with over 10,000 individual plants being treated. Currently the area between Swan Hill - Ultima and Lake Boga west of the Murray Valley Hwy is being treated.
	15.6.3 Extend fruit fly program.	Completed/ongoing 	New funding applied for at local and regional level. Good results with the tree removal program. SHRCC staff on executive committee board. Funding received

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
15.7 Review our work methods to reduce the environmental impact of what we do.	15.7.1 Review our fuel usage.	Completed/ongoing 	Fuel consumption figures captured and reports being established within fleet management system. Consumption data provided to Council's Environmental Officer for inclusion in energy and green house gas reduction study. Preliminary report received and discussed. Main recommendation to replace 32 vehicles with electric (impractical). Other suggestions for reduction of fuel will be further investigated.
	15.7.2 Review plant and corporate fleet requirements.	Complete 	Established plant committee to review plant and equipment requirements, current and future. Utilisation of all plant and vehicles captured and reports being established. Car pool booking system established and accessible for all Council staff. Adjusted replacement program to reflect altered priorities. Identifying potentially underutilised plant, for discussion and action.
15.7 Review our work methods to reduce the environmental impact of what we do (continued).	15.7.3 Investigate and use where possible sustainable building practices.	In progress 	We are electing to use (where possible) less obtrusive means of auguring so as to minimise damage to earth integrity and use compaction rather than concrete. Removing excess sprinklers to eliminate excessive watering, ongoing investigations into reclaiming storm water.
	15.7.4 Investigate and use where possible recycled materials.	Complete/ongoing 	Recycled materials used in Nyah Road median strip, (recycled material borders, drought tolerant plants, low maintenance landscaping). In April 2019, the resurfacing of Perrin Street, Robinvale was completed with asphalt incorporating crumbed rubber, made from recycled tyres. This material comes with a predicted life span of five to 10 extra years, compared with traditional asphalt.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
15.8 Define Councils approach to fulfilling our environmental enforcement obligations.	15.8.1 Develop a clear Policy.	In progress 	The planning scheme covers all the requirements for Council's environmental enforcement obligations. DELWP have developed amended native vegetation management rules which are now in force. The Planning Scheme will need to be amended to incorporate all relevant changes. Council staff have completed training to acquaint themselves with the new regulations. Additional training has been provided to field staff and Council was successful in securing the Roadside Maintenance Exemption within defined envelopes depending on classification assigned to particular roads throughout the municipality.
16.1 Review and implement the Waste Management Plan.	16.1.1 Approve a revised and updated Waste Management Plan.	Complete/ongoing 	<p>Victorian Government's release of the State's circular economy policy - Recycling Victoria. The policy outlines a 10-year action plan, with more than \$300 million committed to fundamentally transform Victoria's recycling sector, reduce waste, and set Victoria up for a more sustainable future.</p> <p>Recycling Victoria commits \$49.5 million in new funding to target infrastructure for priority materials; paper and cardboard, plastic, glass and hazardous waste (solvents). This commitment builds on the \$28 million already committed in the 2019-20 budget delivering a record investment in Victoria's recycling infrastructure.</p> <p>The Recycling Victoria Infrastructure Fund is designed to assist businesses to improve the quality of materials recovered and increase the capacity and capability of Victoria's resource recovery sector.</p> <p>Council currently reviewing its position with respect to circular economy policy and in discussion with Veolia to explore short-term extension of the current contract.</p> <p>The joint procurement process has been discontinued by the Regional Waste Management Group as limited benefit to any Council.</p>
	16.1.2 Implement identified actions.	Complete/ongoing 	<ol style="list-style-type: none"> 1. Ongoing progressive capping 2. Ongoing investigation into relocating the Materials Recycling Facility from Gray Street to the Swan Hill Landfill site. 3. Construction of the e-waste sheds is completed. 4. Ongoing works to ensure compliance with EPA/ Licence conditions.

STRATEGIC INITIATIVES	ACTION	PROGRESS	COMMENTARY
16.2 Investigate opportunities for green waste and organic collection service.	16.2.1 Review data for current green waste service.	Complete 	Green waste service in place and it is expanding. Organics has been investigated by EDU. (Ongoing).
	16.2.2 Develop and implement a green waste information campaign.	Complete 	Council officers are running a green waste management media campaign in September each year. A plan in place for promoting free green waste disposal at Robinvale and Swan Hill Landfill one weekend per year. We need to launch new campaign in Lake Boga and Robinvale townships. Calendar of Green waste collection circulated to the participated residents every year.
	16.2.3 Investigate organic waste disposal opportunities.	Completed/ongoing 	Grant applied for to fund a business plan for regional composting facility between Buloke, Yarriambiack and Swan Hill to be completed April 2020. Completed
16.3 Continue to lobby for a state-wide container deposit scheme.	16.3.1 Have the container deposit scheme identified as a priority in the Loddon Mallee Waste Resource Recovery Forum	In progress 	Loddon Mallee Waste Resource Recovery Forum continues to lobby government. Now this has been announced as state wide policy to be implemented by 2023
16.4 Develop projects that can be funded from the Victoria Sustainability Fund that provide environmental benefits for our community.	16.4.1 Identify projects.	In planning 	No viable projects identified at this stage.
	16.4.2 Secure funding for identified projects.	In planning 	No viable projects identified at this stage.
	16.4.3 Investigate opportunities for recycling industry within the municipality (included as part of 18/19 review).	In planning 	Working with a new business trying to establish a demolition recycling business in Swan Hill.



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B.20.61 AUDIT AND RISK COMMITTEE AND AUDIT AND RISK CHARTER

Responsible Officer: Director Corporate Services
File Number: S15-20-01
Attachments: 1 Audit and Risk Committee Charter

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 2020* (the 2020 Act) received Royal assent on 24 March 2020 and replaces to a large extent the *Local Government Act 1989* (the 1989 Act). The 2020 Act will be proclaimed in four key stages with a transition period between the two Acts.

Swan Hill Rural City Council (Council) is required under s.53 of the *Local Government Act 2020* to establish an Audit and Risk Committee, and under s.54 of the 2020 Act to approve an Audit and Risk Committee Charter under which that Audit and Risk Committee will operate.

The current Audit Committee Charter has been reviewed and adapted to meet the requirements of the 2020 Act and is being presented for adoption.

It is recommended that the current Audit Committee members be appointed to the new committee.

Discussion

With the repeal of s.139 of the former Local Government Act 1989 Council is required to establish its Audit and Risk Committee under s.53 of the Local Government Act 2020.

Whilst S.54(8) allows an Audit Committee which existed under the Local Government Act 1989 to continue until such time as the first Audit and Risk Committee is established under S.53 of the Act, it is prudent to establish that Audit and Risk Committee via resolution of Council before the next scheduled meeting of the Audit and Risk Committee (10 September 2020).

S.53 of the Act states:

- (1) A Council must establish an Audit and Risk Committee.
- (2) An Audit and Risk Committee is not a delegated committee.
- (3) An Audit and Risk Committee must—
 - (a) include members who are Councillors of the Council; and
 - (b) consist of a majority of members who are not Councillors of the Council and who collectively have—

- (i) expertise in financial management and risk; and
 - (ii) experience in public sector management; and
 - (c) not include any person who is a member of Council staff of the Council.
- (4) The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.
- (5) Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.
- (6) A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.

It is proposed that the Audit and Risk Committee established under the 2020 Act take the same form as the Audit Committee took under the previous legislation. This consists of a total of five members, two of whom are Councillors and three of whom are independent members appointed on the basis of their expertise in financial and/or risk management, with the chairperson being an independent member.

The current Audit Committee as appointed under s.139 of the *Local Government Act 1989* is as follows:

- Mr Warren Pollock (Independent Member) appointment expires 21 August 2022
- Mr Rodney Saville (Independent Member) appointment expires 18 November 2021
- Mr Robert Jardine (Independent Member) appointment expires 21 February 2021
- Cr Lea Johnson (Councillor Member) appointment expires 24 October 2020
- Cr Les McPhee (Councillor Member) appointment expires 24 October 2020

Section 54 of the Act requires that Council prepare and approve an Audit and Risk Committee Charter. The Audit Committee charter originally prepared under the requirements of the *Local Government Act 1989* and adopted by Council has been revised and amended to reflect the updated legislation).

This Charter will comply with the requirements of s.54 of the Act.

Consultation

The Draft Risk and Charter Audit Committee has been reviewed by the Audit Committee members, executive leadership team and at a Councillor Assembly.

Financial Implications

The Audit and Risk Committee Charter allows for independent Members of the Audit and Risk Committee to be remunerated for attendance at meetings. These amounts are adjusted by CPI annually and include an additional allowance for the Chairperson. All payments are included in Council's budget.

Social Implications

The Audit and Risk Committee examines all aspects of Council operations.

Economic Implications

The Audit and Risk Committee examines all aspects of Council operations.

Environmental Implications

The Audit and Risk Committee examines all aspects of Council operations.

Risk Management Implications

Council's Audit and Risk Committee Charter represents a key risk management and transparency document of Council. It shall be distributed to all Councillors and Audit Committee Members and shall be available to members of the public.

The Charter outlines the duties and responsibilities of the Audit and Risk Committee, therefore it is important that the Charter be reviewed and updated as required to ensure continued compliance with the Act.

By establishing the Audit and Risk Committee under s.53 and approving the Audit and Risk Committee Charter under s.54 of the *Local Government Act 2020* Council is complying with its legal responsibilities.

Council Plan Strategy Addressed

Governance and leadership - Effective advocacy and strategic planning.

Options

Nil

Recommendations

That Council:

- 1. Establish an Audit and Risk Committee under s.53 of the *Local Government Act 2020*;**
- 2. Appoint to the Audit and Risk Committee three independent members and two Councillors, being the same members of the Audit and Risk Committee as appointed under s.139 of the *Local Government Act 1989* for the terms as follows:**
 - Mr Warren Pollock (Independent Member) appointed until 21 August 2022**
 - Mr Rodney Saville (Independent Member) appointed until 18 November 2021**
 - Mr Robert Jardine (Independent Member) appointed until 21 February 2021**

- **Cr Lea Johnson (Councillor Member) appointed until 24 October 2020**
- **Cr Les McPhee (Councillor Member) appointed until 24 October 2020**
- 3. Appoint Mr Warren Pollock as Chairperson**
- 4. Replace the Audit Committee Charter previously constituted under s.139 of the *Local Government Act 1989* and adopt the Audit and Committee Charter as attached as per s.54 of the *Local Government Act 2020*.**
- 5. Increase the meeting fees paid to independent members from \$409.77 to \$500.00 adjusted by CPI in December each year**
- 6. Increase the meeting fee for the Chairperson to \$850.00 adjusted by CPI in December each year.**



Audit and Risk Committee Charter



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1. INTRODUCTION

The Audit and Risk Committee (Committee) is an independent advisory committee to Council and is formed under Section 53 of the Local Government Act 2020.

The Committee is a formally appointed committee of the Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter.

2. OBJECTIVES

The primary objective of the Committee is to monitor and provide advice to assist Council in improving the quality and effectiveness of:

- Councils internal and external financial and performance reporting.
- Management of financial processes, and internal controls.
- Management of risks and the prevention of fraud.
- Compliance with laws and regulations as well as use of best practice guidelines.
- The Internal and External Audit functions.
- Monitor the compliance of corporate policies and procedures to the Local Government Act (LGA), Ministerial, Directors and overarching Governance Principals.

3. COMPOSITION OF THE COMMITTEE

The Committee will be comprised of five members as follows:

- two Councillors;
- three external independent members.

Independent members will have senior management knowledge and collective experience in financial management and risk and experience in public sector management.

The Mayor and Chief Executive Officer and Councillor Members of Committee will recommend potential independent members to Council taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills.

Expressions of interest may be sought through an advertising process.

4. TERMS OF OFFICE

Councillors

Councillor Committee Members shall be appointed for a minimum of two (2) years.

Independent Committee Members

Independent Committee Members shall be appointed for an initial term of up to three years. They have a right of reappointment after the first term, with a second term to be by application. The maximum term of an independent Committee Member is three terms or nine years.

The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives. A current member is able to reapply and be appointed for subsequent terms.

If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so outlining the reasons why, and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.

When an extraordinary vacancy occurs, the replacement member will complete the term of the committee member which he/she has replaced. In the situation where the remaining term is less than 12 months, the Committee can apply to Council for leave of absence to extend the term.

5. INDUCTION AND TRAINING

Committee Members will receive formal induction training from the Director Corporate Services on the purpose and mandate of the Committee and be briefed where required in the following areas:

- Council operations
- The local government "industry"
- Financial performance
- Risk Management Framework
- Current internal audit program
- Register of outstanding audit recommendations
- Legal and Regulatory requirements
- Minutes of last 4 Committee Issues and a briefing of any issues of significance arising from the Minutes.

New members will meet with key management and internal and external auditors as soon as practical.

Members will be provided with the opportunity to attend technical and professional development courses as appropriate.

6. REMUNERATION OF COMMITTEE MEMBERS

Remuneration will be paid to each independent member of the Committee. The fee will be reviewed and set by the Council on an annual basis in line with setting the Annual Budget.

7. CHAIR OF THE COMMITTEE

The Chair shall be appointed by Council for a term of at least 12 months from the Independent members of the Committee. In the absence of the appointed Chair from a meeting, the meeting will appoint an acting Chair from the independent members present.

8. RIGHTS TO OBTAIN INFORMATION

The Committee may obtain information from any employee and any relevant external party via the Chief Executive Officer.

The Committee will have right of access to the Chief Executive Officer at any time.

The Committee may recommend the instigation of special investigations to the Council.

9. PERFORMANCE ASSESSMENT

The Committee will evaluate its own performance, on an annual basis.

Once completed a copy of the evaluation will be tabled at the next Council Meeting by the Chief Executive Officer.

10. DISPUTE RESOLUTION

In situations where a dispute arises between any Member and officers of Council, the Chair will have the opportunity to raise the grievance with the Chief Executive Officer. If the dispute is in relation to the Chief Executive Officer the Chair will raise the matter with the Mayor. The dispute will be raised in accordance with Council Dispute Resolution Policy.

11. INSURANCE

Members of the committee are covered by Council's insurance policies.

12. CONFLICT OF INTEREST, MISUSE OF POSITION AND CONFIDENTIAL INFORMATION

Section 123 (misuse of position), 125 (confidential information) and Division 2 of Part 6 (conflict of interest) of the Act apply to a member of the Committee.

All Committee Members are expected to be aware of these provisions of the Local Government Act 2020. Failure to comply with the provisions of the Act may result in the Committee Member's appointment being terminated.

12.1. Conflict of Interest

Committee Members must disclose any conflicts of interest to the Chair of the Committee. Where the conflict is related to the Chair of the Committee it must be disclosed to the Mayor.

Once a conflict of interest is identified the member of the Committee must:

1. Disclose the conflict of interest immediately before the matter is considered in the meeting, including the:
 - a) Type of interest and class; and
 - b) The nature of the interest.
2. Notify the Chair that they are leaving the meeting.
3. Leave the room and vicinity while the matter is being considered and await the Chair's direction to return.
4. Notify the Chair prior to the meeting if they are not going to be present at the meeting.

If details are private in nature then the nature of the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and class.

Disclosure of conflicts of interest must be Minuted.

Independent Committee Members of the Committee will be required to sign an Initial Persons Interest Form upon commencement of their term, and a Biannual Personal Interests Return as required under the Local Government Act 2020.

12.2. Misuse of Position

Committee Members must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or cause, or attempt to cause, detriment to council or another person.

12.3. Confidential Information

Members of the Committee must treat information received confidentially and respect the requirements of the Privacy Act.

Members will not directly or indirectly release or make available to any person information relating to the work or discussions of the Committee except in accordance with any direction of the Council.

13. CHARTER REVIEW

This Charter will be reviewed by the Committee every three years, and the Committee will provide a report to the Council recommending that the Council approve the Charter. Only the Council can approve the Charter at a formal Council Meeting.

14. OPERATIONAL PROCEDURES

14.1. Meetings

The Committee shall meet at least quarterly.

A schedule of meetings will be developed and agreed to by the members.

Additional meetings shall be convened at the discretion of the Chair or at the written request of any member of the Committee, internal or external auditor or CEO or Mayor.

Management including the Chief Executive Officer may be asked to leave meetings at any time. In addition, the agenda for each meeting shall include general business to allow members to raise other matters.

At one meeting per year, significant time will be set aside with non-officer members of the committee for the purpose of open discussion with the internal and/or external auditors.

14.2. Attendance

The Chief Executive Officer, Directors and Internal Auditor (whether a member of staff or contractor), should attend all meetings wherever possible, except when the Committee chooses to meet "in camera".

Other members of Council or Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.

Representatives of the External Auditor should be invited to attend at the discretion of the Committee but **must** address meetings considering the draft annual financial report and results of the external Audit.

Guests may be invited from time to time as appropriate.

Members will convey an apology for non attendance to Committee meetings prior to the meeting taking place. A leave of absence may be granted. If more than three (3) meetings in a row are not attended without extenuating circumstances or prior notification, that member will be made redundant from the committee.

Meetings of the Committee are not open to members of the Public and its proceedings are to be conducted in a confidential manner.

14.3. Quorum

A quorum shall be a minimum of three (3) members, two (2) of which must be Independent members of the committee.

14.4. Secretariat Services

Council shall provide secretarial and administrative support to the Committee.

14.5. Meeting agenda and minutes

An agenda and supporting documentation will be issued one week before each meeting. Minutes will be taken by an appointed Secretary and signed by the Chair. Minutes will be audio recorded each meeting. Recordings will be retained by the Secretary for six months.

14.6. Work plan

A schedule of an Annual Work Program will be developed and approved by the committee. The form of the schedule is shown in Appendix A.

15. DUTIES AND RESPONSIBILITIES

It is the responsibility of the Committee to provide Council with independent, objective advice on the adequacy of management's arrangements with respect to the following aspects of the management of the organisation:

15.1. Risk Management

- Review whether management has in place a current and comprehensive Risk Management Framework and Strategy for effective identification and management of business and financial risks;
- Review Council's Risk Register to satisfy itself that all risk identified as extreme are appropriately managed; and
- The register is being reviewed and updated by management in accordance with the strategy.

15.2. Financial Reporting

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management review and sign-off;
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- Consider any contentious financial reporting matters in conjunction with the Council's management and external auditors; and
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

15.3. Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of the risk register;
- Determine whether management has appropriate strategies in place to manage these risks; and
- Receive a report at each meeting on any relevant new Legislation or Government Policy changes.

15.4. Internal Audit

- Set the Internal Audit work program, to review whether appropriate internal controls are in place;
- Consider the adequacy of internal audit resources;
- Review all audit reports;
- Consider significant issues identified in audit reports and action taken on issues raised;
- Monitor the implementation of internal audit recommendations by management; and
- Periodically review the performance of Internal Audit.

15.5. External Audit

- Provide input and feedback on the external audit plan;
- Review all external audit reports;
- Monitor the implementation of audit recommendations by management; and
- Consider significant issues raised in relevant external audit reports and better practice guides and ensure appropriate action is taken.

16. REPORTING

The Director of Corporate Services shall after every meeting of the Committee forward the Minutes of that meeting to the next Ordinary Meeting of the Council, including a report explaining any specific recommendations, formal resolutions, and key outcomes.

The Chair of the Committee will also provide Council with:

- (a) A summarised yearly report of the activities of the Committee for inclusion in the Council's Annual Report.
- (b) Other matters the Chair believes need to be reported to the Council.
- (c) The report is to be reviewed and authorised by the Chair prior to its inclusion in the Annual Report.

17. APPROVAL

The Audit and Risk Committee Charter was approved by Council on TBC 2020.

Adopted by the Audit and Risk Committee & Council:

Signed:		Signed:	
Print:		Print:	
Title:	Mayor Swan Hill Rural City Council	Title:	Chair-Audit & Risk Committee
Date:		Date:	

APPENDIX A - AUDIT & RISK COMMITTEE ANNUAL PROGRAM

Item	February	May	September	December
Department Presentation	X	X		X
Review of Internal Audit Reports	X	X	X	X
Review of Financial Statements			X	
Review of Risk Register	X	X	X	X
Review Quarterly Financial Report	X	X		X
Review of Audit Committee Performance				X
Internal Audit Forward Program		X		
External Audit Strategy		X		
Significant Legislative changes	X	X	X	X
Frauds and Breaches of Law reports	X	X	X	X
External Audit Interim Management Letter		X		
External Audit Final Management Letter			Draft	Final
Annual Report of Audit Committee Activities		Draft	Final	
Topic items	As Required	As Required	As Required	As Required
General Business	X	X	X	X
Review of Performance of Internal Auditor				X
Review Risk Management Framework	X			

APPENDIX B - TERMS OF APPOINTMENT

The current committee members' terms of appointment are as follows:

Mr Rod Saville	3 year term - appointment expires on 18 November 2021
Mr Robert Jardine	3 year term - appointment expires on 21 February 2021
Cr Les McPhee	2 year term - appointment expires on 24 October 2020
Cr Lea Johnson	2 year term - appointment expires on 24 October 2020

The current Chair and term of position is as follows:

Mr Warren Pollock	3 year term - appointment expires 21 August 2022.
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B.20.62 GOVERNANCE RULES

Responsible Officer: Director Corporate Services
File Number: S16-25P-02-022
Attachments: 1 Final Draft Governance Rules 2020

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 2020 (LGA 2020) requires Council to develop, adopt and keep in force Governance Rules in accordance with Section 60. These Governance Rules must commence on 1 September 2020.

This report presents the final draft Governance Rules, including the Election Period Policy for Council consideration, and recommends that the Rules be adopted as presented.

Discussion

Following Council Assembly on July 28th, the Governance Rules went out for a period of Public Consultation with no submissions being received.

The Governance Rules replace Local Law No1 and primarily detail the process to be applied to conduct Council Meetings. Some additional processes such as "open forum" have been included to ensure compliance with the LGA 2020 however the process of debating items has remained largely the same as in Local Law No1.

Consultation

Consultation has occurred with the Chief Executive Officer, ELT, Councillors and the Governance Unit. The draft Governance Rules went out for public consultation with no submissions being received.

Financial Implications

The cost of conducting Council and other meetings is budgeted for annually.

Social Implications

The Governance Rules allow members of the public to raise relevant issues directly with the Council.

Economic Implications

No known Economic Implication.

Environmental Implications

No known Environmental Implication

Risk Management Implications

The Governance Rules ensure Council Meeting processes comply with the Local Government Act 2020.

Council Plan Strategy Addressed

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

Options

Council can choose to amend or adopt the recommendations.

Recommendations

That Council:

- 1. Note no submissions were received to the Governance Rules.**
- 2. Adopt the Governance Rules as presented.**



DOCUMENT INFORMATION

Document type: Governance Rules
Document status: Out for consultation
Responsible Officer: Chief Executive Officer
Approved by:
Date Adopted:
Review date:
Related legislation: Local Government Act 2020

Evidence of approval:

Signed by Mayor

DOCUMENT HISTORY:

Version number	Issue date	Description of change
0.1 DRAFT	July 2020	

Council documents are amended from time to time, therefore you should not rely on a printed copy being the current version.

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INTRODUCTION

These Governance Rules are adopted in accordance with schedule 60 of the Local Government Act 2020 and Commence on 1 September 2020.

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020. These principles are:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- (d) The municipal community is to be engaged in strategic planning and strategic decision making;
- (e) Innovation and continuous improvement is to be pursued;
- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought;
- (g) The ongoing financial viability of the Council is to be ensured;
- (h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- (i) The transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must take into account the following supporting principles —

- (a) the community engagement principles;
- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

REVISION

- (a) In developing or amending these Governance Rules Council will undertake a process of community engagement in accordance with relevant policies;
- (b) In accordance with section 8(3) of the Act, where a change to the Governance Rules involves the adopting or amendment of a rule that only adopts a good practice guideline issued by the Minister under section 87(i) of the act, a process of community engagement is not required to be undertaken.

DEFINITIONS

In these Governance Rules:

Abstaining from voting means a Councillor failing or refusing to indicate they are either in favour or opposed to a motion. Abstaining from voting will be counted as being opposed to a motion;

Act means the Local Government Act 2020;

Advisory Committee means a committee established by the Council, that provides advice to —

- (a) the Council; or
- (b) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee;

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

Agreement of Council means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote;

Assembly of Councillors has the same meaning as the Act;

Audit and Risk Committee means the Audit and Risk Committee established by a Council under section 53 of the Act;

Authorised Officer means a person who is authorised by Council to carry out specific functions under a Local law;

Chairperson means the Chairperson of a Meeting and includes acting, temporary and substitute Chairperson;

Chamber means any room where the Council holds a Council Meeting;

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

Confidential Business means business which is conducted In-Camera in accordance with Section 66 of the Act;

Clear Days means the number of consecutive whole days referred to, regardless of whether or not any such day falls on a weekend or public holiday;

Committee Meeting means a meeting of a Delegated Committee;

Common Seal means the Common Seal of Council;

Council means Swan Hill Rural City Council;

Councillor has the same meaning as the Act;

Councillor Code of Conduct means the Councillor Code of Conduct developed under section 139 of the Act;

Council Meeting means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting;

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

Delegated Committee has the same meaning as in the Act;

Delegated Committee Meeting means a Meeting of a Delegated Committee;

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

Disorder means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- (a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- (b) making comments that are defamatory, malicious, abusive or offensive;
- (c) refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- (d) engaging in any other conduct which prevents the orderly conduct of the Meeting;

Employee Code of Conduct means the Code of Conduct developed by Council under section 49 of the Act;

Foreshadowed Item means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting;

In-Camera means a meeting or portion of a meeting closed to the public in accordance with Section 66 of the Act;

Joint Letter means a document which is addressed to, or is obviously intended for, the Council and is signed by 3 or more people;

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter;

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor;

- Meeting** means a Council Meeting or a Delegated Committee Meeting;
- Member** means a member of any committee to which these governance rules apply;
- Minister** means the Minister for Local Government;
- Minutes** means the official record of the proceedings and decisions of a Meeting;
- Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;
- Municipal district'** means the municipal district of Council;
- Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;
- Notice of Rescission** means a Notice of Motion to rescind a resolution made by Council;
- Officer** means a member of Council staff;
- On Notice** means held or deferred to enable preparation of a response;
- Petition** means a document which is addressed to, or is obviously intended for, the Council and is signed by 10 or more people;
- Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;
- Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;
- Quorum'** means a majority of the elected Councillors or appointed Delegated Committee members;
- Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules;
- Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting;
- Unscheduled Meeting** means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council;

MEETING PROCEDURE

1. Purpose of Council meetings

- (1) Council holds Scheduled Meetings and, when required, Unscheduled Meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an orderly manner.

2. Meeting Roles

2.1. Chairperson and Members

- (1) The Chairperson, Councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:
 - (a) Decision making is transparent to members and observers;
 - (b) Meeting members have sufficient information to make good decisions;
 - (c) Every member is supported to contribute to decisions;
 - (d) Any person whose rights are affected has their interests considered;
 - (e) Debate and discussion is focussed on the issues at hand;
 - (f) Meetings are conducted in an orderly manner;
 - (g) Decisions should be made on the merits of the matter.

2.2. Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present;
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair;
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the meeting by resolution;
- (4) All people present at the meeting must comply with a direction given by the Chairperson.

2.3. Delegated Committee Chairperson

- (1) At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson;
- (2) The Chair of a delegated committee must be a Councillor;
- (3) For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act.

2.4. The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- (1) must not accept any Motion, question or statement which is:
 - (a) vague or ambiguous;
 - (b) defamatory, malicious, abusive or objectionable in language or substance; or
 - (c) outside the powers of Council;
- (2) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;

- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- (4) may direct that a vote be recounted to be satisfied of the result; and
- (5) must decide on all points of order.

2.5. Chief Executive Officer

- (1) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson;
- (2) The Chief Executive Officer should:
 - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution;
 - (c) Help clarify the intent of any unclear resolution to facilitate implementation;
 - (d) On request, assist with procedural issues that may arise.

2.6. Councillors and members of Delegated Committees

- (1) Councillors and members of Delegated Committees contribute to good governance and decision making by:
 - (a) Seeking views of community members and reading the agenda prior to the meeting;
 - (b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
 - (c) Attending meetings and participating in debate and discussion;
 - (d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making;
 - (e) Being courteous and orderly;
 - (f) Not divulging the contents of confidential matters considered by Council whether at a meeting of the Council or at an Assembly.

2.7. Community

- (1) Council meetings are decision making forums and they are open to the community to attend or view proceedings.
- (2) Community members may only participate in Council meetings in accordance with these Governance Rules.
- (3) Community members are encouraged to participate in Council's engagement forums.
- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.
- (5) Community members can contact Council or be informed of Council issues by making direct contact with Council via phone, the Council website, email or by attending Council offices in person.

2.8. Apologies and absences

- (1) Councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
 - (a) In writing to the Chairperson, who will advise the meeting; or
 - (b) By seeking another Councillor or member of the Delegated Committee to submit it at the meeting on their behalf.
- (2) An apology submitted to a meeting will be recorded in the minutes.
- (3) A Councillor intending to take a leave of absence must request that leave of absence in writing to the Mayor.
- (4) If the leave of absence is requested by the Mayor it will be lodged with the Chief Executive Officer.
- (5) The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
- (6) A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
- (7) Council will not unreasonably withhold its approval of a leave of absence request.
- (8) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.
- (9) If a Councillor leaves a Council meeting, other than a temporary absence due to a Conflict of Interest, for an extended leave of absence or does not mean to return to the meeting, the Councillor must request a leave of absence from the Council.
- (10) A leave of absence requested during a meeting will only be granted at the end of a motion.
- (11) A leave of absence must not be requested or granted during a debate apart from illness or any other matter deemed urgent by the Chairperson and the Councillor then may not return until conclusion of the debate.

3. Notice of meetings and availability of agenda

3.1. Date, time and place of Council Meetings

- (1) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- (2) Date, times and locations of urgent out of schedule Councillor Assemblies will be determined by the CEO in consultation with the Mayor.
- (3) Council by resolution may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide 7 days' notice and a reason of the change to the public.

3.2. Postponement

- (1) In the case of an emergency, the Chief Executive Officer or in the absence of the Chief Executive Officer, a Director, may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer, or in their absence a Director must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next Scheduled Meeting.

3.3. Unscheduled Meetings

- (1) Council may by resolution call an Unscheduled Meeting of the Council.
- (2) The Mayor or three Councillors may by written notice call an Unscheduled Meeting of the Council.
- (3) The CEO, following consultation with the Mayor, may call an Unscheduled Meeting.
- (4) A written notice to call an Unscheduled Meeting must:
 - (a) Specify the business to be transacted;
 - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 3.4.
- (5) The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
 - (a) the urgency of the business to be transacted;
 - (b) the availability of Councillors;
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- (7) Any resolution of Council to call an Unscheduled Meeting must specify the date and time of the Unscheduled Meeting and the business to be transacted. The date and time of the Unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.

- (8) The Chief Executive Officer must call an Unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- (9) The Unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- (10) Only the business specified in the Council resolution, or written notice, may be considered at an Unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

3.4. Notice of Meetings

Council Meetings:

- (1) A notice of a Meeting, that is not an Unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 4 clear days before the Meeting. A period of less than 4 clear days may be justified if exceptional circumstances exist.
- (2) Circulation of the Agenda may be by hand or postal delivery to a Councillors nominated address, by email or other electronic means or by placing the Agenda at a designated collection point within the Municipal Offices.
- (3) An Agenda for each Council Meeting, that is not an Unscheduled Meeting, will be made available on Council's website no less than 48 hours before the Council Meeting.
- (4) A schedule of Council Meetings must be prepared and published to ensure it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council meetings must also be available from Council's Customer Service Centres.

Unscheduled Meetings:

- (5) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- (6) An Agenda for an Unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (7) An Agenda for an Unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

4. Quorum

- (1) Meetings must commence within 30 minutes of the scheduled starting time.
- (2) If, after 30 minutes from the scheduled starting time of any Meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Director, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (3) If, during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Director, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (4) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.
- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- (6) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - (a) by the Chief Executive Officer; or
 - (b) by a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (7) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.
- (8) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (9) Where it is not practicable because time does not permit notice in accordance with clause 4(6) to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- (10) Notice of an adjournment to another date or time must be published on Council's website as soon as practicable.

5. Election of Mayor

5.1. Chief Executive Officer to set time and date for election of Mayor

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.

5.2. Role and Election of Deputy Mayor

- (1) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- (3) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (4) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

5.3. Method of Voting

- (1) The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 8.2(1), an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

5.4. Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee. All Councillors are eligible to stand for election to the office of Mayor.
- (3) Candidates for the election of Mayor may address Council for up to five minutes prior to the election of Mayor being conducted.
- (4) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, that candidate must be declared elected;
 - (b) two candidates have been nominated:
 - I. a vote must be taken and the candidate who receives the number of votes equal to or greater than half the Councillors of the Council must be declared elected;
 - II. two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council, a second vote will be conducted;
 - III. after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the

- meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
- (c) more than two candidates have been nominated and no candidate receives the number of votes equal to or greater than half the Councillors of the Council:
- I. the candidate with the fewest number of votes received must be eliminated;
 - II. the names of the remaining candidates must be put to the vote again; and
 - III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this clause.
 - IV. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes);
 - V. the Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (d) If Council resolves to have the office of Deputy Mayor, the provisions of sub- rules (2) and (4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

5.5. Appointment of Councillors to Committees, Boards and Advisory Committees

- (1) At the Council Meeting to elect the Mayor, or at the direction of Council, the next meeting, Council must appoint Councillors to Delegated Committee positions, board positions, and Advisory Committee positions.
- (2) The Mayor must call for nominations from the Councillors for the positions referred to in clause 5.5(1) and in the event that two or more Councillors nominate for the one position, the procedure for the election of the Mayor shall be followed for the filling of that position.
- (3) If a casual vacancy occurs of any of the positions referred to in clause 5.5(1), the procedure in clause 5.5(2) will be followed to fill each casual vacancy at the Scheduled Council meeting then occurs immediately after the casual vacancy occurs.
- (4) Notwithstanding clause 5.5(3) if a casual vacancy to a position referred to in clause 5.5(1) occurs as a result of a vacancy of one of more Councillors, the Council may elect to defer fulfilling the casual vacancy to positions referred to in clause 5.5(1) until after the vacant Councillor positions have been filled.

5.6. Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The ceremonial Mayoral speech may include outlining priorities for the year ahead based on the adopted Council Plan.

6. Business of Meetings

6.1. Business at Meetings

- (1) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which they think should be considered at the Meeting to which the Agenda relates.
- (2) No business can be dealt with at a Meeting unless it is:
 - (a) Contained on the Agenda; or
 - (b) Admitted as Urgent Business in accordance with clause 6.4.

6.2. Order of business is to be determined by the Chief Executive Officer.

- (1) The normal order of business will follow the example set out below:
 - (a) Welcome;
 - (b) Acknowledgement of Country;
 - (c) Prayer;
 - (d) Apologies/Leaves of Absence;
 - (e) Confirmation of Minutes of previous Meetings;
 - (f) Disclosures of conflicts of interest;
 - (g) Petitions;
 - (h) Public question time;
 - (i) Open forum;
 - (j) Council reports;
 - (k) Notices of motion;
 - (l) Foreshadowed Items;
 - (m) Urgent business;
 - (n) To consider and order on Councillor reports;
 - (o) Confidential business.

6.3. Change to order of business

- (1) Once an Agenda has been sent to Councillors, the order of business for that Meeting may be altered by a resolution of Council.

6.4. Urgent Business

- (1) If the Agenda for a Meeting makes provision for Urgent Business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - (a) the matter does not:
 - I. substantially affect the levels of Council service;
 - II. commit Council to significant expenditure not included in the adopted budget;
 - III. establish or amend Council Policy; or
 - IV. commit Council to any contractual arrangement.
 - (b) it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - (c) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or

- (d) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - (e) it cannot be addressed through an operational service request process.
- (2) A Councillor proposing a matter be admitted as Urgent Business must lodge it in writing to the Chief Executive Officer no later than 10:00am on the day of the Meeting.
 - (3) The Chief Executive Officer will advise the Mayor of any matter that they determines appropriate for Council to consider admitting as Urgent Business.

6.5. Time Limits for Meetings

- (1) A Meeting must start within 30 minutes of the advertised start time.
- (2) A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/members present vote in favour of its extension in accordance with this clause.
- (3) Extensions of a Meeting will be in block periods of 30 minutes.
- (4) After the initial 30-minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (5) A Meeting may only be continued for a maximum of two 30-minute extensions.
- (6) In the absence of such extensions as provided for in sub-clauses (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to a time determined by the Council.
- (7) Notwithstanding sub-clause (5), the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

6.6. Chairperson may temporarily adjourn a Meeting exceeding two hours

- (1) The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding sub-rule (1), the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

Question of Council

7. Community questions and submissions

7.1. Open Forum and Questions Of Council Time To Be Held

- (1) The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Scheduled Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- (2) Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- (3) Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.
- (4) Council meetings are recorded and broadcasted to the public; this includes community questions and submissions.

Open forum and questions of council guidelines

- 7.2. Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- 7.3. Submissions as part of Open Forum and Questions of Council may be on any matter except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined under the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person;
 - (e) If a person has submitted more than 2 questions to a meeting, the third and further questions may, at the discretion of the Chairperson be deferred until all other person who have asked a question have had their questions asked and answered and not be asked if the time allotted for public question time has expired.
- 7.4. Where the Mayor does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 7.5. The Mayor reserves the right to cease a submission as part of Open Forum if they deem the submission inappropriate.
- 7.6. Where possible Copies of all questions allowed by the Mayor will be provided in writing to all Councillors.
- 7.7. A submission or question submitted in writing by a member of the public, which has been disallowed by the Mayor will be provided to any Councillor on request.

Open forum

- 7.8.** For any member of the public who wishes to be heard at Open Forum they must give prior notice:
- (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person to be heard;
 - (c) by online request <https://www.swanhill.vic.gov.au/>;
 - (d) in a letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585; or
 - (e) in an email council@swanhill.vic.gov.au; or
 - (f) hand delivery to the Council's Office, 45 Splatt Street, Swan Hill or 72 Herbert Street, Robinvale.
- 7.9.** It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

Open Forum Procedure**7.10. Public addressing the Meeting**

- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
 - (2) Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
- 7.11.** The Chair will allocate a maximum of 3 minutes to each person who wishes to address Council.
- 7.12.** The Chair will first invite any person who has given prior notice to present to Council.
- 7.13.** The Chair will then invite members of the gallery who would like to present to Council.
- 7.14.** The Chair has the discretion to alter the order of persons to be heard.
- 7.15.** The person in addressing the Council:
- (a) must confine their address to the 3-minute allocation of time;
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
 - (c) shall take direction from the Chair whenever called upon to do;
 - (d) There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee;
 - (e) Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

Questions of Council

Prior notice of Questions of Council

Council must receive prior notice of Questions to be heard as part of Questions of Council time.

7.16. Questions must be received exactly as intended to be read.

7.17. Questions submitted to the Council must be:

- (a) in written form;
- (b) contain the name, address and email or contact telephone number of the person submitting the question;
- (c) in a form approved or permitted by the Council (Template available on Council's website <https://www.swanhill.vic.gov.au/about/council/meetings-agendas-and-minutes/>);
- (d) addressed to the Chief Executive Officer; and
- (e) received no later than 10:00am on the day prior to the Meeting by:
 - o letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585 or
 - o email to council@swanhill.vic.gov.au or
 - o hand delivery to the Council's Offices at 45 Splatt Street, Swan Hill or 72 Herbert Street, Robinvale.

Response

7.18. Response to a submission or question raised during the submission in Open Forum may be provided immediately as part of the Open Forum time at the discretion of the Council.

7.19. The matter will be referred to the relevant Officer for investigation and response if required.

7.20. Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Scheduled Meeting of Council.

7.21. Petitions and joint letters

- (1) All petitions and joint letters either received directly or via Councillors must be presented to the Chief Executive Officer who will list the item on the agenda for the next available Council Meeting.
- (2) Every petition submitted to Council must:
 - (a) be in legible and in permanent writing;
 - (b) is clear and on each page the matter and action sought from council is stated;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council; and
 - (e) include the names, addresses and original signatures of at least 10 people.

- (3) Where a petition has been signed by less than 20 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (4) The Chief Executive Officer must present all petitions and joint letters to Council in accordance with the Agenda and is responsible for ensuring that:
 - (a) they are familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (5) Unless sub-clauses (5) or (6) apply, the only Motions that may be considered by Council on any petition are:
 - (a) that the petition be received; and
 - (b) that the petition be referred to the Chief Executive Officer or relevant Director for consideration and response; or
 - (c) that the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.
- (6) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- (7) If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- (8) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council Meeting.
- (9) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- (10) An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

7.22. Display of placards and posters

- (1) Subject to sub- rules (2) and (3), a person can display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words;
or
 - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
 - (c) obstruct the view or physically impede any person.

- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

7.23. Chairperson May Remove

- (1) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- (2) If a person, other than a Councillor, interjects or gesticulating offensively during the Council Meeting, the Mayor may direct:
 - (a) the person to stop interjecting or gesticulating offensively; and
 - (b) if the person continues to interject or gesticulate offensively, the removal of the person.
- (3) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (4) In causing a person's removal under sub-clause (b), or the removal of an object or material under sub-rule (3), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

8. Voting

8.1. How a matter is determined

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote. The Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors.

8.2. Voting must be seen

- (1) Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

8.3. When a division is permitted

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.
- (3) When a division is called for the Chairperson must:
 - (a) first ask each Councillor wishing to vote in favour of the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (b) then ask each Councillor wishing to vote against the Motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (c) A Councillor abstaining from voting will be recorded in the division as voting against the motion; and
 - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the Motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

8.4. No discussion once a vote has been declared

- (1) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:
 - (a) involves a Councillor requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division in accordance with Rule 8.3; or
 - (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded;
 - (c) the Chairperson may make a statement in relation to a motion presented by a Council indicating the next steps in the process or thanking those present for their participation or attendance.

9. Addressing the Meeting**9.1. Councillor allowed to speak uninterrupted**

- (1) A Councillor who has the floor must not be interrupted unless called to a Point of Order, or given notice by the Chairperson that their speaking time has elapsed or is about to elapse, when they must remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.

9.2. Addressing the Meeting

- (1) If the Chairperson so determines:
 - (a) any person addressing the Chairperson must refer to the Chairperson as:
 - Mayor; or
 - Chairperson;as the case may be;
 - (b) all Councillors, other than the Mayor, must be addressed as Cr.....(surname); and
 - (c) all Council staff, must be addressed as Mr or Ms (name) as appropriate or by their official title.
- (2) Except for the Chairperson and Chief Executive Officer, any person who addresses the Meeting must direct all remarks through the Chairperson.

10. Motions and Debate

10.1. Moving a motion

A resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources. This usually means it should include specifics about the action to be taken, the timing of the action to be taken, the details of any other organisation.

The procedure for moving any Motion is:

- (1) the mover must state the Motion without speaking in support of it;
- (2) the Motion must be seconded by a Councillor other than the mover;
- (3) if a Motion is not seconded, the Motion lapses for want of a seconder;
- (4) if there is a seconder, then the Chairperson must call on the mover to speak to the Motion;
- (5) after the mover has spoken to the Motion, the seconder may also speak to the Motion;
- (6) after the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder does not speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and
- (7) if no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion or call on any other Member to speak.
- (8) the Chairperson can not move or second any Motion
 - (a) with the leave of the meeting the Chairperson may join the debate providing a temporary Chairperson is elected to chair the meeting whilst the Chairperson is speaking.

10.2. Chairperson's duty

The Chairperson must not accept any Motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
- (6) purports to be an amendment but is not.

10.3. Right of reply

- (1) The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a Motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

10.4. Moving an amendment

- (1) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a Councillor may speak on any amendment once, whether or not they have spoken to the Motion, but debate must be confined to the terms of the amendment;
 - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
 - (e) the mover of an amendment does not have right of reply.

10.5. Foreshadowing motions

- (1) At any time during debate a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- (2) A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.

- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- (4) The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

10.6. Withdrawal of motions

- (1) Before any Motion is put to the vote, it may be withdrawn with the Agreement of Council.

10.7. Separation of motions

- (1) Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
- (2) The Chairperson may decide to put any Motion to the vote in separate parts.

10.8. Motions moved in a block

- (5) The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc), only if the Motions note actions already taken and will not commit Council to further action, spending or changes to policy.

10.9. Motions in writing

- (1) All Motions, except procedural Motions, may be submitted in writing or read out by the Councillor submitting the motion. All motions will be recorded by the minute taker.
- (2) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.
- (3) The Chairperson may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before debate on the motion or the vote is taken.

10.10. Debate must be relevant to the motion

- (1) Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.
- (2) If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

10.11. Adequate and sufficient debate

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors or Members the debate would be regarded as sufficient.
- (4) Councillors or members may only speak once to each Motion except for the Mover who has a right of reply.

10.12. Speaking times

- (1) Unless a Motion for an extension of speaking time has been carried, the maximum speaking times are:
 - (a) the mover of a Motion or amendment - five minutes;
 - (b) the mover of a Motion when exercising his or her right of reply - two minutes; and
 - (c) any other speaker - three minutes.
- (2) A Motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than two minutes.
- (6) The Chairperson will determine when speaking times have elapsed but a Councillor or member can raise a Point of Order to challenge a Chairpersons ruling.

10.13. Procedural motions

- (1) Unless otherwise prohibited, and subject to sub- rule (3), a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.
- (3) The Chairperson may reject a Procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in this Local Law, a Procedural Motion must be dealt with in accordance with the Procedural Motions table.

- (5) A Procedural Motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a Procedural Motion must not be amended.
- (8) Procedural Motions table:

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Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>Chairperson</i> ; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>Chairperson</i>	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the Agenda	No
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes

Motion	Form	Mover/ Secunder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

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10.14. Notices of Motion

- (1) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- (2) A Notice of Motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer to allow sufficient time for them to include the motion in the Agenda.
- (3) Councillors should ensure that they have sufficient information about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion.
- (4) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - impacts the levels of Council service;
 - commits Council to expenditure greater than \$10,000 that is not included in the adopted Council Budget;
 - proposes to establish, amend or extend Council policy;
 - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - commits Council to any contractual arrangement; or
 - concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any Notice of Motion which:
 - (a) is too vague;
 - (b) is defamatory;
 - (c) may be prejudicial to any person or Council;
 - (d) is objectionable in language or nature;
 - (e) is outside the powers of Council;
 - (f) is submitted during the Election Period.
- (7) The Chief Executive Officer may reject a proposed Notice of Motion that
 - (a) relates to a matter that can be addressed through the operational service request process; or
 - (b) Relates to a matter that has been previously resolved by Council or is acted upon.
- (8) If rejecting a Notice of Motion, the Chief Executive Officer must
 - (a) inform the Councillor who lodged it of that rejection and the reasons for the rejection in order to give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so;
 - (b) Notify in writing all the Councillors of the rejection and reasons for the rejection;

- (c) A Councillor can request the Mayor to review the CEO determination and the Mayor can override that determination.
- (9) The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- (10) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda or at the Council Meeting considering the Notice of Motion.
- (12) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (13) Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- (14) The Motion moved must not be substantially different to the Motion published in the Agenda, however, may be amended by resolution of the Council.
- (15) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (16) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

10.15. Notices of Rescission

- (1) A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in these Governance Rules regulating Notices of Motion equally apply to notices of rescission.
- (2) Motions to rescind or alter a previous resolution of Council can be made by:
 - (a) A notice of rescission delivered by a Councillor in accordance with sub-clause (10.14); or
 - (b) A recommendation contained in an officer's report included in the Agenda.
- (3) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on; and

- (b) a notice is delivered to the Chief Executive Officer or Delegate setting out:
 - (i) the relevant previous resolution to be rescinded or altered; and
 - (ii) the Meeting and date when the relevant previous resolution was carried.
 - (c) The decision to be rescinded does not involve the use of a statutory power conferred on a member of Council Staff under any Act or Council Local Laws.
- (4) A notice of rescission must be in writing, signed by a Councillor and be delivered to the Chief Executive Officer or Delegate within three (3) working days after the meeting at which the notice of intention was given.
- (5) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- (6) Notwithstanding sub- rule (5), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-clause rule (2), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.
- (7) If a Motion for rescission is lost, a similar Motion may not be put before Council for at least two months from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future Meeting.
- (8) If the motion is subsequently lost again, it may not be brought to Council for consideration for at least twelve months from the date it was lost.
- (9) If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- (10) A notice of rescission listed on an Agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.
- (11) At the request of the Mayor or at least three Councillors a Recession Motion can be considered at an Unscheduled Council Meeting called for that purpose. If not considered at a preceding Unscheduled Council Meeting a Recession Motion must be considered at the next Scheduled Council Meeting.

10.16. Change of Council Policy

- (1) Subject to sub- rule (2), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (2) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

10.17. Foreshadowed Items

- (1) At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- (2) The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- (3) No discussion or debate is allowed on a Foreshadowed Item.
- (4) A Foreshadowed Item will have no further formal status at that Council Meeting.
- (5) Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- (6) If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

11. Points of Order

- (1) A Councillor raising a Point of Order must state:
 - (a) the Point of Order; and
 - (b) any section, clause, paragraph or provision relevant to the Point of Order.
- (2) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- (3) The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the Point of Order is decided.

11.1. Dissent in Chairperson's ruling

- (1) A Councillor may move that the meeting disagree with the Chairperson's ruling on a Point of Order, by moving:

"That the Chairperson's ruling (setting out that ruling or part of that ruling) be dissented from".
- (2) A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the Motion is being considered.
- (3) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.
- (4) The temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from".
- (5) If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the Chairperson must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the Chairperson's ruling does not constitute, and must not be recorded in the Minutes as a motion of censure or a motion of no confidence in the Chairperson.

11.2. Valid points of order

- (8) A Point of Order may be raised in relation to:
 - (a) a Motion which has not be accepted by the Chairperson;
 - (b) a question of procedure;
 - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of Disorder.

11.3. Contradiction or opinion

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

11.4. Disorderly Conduct

- (1) The conduct of Councillors and Members at meetings is governed by the Act, these Rules and the Councillor Code of Conduct.

11.5. Chairperson may adjourn disorderly Meeting

- (1) The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:
 - (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - (b) when a Meeting has been in progress for longer than 2 hours.
- (2) The break referred to in sub-clause (1) is an adjournment.
- (3) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
 - (b) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.
- (4) Where Council suspends a Councillor under sub- rule (1)(a), or the Mayor directs a Councillor to leave the meeting under sub-rule (1)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- (5) If a Councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

12. Minutes

12.1. Keeping of Minutes

- (1) The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
 - (a) the date, place, time and nature of the Council Meeting;
 - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
 - (c) the titles of the members of Council staff present who are not part of the gallery;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
 - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
 - (f) every Motion and amendment moved (including procedural Motions);
 - (g) the outcome of every Motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under s61(5) that a Councillor present at the meeting who does not vote is taken to have voted against the question;
 - (j) details of any failure to achieve or maintain a quorum;
 - (k) a summary of any question asked and the response provided as part of public question time;
 - (l) details of any petitions made to Council;
 - (m) the time and reason for any adjournment of the Meeting or suspension of standing orders;
 - (n) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
 - (o) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

12.2. Confirmation of Minutes

- (1) The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
 - (a) Councillors, within 7 business days;
 - (b) members of the public, by publishing them on Council's website, within 9 business days of the Council Meeting they relate to.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
 - (a) a Motion will be moved to confirm the Minutes in the following terms:
 'That the Minutes of theMeeting held on
20.....be confirmed.';

- (b) if a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-clause (2) (a) ‘...subject to the following alteration(s).....’;
- (3) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- (4) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
 - (a) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively;
 - (b) the confirmed Minutes are then to be placed on Council’s website.

12.3. Recording of Proceedings

- (1) The proceedings of a Council meeting will be recorded by Council. The Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record on suitable audio-visual recording equipment all the proceedings of the Council meeting.
- (2) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (3) The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.
- (4) The Council or the Chairperson may determine that live or recorded video of a meeting may occur. Such video will be controlled by a person appointed by the Chief Executive Officer.
- (5) Video of a meeting will be suspended for items to be considered “in-camera” and may be suspended for any other item(s) at the discretion of the Chairperson.

13. Suspension of Standing Orders

- (1) Council may, upon the motion of a Councillor or request of the Chairperson or Chief Executive Officer, decide to suspend the Council meeting to discuss the issues surrounding the item.
- (2) A Councillor wishing to suspend the standing orders must move: "That standing order be suspended to enable discussion on....."
- (3) Following suspension of the standing orders before any further motion can be put; a motion to resume the standing orders must be made by a Councillor moving: "That standing orders be resumed."
- (4) Any Councillor moving, or Chairperson or Chief Executive Officer requesting, the suspension of standing orders must only do so where they consider that the question before the Council is better dealt with without the formalities of the meeting procedure.
- (5) Both the motion to suspend and resume standing orders requires a seconder and will be dealt with in accordance with the voting procedures in these Governance Rules.
- (6) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- (7) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (8) No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

14. Council's Common Seal

The Common Seal is a device which formally and solemnly records the collective will of Council.

The provisions in this Part are designed to protect the integrity of the Common Seal and describe when it may be affixed to a document as required by Section 14(2) (c) of the Act.

- (1) The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- (2) The affixing of Council's Common Seal to any document must be attested to by the signatures of:
 - (a) The Mayor, one Councillor and the Chief Executive Officer; or
 - (b) in the absence of the Mayor, by two Councillors and the Chief Executive Officer or any other member of Council staff authorised by Council; or
 - (c) in the absence of the Chief Executive Officer any two Directors can sign in substitution for the Chief Executive Officer.
- (3) Any use of the Common Seal must be reported to the next available Ordinary Council meeting.
- (4) A person must not use the Common Seal or any device resembling the Common Seal in contravention of any applicable Local Law.

15. Delegated Committees

If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

- (1) For the purpose of sub- rule (1):
 - (a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (2) If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

16. Community Asset Committees

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Chapters 12 (Minutes).
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

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17. Audit and Risk Committee

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- (2) Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- (3) An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

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18. Election Period

- (1) Council will have in place an election period policy that:
 - (a) Governs decision making during a local government election period, including what may be considered at a Council meeting;
 - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council;
 - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- (6) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

18.1. Election Period Policy

18.1.1. Purpose

The Act requires Council to include an Election Period Policy (Policy) in its Governance Rules.

The purpose of this Policy is to ensure that the business of Council continues throughout an election period in a responsible and transparent manner, and in accordance with statutory requirements.

This Policy has been developed in order to ensure that general elections for Council are conducted in a manner that is fair and equitable to all candidates and is publicly perceived as such.

18.1.2. Scope

This Policy applies to all Councillors and employees of Council.

The provisions in this policy apply throughout the Election Period unless otherwise stated. The Act defines the Election Period as the period that starts at the time that nominations close on nomination day and ends at 6pm on Election Day and covers:

- (a) decisions that are made by Council, a special committee of Council, or a delegate of Council;
- (b) any material that is published by Council;
- (c) attendance and participation in functions and events;
- (d) the use of Council resources;
- (e) access to Council information; and
- (f) media services.

18.1.3. Policy

In the lead up to a general election, the Local Government sector adopts a caretaker period to avoid actions and decisions that may be interpreted as inappropriate nor will it make inappropriate use of resources during the election period that appear to influence voters or bind an incoming Council.

Council will establish written procedures for managing the business of Council during an election period. Councillors and employees must comply with the requirements of the procedures.

During the election period, section 69 of the Act prohibits any Council and Delegated Committees from making a decision that:

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

During the election period:

- a) Councillors do not use Council resources to assist a candidates election campaign;
- b) Councils public consultation during is limited to fulfilling Statutory obligations only;
- c) Council events will be kept to a minimum and will not include funding announcements or events likely to influence voting intentions; and
- d) Council media releases and comment will be limited to providing statutory information and information relating to the election process only;
- e) Information and briefing material prepared by Council staff for Councillors will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

The Chief Executive Officer must ensure as far as possible that:

- (1) No later than 30 days prior to the commencement of the Election Period:
 - (a) all Councillors, Managers and Council officers are informed of the requirements and application of this policy; and
 - (b) a copy of this policy is given to all Councillors.
- (2) Matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.
- (3) All Candidates are familiar with the policy.

18.1.4. Further details can be found in the Swan Hill Rural City Council Election Period (Caretaker) Procedure PRO/GOV016.

19. Conflict of Interest**19.1. Obligations with regard to conflict of interest:**

- (1) Councillors, members of Delegated Committees and Council staff are required to:
 - Avoid - all situations which may give rise to conflicts of interest;
 - Identify - any conflicts of interest; and
 - Disclose – or declare all conflicts of interest;

19.2. Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

19.3. Procedure at a Council or Delegated Committee Meeting

- (1) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
 - (a) The item for which they have a conflict of interest; and
 - (b) Whether their conflict of interest is general or material; and
 - (c) The circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- (3) A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at sub-rule (1) prior to leaving the meeting.
- (4) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

19.4. Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.

- (4) At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the minutes of the meeting.
- (6) If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

19.5. Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

19.6. Procedure for disclosures of conflicts of interest by Council Staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
 - (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
 - (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
 - (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
 - (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

20. Joint council meetings

Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
 - (a) Matters subject to discussion
 - (b) Collaborative projects
 - (c) Collaborative procurement
 - (d) Emergency Response
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- (3) Where Swan Hill Rural City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with sub-rule (5) may be held electronically.

APPENDIX 1 - Public Question Time Form



PUBLIC QUESTION TIME FORM

Please see the back of this form for more information about question time.

Name: _____

Address: _____

Telephone: (AH) _____ (BH) _____

Question (one question per form)

Please note that statements or opinions are not permitted during question time and will not be read.

Signature: _____

Date: _____

Privacy Statement:

Council is collecting your name and address so that it may provide you with a written response if required to your question. If you do not provide this information, Council will be unable to provide you with a written response. Your telephone contact details are optional and may assist Council in seeking clarification from you on the information you are seeking. You may access or correct your personal information by contacting Council.

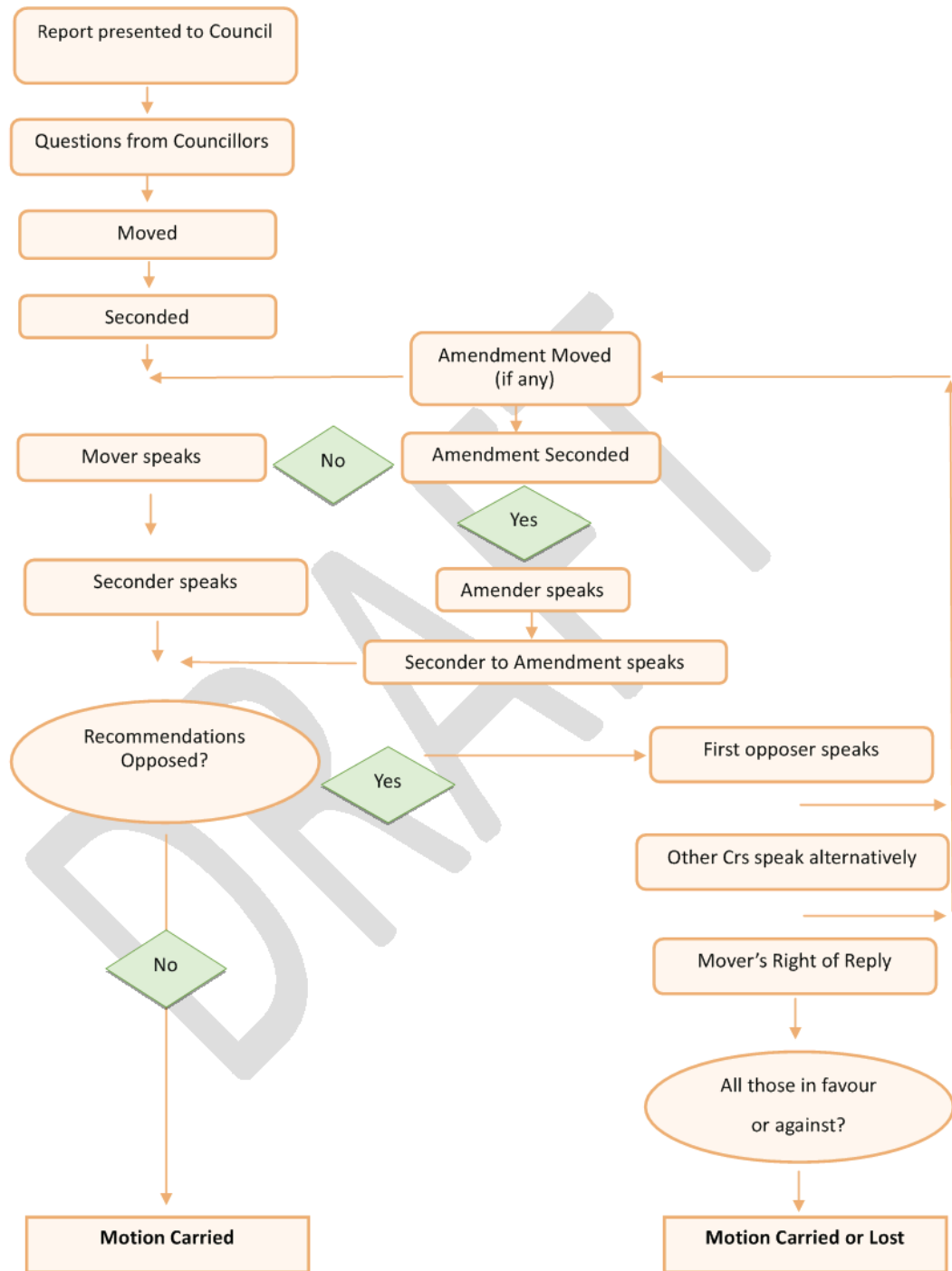
Your name will appear in the Council minutes along with details of the question and the Council response. The other personal information on the form will only be disclosed to Councillors' and Council Officers and will be retained on Council files until destroyed in accordance with the Public Records Act 1973.

Council regularly seeks input from the public on a range of Council matters including preparation of the Community Plan which sets Council's key strategic direction for the next four years. If you wish to be consulted in future on Council's Community Plan, please tick this box .

PUBLIC QUESTION TIME PROCEDURE

1. Public question time provides the community with the opportunity to ask questions directly of Council at a Council Meeting.
2. All questions must be submitted in writing and legible (one question per form).
3. A question must be received in writing by:
 - a. Leaving it in the "Question Box" in the Council Chambers 5 minutes before the commencement of the Council meeting; or
 - b. Leaving it at the reception desk at the Council Offices by 10:00am on the day prior to the Council meeting; or
 - c. Sending it by E-mail (council@swanhill.vic.gov.au) or facsimile transmission (Fax: 5036 2340) by 10:00am on the day prior to the Council meeting.
4. A time is set aside for public questions during a Council meeting at which time each question will be read after the Chairperson has looked at its contents and determined that the question is appropriate. Statements and opinions are not permitted during question time and will not be read to the meeting.
5. The Chairperson may disallow any question. This may be because the question is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass a Councillor or Council officer. The Chairperson will provide reasons where a question is disallowed. Questions considered to be inappropriate will be made available to Councillors on request.
6. The Chairperson will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself. No debate or discussion of the questions or answers is permitted.
7. The Chairperson may elect to take a question on notice in which case a written response will generally be provided within five (10) working days.
8. Persons submitting questions must be present at the Council meeting for the question to be answered and must identify themselves when requested by the Chairperson to do so.
9. A summary of the text of the question and the response will be recorded in the minutes of the Council meeting.

APPENDIX 2 – Process of Conducting a Debate



Please Note:

1. Only a Councillor who has not already spoken can move an Amendment.
2. If there is no Secunder the Motion or Amendment Lapses.

B.20.63 COUNCIL EXPENSES POLICY

Responsible Officer: Director Corporate Services
File Number: S16 25 02 004
Attachments: 1 Final Draft Council Expenses Policy

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 2020* (the 2020 Act) received Royal assent on 24 March 2020 and replaces to a large extent the *Local Government Act 1989* (the 1989 Act). The 2020 Act is to be proclaimed in four key stages with a transition period between the two Acts.

The second stage commenced on 1 May 2020 that requires Council to develop and implement by 1 September 2020 a Council Expenses Policy.

This report presents the final draft Council Expenses Policy, and recommends that the Policy be adopted as presented.

Discussion

Council is required under section 41 of the *Local Government Act 2020* ('the 2020 Act') to adopt a Council Expenses Policy. Under the timetable for implementation of the 2020 Act Council is required to adopt the Council Expenses Policy by 1 September 2020.

Local Government Act 2020

41 Council expenses policy

- (1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.
- (2) A policy adopted by a Council under this section must—
 - (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
 - (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
 - (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and

- (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.
- (3) A Council must adopt the first expenses policy under this section on or before 1 September 2020.
- (4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the Local Government Act 1989 applies as if it had been adopted under this Act.

The attached is the draft Council Expenses Policy which fulfils these requirements. The former Councillor Expense Reimbursement and Support Policy POLGOV004, was reviewed and amended where necessary to ensure the new Policy is compliant with the 2020 Act. The Policy provides a process for the submission of expense claims and also for the approval of any claims submitted. The Policy also defines that an expense must be incurred directly as a result of performing Council duties, and outlines what expenditure is eligible for reimbursement under the Policy.

Consultation

Consultation has occurred with the Executive Leadership Team and the Governance Unit. Following Council Assembly on July 28th, the draft Council Expenses Policy went out for a period of Public Consultation with no submissions being received.

Financial Implications

Councillor expense re-imburements are budgeted for each year.

Social Implications

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and how Councillor expenses are to be handled.

Economic Implications

No known Economic Implication.

Environmental Implications

No known Environmental Implication.

Risk Management Implications

This policy provides transparency in relation to the process of reimbursing Councillors for expenses incurred while performing their role as a Councillor and ensures compliance with the 2020 Act.

Council Plan Strategy Addressed

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

Options

Council can choose to amend or adopt the recommendations.

Recommendations

That Council:

- 1. Note no submissions were received in relation to the Council Expenses Policy.**
- 2. Adopt the Council Expenses Policy as presented.**

Date adopted	March 2001
Last review	July 2020
Next review	July 2021
Responsible Officer	Chief Executive Officer

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



POLICY TITLE COUNCILEXPENSES POLICY

POLICY NUMBER POL/GOV004

1. PURPOSE

The purpose of this policy is to outline the conditions under which expenses incurred by Councillors, and where required members of delegated committees while performing their civic, statutory and policy-making duties, are reimbursed or paid by Swan Hill Rural City Council (Council).

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

2. SCOPE

This policy applies to all Councillors of Swan Hill Rural City Council and where required members of delegated committees under section 63 of the Local Government Act 2020.

3. POLICY

Councillors and members of delegated committees are entitled, under section 40 of the Local Government Act 2020 (the Act), to reimbursement of expenses reasonably incurred in the performance of their duties.

This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the council.

Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses which the Council are satisfied:

- (a) are bona fide expenses;
- (b) have been reasonably incurred in the performance of the role of councillor or member of a delegated committee; and
- are reasonably necessary for the councillor or delegated committee member to perform that role.

Council must provide details of all reimbursements to the Audit and Risk Committee and quarterly to Council Meeting.

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

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Travel

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

Councillors must also comply with the travel by Councillors policy POL/GOV013 where that policy applies.

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

Accommodation

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

Child care

Council will reimburse the reasonable costs of child care where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role. Such duties include the attendance of Council meetings and functions and meetings arising as a result the Councillor being appointed by the Council to an external body.

Payments for childcare services will not be made to a person who resides with the Councillor or delegated committee member; has any financial or pecuniary interest with the Councillor or delegated committee member; or has a relationship with the Councillor, delegated committee member or their partner.

Carer Expenses

Council will reimburse the reasonable carer costs to those who are a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012, where this care has been incurred as a result of the Councillor exercising their responsibilities as an elected Councillor. Such duties include the attendance of Council meetings and functions and meetings arising as a result the Councillor being appointed by the Council to an external body.

Payments for carer services will not be made to a person who resides with the Councillor or delegated committee member; has any financial or pecuniary interest with the Councillor or delegated committee member; or has a relationship with the Councillor, delegated committee member or their partner.

Legal Expenses

Council will reimburse the reasonable cost of obtaining legal advice and the cost of defending an action where the criteria as set out in the Council Expenses Procedure PRO/GOV004 are met.

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Advanced Payment

Councillors may request approval of CEO for advanced payment to cover travel costs. Councillors will be required to provide evidence and reconcile actual payments against expenses incurred.

Expenses not covered by Council

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

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

4. RELATED POLICIES/PROCEDURES/DOCUMENTS

Councillor Code of Conduct
 POL/GOV013 Travel by Councillors Policy
 POL/CORP218 Information Technology acceptable use Policy
 PRO/GOV004 Council Expenses Procedure
 CPOL/GOV023 Public Transparency Policy
 Governance Rules

5. RELATED LEGISLATION

Local Government Act 2020
 Carers Recognition Act 2012

6. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	March 2001	Initial Release
1.1	August 2005	Review
1.2	July 2012	Review
1.3	August 2016	Review
2.0 DRAFT		

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

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Date adopted	March 2001
Last review	July 2020
Next review	July 2021
Responsible Officer	Chief Executive Officer

Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
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PROCEDURE TITLE COUNCIL EXPENSES PROCEDURE

PROCEDURE NUMBER PRO/GOV004

ENABLING POLICY

Council Expenses Policy POL/GOV004

ENABLING LEGISLATION

Local Government Act 2020

1. PURPOSE

The purpose of the procedure is to outline the process under which expenses incurred by Councillors, and where required members of delegated committees while performing their civic, statutory and policy making duties are reimbursed or paid by Swan Hill Rural City Council (Council) and specify the types and level of additional support that will be made available.

2. SCOPE

The procedure applies to all Councillors of Swan Hill Rural City Council and where required members of delegated committees under section 63 of the Local Government Act 2020.

3. PROCEDURE

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

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

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

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3.1. Types of Expenditure

3.1.1. Travel

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

Interstate or overseas travel will only be approved subject to compliance with the Travel by Councillors Policy POL/GOV013.

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

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

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

3.1.2. Accommodation

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

3.1.3. Child Care

Councillors or members of a delegated committee incurring bona fide child care expenses paid to:

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

Will be reimbursed when the care is reasonably required for a Councillor or member of a delegated committee to perform their role. Such as to attend:

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

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

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3.1.4. Carer Expenses

Councillors incurring bona fide carer expenses paid to:

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

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

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

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

3.1.5. Conferences/Training

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

3.1.6. Stationery

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

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

3.1.7. Mayoral Vehicle

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

3.1.8. Mobile Telephone/PDA

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

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3.1.9. Legal Expenses

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

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

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

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

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

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

Accommodation and meal costs are expected to not exceed those detailed in the Australian Taxation Offices' tax determination TD2019/11 table 1

	Food and Non-alcoholic Drinks
Metropolitan	Breakfast - \$28.15 Lunch - \$31.65 Dinner - \$53.90
	Food and Drink
Rural	Breakfast - \$25.20 Lunch - \$28.75 Dinner - \$49.60

3.2. Option of Advanced Payment

Councillors may request advanced payment of travel expenses approved by the CEO.

3.3. Exclusions

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

3.4. Other Support Provided to Councillors

3.4.1. Support for Rural/Remote Councillors

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

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

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

3.4.2. Other Support

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

Facsimile/Telephone Equipment and Computer Access

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

Councillors will be provided with a suitable computer with internet access subject to Council's existing Information Technology Acceptable Use Policy POL/CORP218.

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

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

Typing/Secretarial Support

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

Apparel

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

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

Councillors Office

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

3.5. Monitoring

Quarterly reports of all Councillor and delegated committee member expenses will be provided at a Council Meeting, and the Council’s Audit and Risk Committee. The report will include:

- expenses incurred by Councillors and delegated committee members during the quarter
- reimbursement claims made by Councillors and delegated committee members during the quarter

4. RELATED POLICIES/PROCEDURES/DOCUMENTS

- Councillor Code of Conduct
- POL/GOV013 Travel by Councillors Policy
- POL/CORP218 Information Technology acceptable use Policy
- CPOL/GOV023 Public Transparency Policy
- Governance Rules

5. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	March 2001	Initial Release
1.1	August 2005	Review
1.2	July 2012	Review
1.3	August 2016	Review
2.0 DRAFT		

Signed: _____ **CEO** **Date:** _____

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B.20.64 PUBLIC TRANSPARENCY POLICY

Responsible Officer: Director Corporate Services
File Number: S16-25P-02-023
Attachments: 1 Final Draft Public Transparency Policy

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 2020* (the 2020 Act) received Royal assent on 24 March 2020.

Swan Hill Rural City Council (Council) is required under s57. of the 2020 Act, to adopt a Public Transparency Policy by 1 September 2020.

This report presents the final draft Public Transparency Policy, and recommends that the Policy be adopted as presented.

Discussion

Section 57 of the 2020 Act requires Council to prepare and adopt a Public Transparency Policy. The intent of such a Policy is to provide a mechanism for enacting the Public Transparency Principles, with a particular focus on transparent decision-making processes that enhance integrity and public trust.

57 Public Transparency Policy

- (1) A Council must adopt and maintain a public transparency policy.
- (2) A public transparency policy must—
 - (a) give effect to the public transparency principles; and
 - (b) describe the ways in which Council information is to be made publicly available; and
 - (c) subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and
 - (d) include any other matters prescribed by the regulations.
- (3) A Council must adopt the first public transparency policy under this section on or before 1 September 2020.
- (4) For the purposes of the public transparency policy and the public transparency principles, *information* includes documents.

The objective of Council's Public Transparency Policy is to formalise support for transparency in decision-making processes and public awareness of the availability of Council information. This Policy seeks to promote:

- a) Greater clarity in Council's decision-making processes;
- b) Increased confidence and trust in the community through greater understanding and awareness;
- c) Enhanced decision making;
- d) Improvement of Council's performance;
- e) Access to information that is current, easily accessible and disseminated in a timely manner; and
- f) Reassurance to the community that Council is spending public monies wisely.

The Public Transparency Policy incorporates the Part II Statement issued annually under section 7 of the Freedom of Information Act 1982. The Part II Statement requires the Chief Executive Officer to publish information to aid the public in identifying documents held by Council, for example; manuals, rules of procedure, statements of policy, guidelines, the categories of documents that are maintained in the possession of Council. The incorporation of this Statement allows for a more regular update to the information required by section 57(2)(c) of the 2020 Act.

Council will predominantly make publicly accessible information available on its website. In addition, Council is required to maintain certain information available for public inspection at its premises during office hours. There will remain some instances where information is not publicly available or is only available following a formal request process such as the freedom of information process. These are outlined in the Policy.

Consultation

Internal Consultation has occurred with the Executive Leadership Team, the Freedom of Information Officer and the Governance Unit. A draft Public Transparency Policy has been developed drawing on the model Public Transparency Policy prepared by the Local Government Department following a sector led engagement process. Following Council Assembly on July 28th, the draft Public Transparency Policy went out for a period of Public Consultation with no submissions being received.

Financial Implications

The costs associated with making and implementing the draft Public Transparency Policy is contained within the Council Budget.

Social Implications

The Policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and has been created to provide

consistency and clarity to what information Council will make publicly available; and limitations affecting transparency.

Economic Implications

No known Economic Implication

Environmental Implications

No known Environmental Implication

Risk Management Implications

- Council could face reputational risk from not ensuring transparency of its decision making and public accessibility to information. The Policy ensures compliance with the Local Government Act 2020.

Council Plan Strategy Addressed

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

Options

Council can choose to amend or adopt the recommendations.

Recommendations

That Council:

- 1. Note no submissions were received to the Public Transparency Policy.**
- 2. Adopt the Public Transparency Policy as presented.**

Date adopted

Last review

Next review

Responsible Officer

Information Coordinator

Fully compliant with Victorian Charter of Human Rights and Responsibilities Act 2006
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POLICY TITLE PUBLIC TRANSPARENCY POLICY

POLICY NUMBER CPOL/GOV023

1. PURPOSE

This Policy supports Swan Hill Rural City Council (Council) to provide good governance and accountability. It specifies how Council information is to be made publicly available. Council must adopt and maintain a Public Transparency Policy under Section 57 of the *Local Government Act 2020* (the Act). This Policy gives effect to the *Public Transparency Principles* (Section 58 of the Act).

2. OBJECTIVES

The objective of Council's Public Transparency Policy is to formalise support for transparency in decision-making processes and public awareness of the availability of Council information. This Policy seeks to promote:

- a) Greater clarity in Council's decision-making processes;
- b) Increased confidence and trust in the community through greater understanding and awareness;
- c) Enhanced decision making;
- d) Improvement of Council's performance;
- e) Access to information that is current, easily accessible and disseminated in a timely manner;
- f) Reassurance to the community that Council is spending public monies wisely.

A Transparency Policy is an integral part of Council's Good Governance Framework.

3. SCOPE

This policy applies to Councillors and Council staff of the Council.

Public Transparency Policy CPOL/GOV023		
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4. DEFINITIONS

For the purposes of this Policy, Council adopts the following definitions:

Municipal Community: Includes –

- (a) People who live in the municipal district; and
- (b) People and bodies who are ratepayers of the Council; and
- (c) Traditional owners of land in the municipal district of the Council; and
- (d) People and bodies who conduct activities in the municipal district of the Council.

Consultation: The process of seeking input on a matter.

Closed Meetings: When Council resolves to close the meeting to the general public, in order to consider confidential information.

Confidential Information: Means the following information—

Council business information - Information that would prejudice the Council's position in commercial negotiations if prematurely released;

Security information - Information that if released is likely to endanger the security of Council property or the safety of any person;

Land use planning information - Information that if prematurely released is likely to encourage speculation in land values;

Law enforcement information - Information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person

Legal privileged information - Information to which legal professional privilege or client legal privilege applies;

Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

Private commercial information - Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.

Confidential meeting information - Records of a Council and delegated committee meetings that are closed to the public to consider confidential information

Internal arbitration information - Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.

Councillor Conduct Panel confidential information - Confidential information relating to a Councillor Conduct Panel matter

Confidential information under the 1989 Act - Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

Public Transparency Policy CPOL/GOV023		
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Transparency: A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of the Act).

5. RESPONSIBILITIES

All Councillors and staff have responsibilities to promote and facilitate access to Council information in accordance with the public transparency policy.

Council	Champion the commitment and principles for public transparency through leadership, practice and decision-making.
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this Policy.
Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this Policy.
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.
Organisational Development Manager	To monitor implementation of this Policy and conduct periodic reviews to drive continuous improvement.

6. POLICY

6.1. What Will Council Be Transparent With

6.1.1. Decision Making at Council

- Will be undertaken in accordance with the Act and the Governance Rules.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council will be entitled to communicate their views and have their interests considered.

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6.1.2. Council Information

Council will provide information in accordance with the Local Government Act 2020. A comprehensive list of information is available including all policies, plans, reports which can be found in the Part II Statement in accordance with the Freedom of Information Act 1982. Part II of the *Freedom of Information Act 1982* requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds. This is published annually each January.

6.2. Access to information

- Information will be made available on the Council website, at Council offices, or by request.
- Members of the public can make different kinds of information requests to the Council (e.g. informal requests for documents and information or formal FOI requests).
- Consideration will be given to accessibility and cultural requirements.
- Council will assist people whose first language is not English, where possible, to access interpreter services to enable them understand Council documents.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this Policy.

6.2.1. Freedom of information (FOI) applications

Council will comply with the requirements of the Freedom of Information Act 1982. Council will assist people to access information without the need for a Freedom of Information request where possible. Further information can be found in the Freedom of Information section of Council's website.

6.3. Information Not Available

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*.

6.3.1. Public interest test

Council will not make information publicly available if the release would be contrary to the public interest. When considering public interest, Council will apply the criteria that exists in the *Freedom of Information Act 1982* and the body of knowledge accumulated by the *Victorian Civil and Administrative Tribunal* in its freedom of information related decisions. Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

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When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the Council from performing its functions.

6.4. Human Rights Charter

This Policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*.

6.5. Non-Compliance With This Policy

If a member of the community questions a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied, this can be reported to the Chief Executive Officer.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222, or via the website – www.ombudsman.vic.gov.au.

6.6. Monitoring, Evaluation and Review

Council will monitor processes, information requests and decision making to understand the overall level of success in the Policy's implementation. A summarised report will be presented at the Audit and Risk Committee meetings.

This Policy will be reviewed every four years or more frequently if relevant legislation changes.

7. RELATED POLICIES/PROCEDURES/DOCUMENTS

POL/GOV022 Governance Rules
 Public Transparency Principles
 Governance Framework
 POL/GOV002 Community Engagement Policy
 POL/CORP211 Privacy Policy
 POL/CORP207 Freedom of Information

8. RELATED LEGISLATION

Charter of Human Rights and Responsibilities Act 2006
 Freedom of Information Act 1982
 Local Government Act 2020
 Privacy and Data Protection Act 2014
 Health Records Act 2001
 Equal Opportunity Act 2010

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9. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
0.2 DRAFT		

Signed: _____ MAYOR Date: _____

DRAFT

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.20.13 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 Councillor Assembly 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
14 July 2020 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Draft Governance Rules
- COVID Friendly Events Proposal
- Irrigated Crops in the Swan Hill LGA
- Waste Management Update

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Chris Jeffery
- Cr Les McPhee
- Cr Lea Johnson
- Cr Jade Benham
- Cr Bill Moar
- Cr Nicole McKay
- Cr Ann Young

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Service
- Heather Green, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- Svetla Petkova, Director Infrastructure
- Muriel Scholz, Senior Economic Development Officer
- Helen Morris, Organisational Development Manager
- Emma Rogers, Governance and Compliance Officer
- Nazrul Islam, Engineering and Capital Projects Manager

Other

- Nil

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
28 July 2020 at 11am, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Public Transparency Policy
- Local Government Representation on the National Cabinet
- KSI 4th Quarter
- Council Expenses Policy
- Audit and Risk Committee Charter
- Draft Governance Rules
- Community Satisfaction Survey
- GWM Water
- Migrant Research Project
- 103 Church Road Woorinen – Group accommodation Farming Zone
- Locomotive Options

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Chris Jeffery
- Cr Les McPhee
- Cr Lea Johnson
- Cr Jade Benham
- Cr Bill Moar
- Cr Nicole McKay
- Cr Ann Young

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Service
- Heather Green, Director Development and Planning
- Svetla Petkova, Director Infrastructure
- Anthony Duffin, Information Co-ordinator
- Helen Morris, Organisational Development Manager
- Stefan Louw, Development Manager
- Dione Heppell, Construction Project Manager Regional Livestock Exchange Redevelopment
- Rachael Blandthorn, Development & Planning, Planning & Compliance

Other

- Mark Williams and Caroline Welsh, Brenton Hogan (GWM Water)
- Rebecca Wells, CEO Mallee Regional Innovation Centre

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
4 August 2020 at 1pm, Swan Hill Town Hall, Council Chambers**

AGENDA ITEMS

- Draft Robinvale Euston Agribusiness Workforce Strategy Action Plan
- Basin Plan and Victorian Murray Floodplain Restoration Projects
- Indoor Stadiums Future Development Report
- Swan Hill Inc Budget
- Aged care up-date
- COVID-19 update
- Royston Road, Tol Tol planning application

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Chris Jeffery
- Cr Les McPhee
- Cr Lea Johnson
- Cr Jade Benham
- Cr Bill Moar
- Cr Nicole McKay
- Cr Ann Young

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Heather Green, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- Svetla Petkova, Director Infrastructure
- Nathan Keighran, Liveability and Project Development Coordinator
- Stefan Louw, Development Manager
- Muriel Scholz, Senior Economic Development Officer
- Fiona Gormann, Economic and Community Development Manager

Other

- Glenn Stewart, Community Development Advisor
- Peta Thornton, Vince Kirby and Jamie Pittock
- Murray Ray and Stuart King, Swan Hill Inc

CONFLICT OF INTEREST

- Cr Bill Moar declared an indirect conflict of interest in the Swan Hill Inc Budget due to his sister being on the board.

C.20.14 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
998	Occupancy Lease	Between Swan Hill Rural City Council and Lake Boga Yacht Club	21/07/20
999	Deed of Variation of Cropping Lease	Between Swan Hill Rural City Council and L.Bryan	21/07/20
1000	Deed of Variation of Lease	Between Swan Hill Rural City Council and M.R. & R.M. O'Halloran	21/07/20
1001	Deed of Variation of Lease	Between Swan Hill Rural City Council and Speewa Heritage Collectors Club	21/07/20
1002	Deed of Variation of Lease	Between Swan Hill Rural City Council and Meatian Hall Committee Inc.	28/07/20

DECISIONS WHICH NEED ACTION/RATIFICATION

18 August 2020

1003	Section 173 Agreement SHRCC-LMW-Take a Punt Pty Ltd	Between Swan Hill Rural City Council and Lower Murray Water 9 Chapman Street Swan Hill – Use of Carwash.	4/8/20
1004	Section 173 Agreement	Between Swan Hill Rural City Council and T.J Jury and P.D. Jury	4/8/20
1005	Waste Management Services –Swan Hill & Robinvale landfills & Rural Transfer Stations	Between SHRCC and Whitfields Excavations Pty Ltd	4/8/20

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.20.6 LOCAL GOVERNMENT REPRESENTATION ON THE NATIONAL FEDERATION REFORM COUNCIL

Having given due notice, **Councillor Chris Jeffery MOVED that Council:**

- 1. Request the Federal Government include Local Government representation, through the Australian Local Government Association (ALGA), on the National Federation Reform Council, as it currently exists with the Council of Australian Governments (COAG), and**
- 2. Seek both the Australian Local Government Association and the Municipal Association of Victoria to advocate on our behalf to the Federal Government to achieve Local Government representation on the National Federation Reform Council.**

Preamble

Councils have been represented at every COAG meeting via the ALGA under a long-standing agreement. The MAV president, Councillor Coral Ross contends that the interests of the community are best served when all three levels of Government work in close cooperation.

Limiting representation from Local Government in this forum raises the concern that it is in contradiction to the fundamental purpose of the three levels of government insuring Australians have someone to represent them at each level of government. Recent events have demonstrated that Local Governments can play a significant role in the planning and delivery of many services that impact on the everyday lives of Australians. Councils must continue to be part of Australia's national decision-making because they know what matters most to their respective communities and how best to deliver it.

D.20.7 COMMUNITY SUPPORT

Having given due notice, **Councillor Nicole McKay MOVED that Council:**

- 1. Provide greater support to the communities currently within the ward of Murray-Mallee to develop tourism and community infrastructure projects to assist their growth and economic development.**
- 2. Supports the community of Nyah District in project development and applications under the Murray-Darling Basin Economic Development Fund when the next round is opened.**

Preamble

Many suitable programs are designed to increase investment in remote and regional communities, including the Regional Development Fund; Regional Roads Victoria and Regional Arts Victoria.

Swan Hill Rural City Council has experienced huge growth in agricultural production through it's successful dry land farming and significantly through water reform which has seen an expansion of irrigation industries.

Any economic reform, or restructure of industry, brings with it challenges for it's communities: positives and negatives. The rural towns of the municipality have experienced this and it is fair to say, have emerged as survivors. They want to be better than survivors. They can thrive.

Agricultural growth is demanding labour. The towns need infrastructure support to enable the housing to grow to meet demand.

The roads of Murray-Mallee are experiencing heavier industrial and increased traffic on narrow and dangerous roads.

The area has great potential for tourism and recreation development as the most natural section of the Murray with large areas of accessible wilderness. The region currently experiences high numbers of local and external recreational and holiday use without significant investment in visitor services, promotion, or infrastructure.

In reference, in particular to the Nyah District, the Nyah District Action Group was established in the early 90's to support and develop other industries as horticultural reform altered foundations that the community was developed on. The group has worked consistently and persistently to support the community through the Nyah Farmers market. The Lions Club has established the Recreation Reserve Camping area that has supported visitation to the locality. The area has fantastic natural assets and a strong and resilient community.

Continued investment in Lake Boga over the past 10 years has seen an economic and social renewal of the area. It is an example on the importance of strategic guidance and council investment.

Both the “Vibrant Villages” and the “Our Rivers, Our Region” projects are examples of Swan Hill Rural City broadening it’s focus to the rural towns, and are much appreciated. It is important that this continues.

Our municipality will be stronger and more resilient when the small and more remote communities are all able to enjoy the benefits of the growth and development that the region as a whole has enjoyed over the past decade.

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION G – IN CAMERA ITEMS