



# **COUNCIL MEETING**

## **AGENDA**

**Wednesday 8 September 2021**

**Commencing at 7pm**

**To be held Remote via Livestream**

**Anthony Judd  
Chief Executive Officer  
Buloke Shire Council**

## **ORDER OF BUSINESS**

### **1. COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT**

#### **WELCOME**

The Mayor Cr Daryl Warren will welcome all in attendance.

#### **STATEMENT OF ACKNOWLEDGEMENT**

The Mayor Cr Daryl Warren will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who maybe here today.

### **2. RECEIPT OF APOLOGIES**

### **3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **RECOMMENDATION:**

That Council adopt the Minutes of the Council Meeting held on Wednesday, 11 August 2021.

### **4. REQUESTS FOR LEAVE OF ABSENCE**

### **5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

In accordance with Section 130 (2) of the Local Government Act 2020 Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2020; and
- a) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

### **6. QUESTIONS FROM THE PUBLIC**

NIL

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**NEXT MEETING**

THE NEXT MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 13 OCTOBER 2021 AT 7PM.

**Anthony Judd**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

**7. PROCEDURAL ITEMS****7.1 REPORT OF COUNCILLOR ASSEMBLIES**

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

**RECOMMENDATION**

That the Council note the report of Councillor Assembly Meetings held on 4 and 18 August 2021.

- Attachments:**
- 1 [Councillor Briefing Record - 4 August 2021](#)
  - 2 [Councillor Briefing Record - 18 August 2021](#)

**KEY POINTS/ISSUES**

Transparency is a fundamental principle of democratic governance.

The Local Government Act 2020 (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, designed to improve public transparency in Council's decision making processes and to assist the community in understanding the information that is accessible to them.

As per the Council Meeting Schedule adopted 23 November 2020, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefings held on 4 and 18 August 2021 is attached for public information.

## BULOKE SHIRE COUNCIL

### Record

#### Councillor Briefing

<b>Date and Time:</b>	4 August 2021	<b>Time:</b>	5:00pm – 8:00pm
<b>Location:</b>	Zoom		

## ITEMS

NO.	TOPIC	PURPOSE
<b>Councillor only time 5.00pm – 5.30pm</b>		
1.	Welcome	
2.	Apologies	Cr. Vis
3.	Attendees	Cr Simpson, Cr Milne, Cr Getley, Cr Warren, Cr Stewart, Cr Pollard, Anthony Judd, Rose Harris, Hannah Yu, Wayne O'Toole, Travis Fitzgibbon
4.	Visitors	Anna Arkoudis (7.1); Mel Wilson (7.1); Juliana Bedggood (Ndevr Environmental Consulting Team) (7.1); Michaela Morris (Ndevr Environmental Consulting Team) (7.1); Dan McLoughlan (7.2)
5.	Declarations of Pecuniary Conflicts of Interest	Cr. Getley item 8.1; Cr. Milne item 8.2.2 (Draft Council Agenda)
6.	Confirmation of Councillor Briefing Notes	21 July 2021 – agreed
7.	Presentations	
7.1	Climate Change Adaptation and Mitigation Report – Rose Harris	
7.2	Local Roads and Community Infrastructure – Dan McLoughlan	
8.	Items for Discussion	
8.1	Small Towns Big Difference – Anthony Judd	
9.	Councillor Matters	

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**9.1**

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**10. CEO Updates**

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**11. Next Briefing:**

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<b>Date and Time:</b>	18 August 2021	<b>Time:</b>	<b>3.00pm – 6.00pm</b>
<b>Location:</b>	Charlton Council Chambers		

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**12. Briefing Close**

7.30pm

## BULOKE SHIRE COUNCIL

### Notes

#### Councillor Briefing

<b>Date and Time:</b>	18 August 2021	<b>Time:</b>	3:00pm – 6:00pm
<b>Location:</b>	Zoom		

## ITEMS

NO.	TOPIC	PURPOSE
<b>Councillor only time 3.00pm – 3.30pm</b>		
1.	Welcome	
2.	Apologies	Cr. Vis
3.	Attendees	Cr Simpson, Cr Milne, Cr Getley, Cr Warren, Cr Stewart, Cr Pollard, Anthony Judd, Hannah Yu, Wayne O’Toole, Travis Fitzgibbon, Rose Harris
4.	Visitors	Cecilia Connellan (7.1); Ken Rowe (7.1); Wendy Holland (7.2); Darci Tierney (7.2); Amber Ricks (7.2; 7.3; 7.4); Keith Nancarrow (7.2)
5.	Declarations of Pecuniary Conflicts of Interest	Nil
6.	Confirmation of Councillor Briefing Notes	4 August 2021
7.	Presentations	
7.1	Internet of Things – Ken Rowe, Cecilia Connellan	
7.2	Wycheproof Recreation and Racecourse Reserve Masterplan Draft Designs and Background Report	
7.3	Monthly Project Update – Dan McLoughlan, Amber Ricks	
7.4	Leases and Agreement Update – Amber Ricks	
8.	Items for Discussion	



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**8.1** Charlton Civic Hub Follow Up – Anthony Judd

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**8.2** Wildlife Management Plan (Emus) Mount Wycheproof – Rose Harris

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**9. Councillor Matters**

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**9.1**

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**10. CEO Updates**

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**10.1** Telecommunications Inquiry

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**10.2** Advocacy Strategy

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**11. Next Briefing:**

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**Date and Time:** 1 September 2021

**Time:** 5.00pm – 8.00pm

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**Location:** Sea Lake

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**12. Briefing Close**

5.59pm

## 7.2 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** CR/13/01

### PURPOSE

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any particular recognition of achievement that Council has received or been awarded in the past month.

### RECOMMENDATION

That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.

**Attachments:** Nil

### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Buloke Shire Council	Mrs Hilda Fraser Goodwin Village Donald	26 August 2021	To celebrate and congratulate Mrs Fraser for reaching the significant milestone in life of 100 years of age.
Mattell Inc (American Toy Company)	Dr Kirby White Specialist General Practitioner Bendigo (former Charlton Resident)		Recently being selected as one of six professional women, considered a role model, having a "Dr Kirby White" "Barbie Doll" image created, to honour her efforts during the COVID-19 Pandemic.
Buloke Shire Council	Allan McGillivray Captain Wooroonook Country Fire Authority		Recently reaching the significant milestone of providing 45 years of dedicated voluntary service as Captain of the Wooroonook Country Fire Brigade.
Australian Museums and Gallery Associations Victoria	Charlton Golden Grains Museum		For recently obtaining accreditation as a Museum with Australian Museums and Gallery Associations Victoria, the peak body for quality Museums in Victoria.

### 7.3 CORRESPONDENCE INITIATED BY COUNCIL

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/06/06

#### PURPOSE

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

#### RECOMMENDATION

That the Council notes the record of correspondence initiated by Council and the responses received.

**Attachments:** Nil

#### TABLE OF CORRESPONDENCE

Council Initiative	Correspondence sent to	Date sent	Date of Response	Summary of Response

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

**Author's Title:** Statutory Administration Support

**Department:** Works and Technical Services

**File No:** DB/14/01

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 August 2021 to 31 August 2021.

### RECOMMENDATION

That the Council note information contained in the report on Building Permits approved by staff from 1 August 2021 to 31 August 2021.

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Date Approved
20210090	3702353098024	10 Jenkins Street, Charlton	Alterations to existing dwelling	05/08/2021
20210091	5402337333002	1262 Borung Highway, Wooroonook	Demolition and removal of former Wooroonook Fire Station buildings	05/08/2021
20210105	9265901987291	Boort-Wycheproof Road, Wycheproof	Hay Shed	12/08/2021
20210106	9997157601660	Calder Highway, Bimbourie	Storage Shed	12/08/2021
20210107	7282351284102	23 Corack Road, Donald	Swimming Pool & Safety Barrier	19/08/2021

### LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Permit No.	Address	Project Description	Date Approved
20210103	The Strip Lane, Laen East	Farm Shed	30/07/2021

## 7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** LP/09/01

### PURPOSE

This report provides information on planning applications under consideration by staff and the status of each of these applications.

### RECOMMENDATION

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

**Attachments:** Nil

### LIST OF PLANNING APPLICATIONS

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA920/21		65 Horace Street, Sea Lake CA 32A Section A Parish Burupga	1/04/2021	Liquor licence	Permit Issued
PPA926/21		294 Corack East- Chirrup Road, Corack East CA 40 Sec. D Parish of Corack East	29/04/2021	Two lot subdivision of land (boundary realignment)	Permit Issued
PPA928/21		2 Campbell Street, Birchip Lot 6, 7, 8, 9 PS058023	13/05/2021	Use and development of land for a service station (diesel fuel cell), construct and display a business identification sign and alter access to a Road Zone, Category 1	Public Notice Referral
PPA929/21		Morgans Road, Donald CA2 Parish Donald	25/05/2021	Two lot subdivision of land and use and development of land for animal production (cattle)	Permit Issued
PPA932/21		Borong Highway, Gil Gil CA 2 Section 5 Parish Banyenong	17/06/2021	Amend PPA756/18, Place of assembly, Arts and Music Festival (temporary change of dates)	Permit Withdrawn

<b>Application No</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PPA933/21		11 Learmonth Street, Charlton Lot 4 LP132788	21/07/2021	Use and development of land four dwellings on a lot	Public Notice Referral
PPA934/21		13 Learmonth Street, Charlton Lot 3 LP132788	21/07/2021	Use and development of land four dwellings on a lot	Public Notice Referral
PPA935/21		1094 Sea Lake - Springfield Road, Sea Lake CA 9 Parish of Berriwillock	20/07/2021	Use and development of land for a camping and caravan park (pop-up hotel)	Public Notice Referral
PPA936/21		Calder Highway, Woosang Lot 2 & Lot 5 PS896969	26/07/2021	Use and development of land for a single dwelling	Public Notice Referral
PPA937/21		86 Lanes Road, Jeffcott CA 63 Parish of Wooroonook	28/07/2021	Two lot subdivision of land (rural dwelling excision)	Public Notice Referral
PPA938/21		70 H Vogels Road, Watchem West CA 56 & 56A Parish of Carron	5/08/2021	Two lot subdivision of land (rural dwelling excision)	Public Notice Referral
PPA939/21		90 Mullane Road, Watchem Lot 1 PS 691954	26/07/2021	Use and development of land for animal production (free range chicken farm), construction of four sheds and increase capacity to 267,000 birds	Public Notice Referral
PPA940/21		Taylor's Road, Ballapur CA20A & 20B Parish of Ballapur	26/07/2021	Use and development of land for a single dwelling, create or alter access to Road Zone, Category 1	Public Notice Referral
PPA941/21		350 Broadway, Wycheproof Lot 1 TP391928	18/08/2021	Building and works to locate a shipping container for storage	New
PPA942/21		Donald-Swan Hill Road, Corack East CA 1 Sec. A Parish of Corack East	26/08/2021	Amenities building at Corack Hall	New

**8. GENERAL BUSINESS****8.1 POLICY REPORTS****8.1.1 PUBLIC INTEREST DISCLOSURE POLICY**

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** CM|14|14

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

**PURPOSE**

For the Council to consider the Public Interest Disclosure policy.

**SUMMARY**

The *Public Interest Disclosure Act 2012* (the Act) is legislative framework for receiving protected disclosures and protecting those who make them.

Council is required to have effective processes in place for the management of protected disclosures as a requirement under the Act.

**RECOMMENDATION**

That Council adopt the Public Interest Disclosure policy.

**Attachments:** 1 [Public Interest Disclosure Policy](#)

**DISCUSSION**

The Act encourages and facilitates the disclosure of improper conduct by public bodies or public sector employees. It protects people who report improper conduct aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

The Act provides certain protections for people who make disclosures and carries several civil and criminal penalties related to breaching confidentiality.

A review of Council's Public Interest Disclosure policy (formerly, Protected Disclosure policy) has been undertaken to ensure compliance with the requirements of the Act. The revised policy has been attached to this report.

**RELEVANT LAW**

Relevant sections of the Act and the *Independent Broadbased Anti-corruption Commission Act 2011* are provided in the policy.

**RELATED COUNCIL DECISIONS**

The policy was last adopted by the Council at its meeting held July 2018.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to declare in relation to this report.



<b>POLICY LOCATION</b>	Corporate Services	<b>POLICY TITLE</b>	Public Interest Disclosures Policy
<b>POLICY NUMBER</b>	171	<b>DATE ADOPTED</b>	
<b>REVISION NUMBER</b>	3	<b>REVISION DATE</b>	

## Purpose

The purpose of this Policy is to confirm Council's organisational commitment to the objectives and purposes of the *Public Interest Disclosures Act 2012 (Act)* which are to:

- encourage and facilitate disclosures of:
  - improper conduct by public officers, public bodies and other persons; and
  - detrimental action taken in reprisal for a person making a disclosure under the Act;
- provide protection for:
  - persons who make disclosures; and
  - persons who may suffer detrimental action in reprisal for disclosures;
- ensure that disclosures are properly assessed and, where necessary, investigated; and
- provide for the confidentiality of the content of disclosures and the identity of persons who make disclosures.

## Scope

This Policy applies to:

- Councillors;
- Council staff (full time, part time, temporary or casual); and
- Consultants, contractors and other persons engaged by or providing services to Council.

In accordance with Council's legislative obligations under the Act, Council has established Public Interest Disclosures Procedures (**Procedures**) which provide the internal mechanism for reporting disclosures of improper conduct or detrimental action to Council's appointed Public Interest Disclosure Coordinator. Disclosures may be made by individuals who wish to remain anonymous and may be made verbally or in writing.

All disclosures will be managed in accordance with the Act, the guidelines issued by the Independent Broad-based Anti-corruption Commission (**IBAC**), this Policy and the Procedures.

## Definitions

In this Policy –

**"Disclosure"** means the act or process of revealing or making known certain information;

**"Improper conduct"** means:

- Corrupt conduct as defined in section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011*); or
- conduct that constitutes:
  - a criminal offence;
  - serious professional misconduct;
  - dishonest performance of public functions;
  - an intentional or reckless breach of public trust;
  - an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body;
  - a substantial mismanagement of public resources;
  - a substantial risk to the health or safety of one or more persons;
  - a substantial risk to the environment;
- conduct of any person that:
  - adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
  - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body;
- conduct of any person that could constitute a conspiracy.

*NOTE: conduct that is trivial does not constitute improper conduct for the purposes of the Act.*

**“Independent broad-based anti-corruption commission (IBAC)”** means Victoria’s anticorruption body responsible for identifying and preventing corruption in the public sector;

**“Public Interest Disclosure Coordinator”** means the officer appointed to be the Public Interest Disclosure Coordinator being responsible for receiving and managing public interest disclosures.

## Policy Statement

Council is committed to transparency and accountability and promotes a culture where the making of public interest disclosures is supported. All persons are encouraged to raise any matter of concern, including known or suspected instances of corruption, improper conduct or detrimental action in accordance with Council’s Procedures.

In circumstances where a disclosure is made, Council will take all necessary steps to protect persons from detrimental action in reprisal for making the disclosure.

A person takes detrimental action against a person in reprisal if:

- the person takes or threatens to take detrimental action against the other person because or in the belief that:
  - the other person or anyone else has made, or intends to make, the disclosure;
  - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
  - for either of those reasons, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

## Procedures

Council's Chief Executive Officer is responsible for establishing Procedures which:

- facilitate the making of disclosures;
- explain the handing of disclosures;
- outline the notification of disclosures to IBAC; and
- confirm the protection of persons from detrimental action.

## References

- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 2020*
- *Public Interest Disclosures Act 2012*
- Buloke Shire Council Public Interest Disclosures Procedures
- Buloke Shire Council Code of Conduct for Councillors
- Buloke Shire Council Code of Conduct for Council Staff

## 8.2 MANAGEMENT REPORTS

### 8.2.1 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2021 - 2025

**Author's Title:** Planning Officer

**Department:** Works and Technical Services

**File No:** EM/01/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

#### PURPOSE

The purpose of this report is for Council to consider and endorse this draft Domestic Animal Management Plan 2021 – 2025 to be made available for public community consultation.

#### SUMMARY

Under the provisions of the *Domestic Animals Act 1994* (the Act) all Councils in Victoria have developed a Domestic Animal Management Plan (DAMP) which is renewed every four years. Council staff have reviewed the current Domestic Animal Management Plan and have produced a draft for community consultation as part of the process of renewing Council's Domestic Animal Management Plan.

#### RECOMMENDATION

That Council release the Draft Domestic Animal Management Plan 2021 – 2025 for a 28-day public consultation period.

**Attachments:** Nil

#### DISCUSSION

The draft Domestic Animal Management Plan (DAMP) 2021 – 2025 has been prepared in accordance with the format and sequence required by the Department of Jobs, Precincts and Regions.

The plan outlines Council's services, programs and policies established to administer the requirements of the Act, and the management of dog and cat issues in the community. Council's DAMP promotes responsible pet ownership, and the welfare of cats and dogs in the community. The plan also assists in the protection of the community and environment from nuisance dogs and cats, and in minimising the risk of attacks by dogs. The plan encourages the registration of and identification of dogs and cats.

Council reviews the plan annually and the plan is required to be renewed every four years.

Council will release the draft DAMP and call for public submissions, prior to a final review and bring back for adoption at a future Council meeting.

#### RELEVANT LAW

The renewal of Councils Domestic Management Plan is in accordance with the requirements of the *Domestic Animals Act 1994*.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

Council has the option of not endorsing the draft DAMP document to go out for public consultation at this stage.

**SUSTAINABILITY IMPLICATIONS**

The preparation of the DAMP in itself has no sustainability implications.

The policies and actions in the DAMP contribute to community safety and well-being. The management of feral and stray animals contributes to environmental protection and sustainability.

**COMMUNITY ENGAGEMENT**

Community consultation will commence soon after Council endorses the draft plan to go out for community consultation. This consultation will provide the opportunity for the community to be engaged in strategic planning and strategic decision making.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The draft Domestic Animal Management Plan 2021 – 2025 has been prepared in accordance with the principles of pursuing innovation and continuous improvement.

**COLLABORATION**

No external collaboration has been sought with other Councils and Governments and statutory bodies in the preparation of the draft DAMP. External bodies will have the opportunity to provide a submission during the consultation period.

Internal collaboration has been carried out within the Development Services Department and with the Director Works and Technical Services

**FINANCIAL VIABILITY**

The draft DAMP has been prepared by Council staff.

Policies and actions contained within the draft DAMP can affect domestic animal registration numbers, some educational and promotional activities may incur some expenses.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

All Councils in Victoria have developed a Domestic Animal Management Plan which is renewed every four years.

**COUNCIL PLANS AND POLICIES**

The Domestic Animal Management Plan is in accordance with, and complementary to the Council Plan, in particular the Community Wellbeing and Built and Natural Environment themes.

**TRANSPARENCY OF COUNCIL DECISIONS**

In order to promote transparency, Council will consider this recommendation to endorse the Draft Domestic Animal Management Plan 2021 – 2025 to be made available for public community consultation in an open meeting.

**CONFLICTS OF INTEREST**

No officers involved in the preparation of this report have a conflict of interest in the subject matter of this report.

## 8.2.2 COMMUNITY GRANTS AND SPONSORSHIPS

**Author's Title:** Community Development Officer

**Department:** Community Development

**File No:** GS/09/42

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Community Wellbeing

### PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants and Sponsorship Program

### SUMMARY

Presenting three applications for the Community Grants and Sponsorship program for the Financial Year 2021/2022.

### RECOMMENDATION

That Council allocates the following funding under the Community Grants and Sponsorship program:

- \$600 Small Equipment grant to Wycheproof Men's Shed;
- \$1000 Small Equipment Grant to Wycheproof Caravan Park; and
- \$500 Sponsorship Grant for Charlton Rotary Art Show.

- Attachments:**
- 1 [Disclosure of Conflict of Interest](#)
  - 2 [Community Grants 2021-2022](#)

### DISCUSSION

Council has received the below listed funding application under the Community Grants and Sponsorship Program.

Each of these applications have been assessed as per the Community Grant Guidelines as accepted by Council. The Senior Leadership Team recommends the following grants for council's consideration and final decision on the allocations.

Project:	Technological Advancement of Wycheproof Men's Shed
Organisation:	Wycheproof Men's Shed
Amount Applied:	\$600 Small Equipment grant
Funding Amount Recommended:	\$600
Full project cost:	\$1325.16
Project Description:	<p>The Men's Shed will purchase a laptop for use of the Wycheproof Men's Shed users.</p> <p>The equipment will be used as a tool in governance, communication, information sourcing and digital literacy</p> <p>The technological advancement of Wycheproof's Men's Shed project aligns with Council's Priority 2 (Community Wellbeing)</p>

Project Benefit:	A laptop computer for the Shed will be beneficial for all members through the improvements to governance, communication, information sourcing and digital literacy mentoring by tech-savvy members and sharing of new skills and knowledge; will encourage more participation in activities of the Wycheproof Men's Shed.
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<b>Project:</b>	<b>Defibrillator Opportunity</b>
Organisation:	Wycheproof Caravan Park
Amount Applied:	\$1000 Small Equipment Grant
Funding Amount Recommended:	\$1000
Total Project Cost:	\$2235.44 This includes another \$1000 in dollar for dollar funding from a Federal Government funding subsidy
Project Description:	Setting up a defibrillator in the Wycheproof caravan park
Project Benefit:	It will mean that the whole community of Wycheproof will have more access to a defibrillator, and tourists staying in the caravan park will be able to use this potentially life saving service.  NB: Officers have clarified that the ongoing responsibility for servicing and maintaining belongs to the Caravan Park lessees.

<b>Project:</b>	<b>Charlton Art Show Sponsorship</b>
Organisation:	Charlton Rotary Club
Amount Applied:	\$500
Funding Amount Recommended:	\$500
Full project cost:	\$24,000
Project Description:	The Art Show is one of Charlton's major cultural events that is held each year. It features the work of both local & regional artists & photographers from a wide area. The Buloke Shire would be sponsoring this event. Council also supports the Art show by providing the hall as a venue free of charge,
Project Benefit:	The event will engage with members of the community and create a tourism opportunity, and a chance for locals and tourists to see some local art. This is a significant event in the Charlton community calendar

**RELEVANT LAW**

Not Applicable

**RELATED COUNCIL DECISIONS**

Not Applicable

**OPTIONS**

Council has the option not to allocate funds as per recommended or defer for further information.

**SUSTAINABILITY IMPLICATIONS**

The above Projects do not have any sustainability implications

**COMMUNITY ENGAGEMENT**

The Manager of Community Services has engaged with applicants during the development of proposals.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable

**COLLABORATION**

Not Applicable

**FINANCIAL VIABILITY**

These applications for the 2021/22 Financial Year from the \$20,000 allocation for Community Grants, a total expenditure for the year of \$7,033. The applications sit within the funding allocations.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision.

Community Grant Guidelines.

Community Engagement Policy.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not Applicable

**CONFLICTS OF INTEREST**

Rebecca Postlethwaite, Community Development Officer, declared a conflict of interest for the Charlton Rotary Club Sponsorship Grant. Management of conflict of interest document is attached to this report.





## Disclosure of Conflict of Interest by Staff

Section A: Staff and project details [Staff Member to complete]	
Name:	Rebecca Postlethwaite
Position:	Community Development Officer
Department:	Community Development
Manager/Supervisor:	Mark Remnant
Project/Matter Details:	Conflict of interest on Community Sponsorship Application
Task : [Tick appropriate box]	<div> <input checked="" type="checkbox"/> Providing advice or recommendation  <input type="checkbox"/> Writing a council report  <input type="checkbox"/> Exercising a delegation  <input type="checkbox"/> Attending a meeting  <input type="checkbox"/> Involvement with council project  <input type="checkbox"/> Involvement with allocation of grant funds  <input type="checkbox"/> Procurement activity  <input type="checkbox"/> Recruitment activity  <input checked="" type="checkbox"/> Other (please specify):            ___ Advice and administrative support.            _____            _____         </div>
Date:	20/08/2021

Section B: Conflict of interest details [Staff Member to complete]	
Conflict of interest believed to be held or assessed as being held: [Tick appropriate box]	<div> <input checked="" type="checkbox"/> Actual conflict of interest  <input type="checkbox"/> Potential conflict of interest  <input type="checkbox"/> Perceived conflict of interest         </div>

Further details on type of Interest <sup>1</sup> <i>[Tick appropriate box]</i>	<input checked="" type="checkbox"/> General Conflict of Interest <input type="checkbox"/> Material Conflict of Interest
Other useful information:  <i>[Include details of any private interest or any specific relationships raising the conflict with your public duties]</i>	Roy Postlethwaite is my great uncle, and he is applying for a Community Sponsorship Grant for the Rotary Art Show. I have no involvement with the Rotary Art show, but there could be perceived conflict as I am a direct relative of the applicant.

Section C: Conflict of Interest Management Plan <i>[Manager/Supervisor to complete]</i>	
<b>Management Plan by Manager/Supervisor</b>  Include details of how conflict to be managed & impact on Council if conflict of interest believed to exist. An assessment of exemptions under s 129 <i>Local Government Act 2020</i> is also required.  Strategies include Restrict, Recruit, Remove ie: (a) will employee involvement in matter be restricted?	During the grant application process, after declaring that the applicant was a relative of mine, Bec did an initial assessment of the application to provide advice on areas that needed to be improved, with the permission of her manager. Before any feedback was provided to the applicant, I looked over it, and agreed that the suggestions made were in line with any advice that we would provide any applicant. Any further assistance that was required in relation to this grant was done by me, as was the final assessment. Bec collated the information to send through to the SLT and also for the council report. This is inline with her duties as normal.

<sup>1</sup> Refer to Conflict of Interest Staff Guideline & Reporting Procedure and BSC Staff Code of Conduct

<p>(b) will a disinterested employee be recruited to oversee all or part of the matter?; or</p> <p>(c) will the employee be removed from the matter? Or has the employee chosen to remove themselves from the matter?</p>	<p>Bec was removed from the process of doing the assessment, which she normally would do for any other grant applicants, and she had no other contact with the applicant regarding the application other than the initial feedback that was provided, which was approved by her</p> <p>I took over the assessments of the application, and any other tasks that require providing an opinion about the approval for the funding of the grant.</p> <p>Bec chose to remove herself from the parts of the grant process that require her opinion on the matter to be expressed, and only doing the administrative tasks that are associated with the processing of the grant.</p>
<p>Review date for management plan, i.e. 1 month, 6 months or other if staff member to remain involved in matter  <i>[please specify]</i></p>	<p>Management plan will be undertaken during the grant approval process and when looking at the acquittal, and Bec will remove herself from any subjective processes pertaining to this grant, and stick to the objective, administrative duties associated with it.</p>

#### Section D: Declarations

*[Staff member and Manager/Supervisor to complete]*

##### Staff Member Declaration

I declare to the best of my knowledge that the information in this form is true and correct.

I have considered the project/my involvement with the matter. I believe that I have an actual, potential or perceived conflict of interest.

I undertake to comply with any conflict of interest management plan set out in Section C where I remain involved in the project/matter.  
I undertake to make a further declaration should a change in my circumstances give rise to a further actual, potential or perceived conflict of interest.

\_\_\_\_\_  
Signature of Staff Member

\_\_\_\_Rebecca Postlethwaite\_\_\_\_\_  
Name

\_\_\_\_20/08/2021\_\_\_\_\_  
Date

Manager/Supervisor Declaration

I undertake to comply with any conflict of interest management plan set out in Section C and to monitor the employee's adherence to the plan where they are to remain involved with the project/matter.

\_\_\_\_\_  
Signature of Manager/Supervisor

\_\_\_\_Mark Remnant\_\_\_\_\_  
Name

\_\_\_\_20/08/2021\_\_\_\_\_  
Date

Note: This form must be forwarded to your Manager/Supervisor following the completion of Section A and B.  
Please refer to the **Conflict of Interest – Staff Guidelines and Reporting Procedure** for further information.

Version: 1

Form Review Date: 21 April 2022

Community Grants, Sponsorship & Sustainability Fund					
2021-2022					
Organisation	Type	Date received	Amount in Application		Recommended \$
Charlton Probus Club	Small Equipment Grant	22/06/2021	\$	1,000.00	\$ 1,000.00
Charlton Golf Club	Sponsorship	29/06/2021	\$	500.00	\$ 500.00
North Central LLEN	Sponsorship	11/06/2021	\$	500.00	\$ 500.00
Watchem Development Association	Project Support Grant	6/07/2021	\$	2,000.00	\$ 2,000.00
Donald Friends & Neighbours	Small Equipment Grant	14/07/2021	\$	933.00	\$ 933.00
Wycheproof Mens Shed	Small Equipment Grant	13.8.21	\$	600.00	\$ 600.00
Wycheproof Caravan Park	Small Equipment Grant	11.8.21	\$	1,000.00	\$ 1,000.00
Charlton Rotary Club	Sponsorship	20.8.21	\$	500.00	\$ 500.00
					\$ 7,033.00
2021-2022 Sustainability Fund					
Watchem Development Association		23/07/2021	\$	8,090.00	\$ 8,090.00

### 8.2.3 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

#### PURPOSE

To ensure the currency and accuracy of the Instrument of Delegations to the Chief Executive Officer (CEO).

#### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date.

#### RECOMMENDATION

That Council resolve:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Attachments:** 1 [Instrument of Delegation to the CEO](#)

#### DISCUSSION

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function effectively if this was the case. Instead, decision-making power can be delegated to special committees or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Delegations are different from authorisations. The decision of a delegate of Council is deemed to be a decision by Council. The decision by a person appointed by Council to a statutory position, for example,

an Authorised Officer, is not. That person's powers and responsibilities are quite distinct from those of Council.

Most statutes impose limitations on the powers which may be delegated. Usually, one of the powers which may not be delegated is the delegation power itself. However, this limitation does not apply in respect of delegation to the CEO. Under Section 11 of the *Local Government Act 2020*:

*“(1)(b) The instrument of delegation to the chief executive officer may empower the chief executive officer to delegate any power of the Council other than the power, duty or function specified in subsection (2).”*

The Instrument of Delegation to the CEO may therefore empower the CEO to exercise various powers of the Council, subject to limitations and exceptions specified in the instrument but including the power to delegate powers to Council officers.

In this instance the Instrument of Delegation to the CEO has been updated to include a limitation of expenditure, excluding contracts or expenditure which Council is required to make by or under legislation. Best practice governance procedures suggest delegations and should be reviewed and adopted on at least an annual basis.

This report sets out the following proposed document Instrument of Delegation to the Chief Executive Officer (S5).

#### **RELEVANT LAW**

Section 11 of the *Local Government Act 2020* provide the Power for Council to delegate a power, duty or function to the CEO, subject to specific limitations specified in this section of the Act.

#### **RELATED COUNCIL DECISIONS**

The Instrument of Delegation to the CEO was adopted by Council on 10 June 2020.

#### **OPTIONS**

Council may decide not it adopt the instrument whereby every decision will need to be adopted by Council except powers, duties, or functions that are invested in CEO by the *Local Government Act 2020*, and any other Act that directly provides these powers to the CEO.

Council may also decide to include any other exception or limitation to the Instrument of Delegation to the CEO.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Register of Delegations will be made available on Council's website when adopted.

**CONFLICTS OF INTEREST**

There are no conflicts of interest.



**Buloke Shire Council**  
**S5 Instrument of Delegation by Council to The Chief Executive Officer**

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 Buloke Shire 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 8 September 2021;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;  
and
  - 2.4 remains in force until Council resolves to vary or revoke it.

**THE COMMON SEAL** of the **BULOKE SHIRE COUNCIL** was herunto affixed in the presence of:

.....Councillor

.....Chief Executive Officer

Date .....

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

### **SCHEDULE**

#### **The power to**

1. determine any issue;
  2. take any action; or
  3. do any act or thing
- arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

#### **Conditions and Limitations**

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract exceeding the value of \$250,000;
  - 1.2 making any expenditure that exceeds \$250,000 amount (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 \$250,000 amount);
  - 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 done by Council resolution;
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;
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
  - 4.1 policy; or
  - 4.2 strategyadopted by Council;
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
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.

## 8.2.4 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To sub-delegate powers conferred to Council by s437(2) of the *Environment Protection Act 2017* by Instrument of delegation from the Environment Protection Authority dated 4 June 2021.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### RECOMMENDATION

That Council:

1. Exercise the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S18-Instrument of Sub-Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
3. The instrument comes into force immediately the common seal of Council is affixed to the instrument; and
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Attachments:** 1 [S18-Instrument of Delegation under the Environment Protection Act 2017](#)

### DISCUSSION

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function effectively if this was the case. Instead, decision-making power can be delegated to special committees

or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Recent amendments to the *Environment Protection Act 2017* has resulted in changes to the requirements of the Act. The Environment Protection Authority Delegated to Council via Instrument of Delegation dated 4 June 2021, a number of provisions for activities undertaken by Council.

The instrument of Delegation to the Chief Executive Officer generally allows for the Chief Executive Officer to sub-delegate to staff. This is where Act or Regulations do not include a specific power of Delegation. The *Environment Protection Act 2017* contains a specific power of delegation, by which the Environmental Protection Authority has delegated by Instrument to Council, therefore Council can only be sub-delegate to staff.

#### **RELEVANT LAW**

Section 437(2) of the *Environment Protection Act 2017*.

#### **RELATED COUNCIL DECISIONS**

These are new provisions contained in the Environment Protection Act 2017 that commenced on 1 July 2021.

#### **OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation all decisions in relation to the provisions contained in the attached instrument will be required to be made by Council.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

#### **COLLABORATION**

Senior staff were consulted during the review process to ensure the delegations related to staff in performing their roles within council.

#### **FINANCIAL VIABILITY**

Not applicable.

#### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

#### **COUNCIL PLANS AND POLICIES**

Not applicable.

#### **TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to disclose in relation to this report.

## Buloke Shire Council

### Instrument of Sub-Delegation Under the provisions of the *Environment Protection Act 2017*

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 in column 3 of the Schedule;
2. record that references in the Schedule are as follows;

Abbreviation	Position
CO	Compliance Officer
DCD	Director Community Development
DWTS	Director Works and Technical Services
MA	Manager Assets
MDS	Manager Development Services
MEH	Manager Environmental Health
MW	Manager Works
SWE	Superintendent Waste and Environment
TLC	Team Leader Compliance

3. this Instrument of Sub-Delegation is authorised by a **resolution of Council** passed on 8 September 2021 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
  - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
  - 4.2 remains in force until varied or revoked;
  - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
  - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
  - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
    - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
    - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
  - 6.1 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;

- 6.2 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) strategyadopted by Council;
- 6.3 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
- 6.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**THE COMMON SEAL** of the **BULOKE SHIRE COUNCIL** was herunto affixed in the presence of:

.....Councillor

.....Chief Executive Officer

Date .....

**SCHEDULE**

<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions &amp; Limitations</b>
<b>Environment Protection Act 2017</b>			
s 271	Power to issue improvement notice	MEH	
s 272	Power to issue prohibition notice	MEH	
s 279	Power to amend a notice	MEH	
s 358	Functions of the Environment Protection Authority	CO, MEH, DWTS, MA, MDS, MW, SWE, TLC	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	CO, MEH, DWTS, MA, MDS, MW, SWE, TLC	
s 359(2)	Power to give advice to persons with duties or obligations	MEH, DCD, DWTS	



## 8.2.5 S6 - INSTRUMENT OF DELEGATION TO STAFF

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

To review and update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### RECOMMENDATION:

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument;
3. On the coming into force of the Instrument all previous delegations from S6 Instrument of Delegation by Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt.

**Attachments:** 1 [S6 - Instrument of Delegation](#)

### DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, and to meet a range of legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

The legislation referred to in the Instrument does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

**RELEVANT LAW**

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

**RELATED COUNCIL DECISIONS**

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 12 August 2020.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation all decisions in relation to the provisions contained in the attached instrument will be required to be made by Council.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICTS OF INTEREST**

I, Hannah Yu, have no conflicts of interest to disclose in relation to this report.

## Buloke Shire Council

### S6-Instrument of Delegation by Council to Council Staff

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 shown under the heading "Positions".
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 8 September 2021; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
    - 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) strategyadopted 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.

**THE COMMON SEAL** of the **BULOKE SHIRE COUNCIL** was hereunto affixed in the presence of:

.....Councillor

.....Chief Executive Officer

Date .....

### Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- 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 2020
- Residential Tenancies Regulations 2021
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

### Positions

Abbreviation	Position
CEO	Chief Executive Officer
DCD	Director Community Development
DCS	Director Corporate Services
DWTS	Director Works and Technical Services
MA	Manager Assets
MDS	Manager Development Services
MEH	Manager Environmental Health
MF	Manager Finance
MW	Manager Works
PO	Planning Officer
SAE	Senior Assets Engineer
TLC	Team Leader Compliance

**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	CEO, DWTS MDS, TLC	Council may delegate this power to a Council authorised officer

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	MEH, DCD	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	MEH, DCD	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	MEH, DCD	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	MEH, DCD	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	MEH, DCD	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	MEH, DCD	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MEH, DCD	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MEH, DCD	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MEH, DCD	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	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MEH, DCD	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	MEH, DCD	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MEH, DCD	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	MEH, DCD	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	MEH, DCD	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	MEH, DCD	Where Council is the registration authority
	Power to register, renew or transfer registration	MEH, DCD	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 36A	Power to accept an application for registration or notification using online portal	MEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MEH, DCD	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)	MEH, DCD	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MEH, DCD	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)	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MEH, DCD	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MEH, DCD	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MEH, DCD	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MEH	Where Council is the registration authority
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MEH	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	MEH, DCD	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	MEH, DCD	



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MEH, DCD	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MEH, DCD	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	MEH	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	MEH, DCD	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	MEH, DCD	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DCD	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, DWTS	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 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	CEO, DWTS, MDS, PO	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DWTS, MDS, PO	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DWTS, MDS, PO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	DWTS, MDS, PO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DWTS, MDS, PO	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DWTS, MDS, PO	
s 8A(5)	Function of receiving notice of the Minister's decision	DWTS, MDS, PO	
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	DWTS, MDS, PO	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DWTS, MDS, PO	
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	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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)	CEO, DWTS, MDS, PO	
s 12B(1)	Duty to review planning scheme	CEO, DWTS, MDS, PO	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DWTS, MDS, PO	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DWTS, MDS, PO	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	DWTS, MDS, PO	
s 17(1)	Duty of giving copy amendment to the planning scheme	DWTS, MDS, PO	
s 17(2)	Duty of giving copy s 173 agreement	DWTS, MDS, PO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DWTS, MDS, PO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DWTS, MDS, PO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DWTS, MDS, PO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DWTS, MDS, PO	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	DWTS, MDS, PO	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DWTS, MDS, PO	
s 21A(4)	Duty to publish notice	DWTS, MDS, PO	
s 22	Duty to consider all submissions	DWTS, MDS, PO	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	DWTS, MDS, PO	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DWTS, MDS, PO	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DWTS, MDS, PO	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DWTS, MDS, PO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DWTS, MDS, PO	
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DWTS, MDS, PO	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	MDS, PO	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	DWTS, MDS, PO	
s 30(4)(b)	Duty to provide information in writing upon request	DWTS, MDS, PO	
s 32(2)	Duty to give more notice if required	DWTS, MDS, PO	
s 33(1)	Duty to give more notice of changes to an amendment	DWTS, MDS, PO	
s 36(2)	Duty to give notice of approval of amendment	CEO, DWTS, MDS, PO	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DWTS, MDS, PO	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, DWTS, MDS, PO	
s 40(1)	Function of lodging copy of approved amendment	CEO, DWTS, MDS, PO	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DWTS, MDS, PO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	MDS, PO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DWTS, MDS, PO	
s 46AW	Function of being consulted by the Minister	DWTS, MDS	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DWTS, MDS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DWTS, MDS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DWTS, MDS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DWTS, MDS	
s 46GP	Function of receiving a notice under s 46GO	DWTS, MDS	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	DWTS, MDS	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DWTS, MDS	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	DWTS, MDS	
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	DWTS, MDS	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DWTS, MDS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DWTS, MDS	
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	DWTS, MDS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DWTS, MDS	
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	DWTS, MDS	
s 46GV(3)	f\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	DWTS, MDS	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DWTS, MDS	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)	DWTS, MDS	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)	DWTS, MDS	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DWTS, MDS	
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	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DWTS, MDS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DWTS, MDS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DWTS, MDS	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	DWTS, MDS	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	DWTS, MDS	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	DWTS, MDS	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)	DWTS, MDS	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	CEO	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)	DWTS, MDS	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)	DWTS, MDS	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)	DWTS, MDS	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	DWTS, MDS	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	DWTS, MDS	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DWTS, MDS	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
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	DWTS, MDS	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)	DWTS, MDS	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	DWTS, MDS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DWTS, MDS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DWTS, MDS	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	DWTS, MDS	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	CEO	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	DWTS, MDS	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)	DWTS, MDS	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DWTS, MDS, PO	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DWTS, MDS, PO	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DWTS, MDS, PO	
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	CEO, DWTS, MDS, PO	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DWTS, MDS, PO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DWTS, MDS, PO	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DWTS, MDS, PO	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCS, DWTS, MDS, MF, PO	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DCS, DWTS, MDS, MF, PO	
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	CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO	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)	CEO	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	CEO, DWTS, MDS, PO	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO	
s 46QD	Duty to prepare report and give a report to the Minister	CEO	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	DWTS, MDS, PO	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DWTS, MDS, PO	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DWTS, MDS, PO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DWTS, MDS, PO	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DWTS, MDS, PO	
s 50(4)	Duty to amend application	DWTS, MDS, PO	
s 50(5)	Power to refuse to amend application	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(6)	Duty to make note of amendment to application in register	MDS, PO	
s 50A(1)	Power to make amendment to application	DWTS, MDS, PO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DWTS, MDS, PO	
s 50A(4)	Duty to note amendment to application in register	DWTS, MDS, PO	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DWTS, MDS, PO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DWTS, MDS, PO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DWTS, MDS, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DWTS, MDS, PO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DWTS, MDS, PO	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DWTS, MDS, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	DWTS, MDS, PO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DWTS, MDS, PO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DWTS, MDS, PO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DWTS, MDS, PO	
s 54(1)	Power to require the applicant to provide more information	DWTS, MDS, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DWTS, MDS, PO	
s 54(1B)	Duty to specify the lapse date for an application	DWTS, MDS, PO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DWTS, MDS, PO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DWTS, MDS, PO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DWTS, MDS, PO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DWTS, MDS, PO	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DWTS, MDS, PO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	DWTS, MDS, PO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DWTS, MDS, PO	
s 57A(5)	Power to refuse to amend application	DWTS, MDS, PO	
s 57A(6)	Duty to note amendments to application in register	DWTS, MDS, PO	
s 57B(1)	Duty to determine whether and to whom notice should be given	DWTS, MDS, PO	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DWTS, MDS, PO	
s 57C(1)	Duty to give copy of amended application to referral authority	DWTS, MDS, PO	
s 58	Duty to consider every application for a permit	DWTS, MDS, PO	
s 58A	Power to request advice from the Planning Application Committee	DWTS, MDS, PO	
s 60	Duty to consider certain matters	DWTS, MDS, PO	
s 60(1A)	Duty to consider certain matters	DWTS, MDS, PO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DWTS	
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	DWTS, MDS, PO	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	DWTS, MDS, PO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DWTS, MDS, PO	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DWTS, MDS, PO	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DWTS, MDS, PO	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DWTS, MDS, PO	
s 62(2)	Power to include other conditions	DWTS, MDS, PO	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	DWTS, MDS, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DWTS, MDS, PO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DWTS, MDS, PO	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DWTS, MDS, PO	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DWTS, MDS, PO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DWTS, MDS, PO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DWTS, MDS, PO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DWTS, MDS, PO	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	DWTS, MDS, 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	DWTS, MDS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DWTS, MDS, PO	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	DWTS, MDS, PO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DWTS, MDS, PO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DWTS, MDS, PO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DWTS, MDS, 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	DWTS, MDS, PO	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DWTS, MDS, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DWTS, MDS, PO	
s 69(2)	Power to extend time	DWTS, MDS, PO	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	DWTS, MDS, PO	
s 71(1)	Power to correct certain mistakes	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	DWTS, MDS, PO	
s 73	Power to decide to grant amendment subject to conditions	DWTS, MDS, PO	
s 74	Duty to issue amended permit to applicant if no objectors	DWTS, MDS, PO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DWTS, MDS, PO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DWTS, MDS, PO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DWTS, MDS, PO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DWTS, MDS, 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	DWTS, MDS, PO	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	CEO, DWTS, MDS, PO	
s 83	Function of being respondent to an appeal	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83B	Duty to give or publish notice of application for review	DWTS, MDS, PO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DWTS, MDS, PO	
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	DWTS, MDS, PO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DWTS, MDS, PO	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DWTS, MDS, PO	
s 84AB	Power to agree to confining a review by the Tribunal	DWTS	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DWTS, MDS, PO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DWTS, MDS, PO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DWTS, MDS, PO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DWTS, MDS, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DWTS, MDS, PO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DWTS, MDS, PO	
s 93(2)	Duty to give notice of VCAT order to stop development	DWTS, MDS, PO	
s 95(3)	Function of referring certain applications to the Minister	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 95(4)	Duty to comply with an order or direction	CEO, DWTS, MDS, PO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DWTS, MDS, PO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DWTS, MDS, PO	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DWTS, MDS, PO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DWTS, MDS, PO	
s 96F	Duty to consider the panel's report under s 96E	CEO, DWTS, MDS, PO	
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)	CEO, DWTS, MDS, PO	
s 96H(3)	Power to give notice in compliance with Minister's direction	DWTS, MDS, PO	
s 96J	Power to issue permit as directed by the Minister	DWTS, MDS, PO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DWTS, MDS, PO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97C	Power to request Minister to decide the application	DWTS, MDS, PO	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DWTS, MDS, PO	
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, DWTS, MDS, PO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	DWTS, MDS, PO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DWTS, MDS, PO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DWTS, MDS, PO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DWTS, MDS, PO	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DWTS, MDS, PO	
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, DWTS, MDS, PO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DWTS, MDS, PO	
s 97Q(4)	Duty to comply with directions of VCAT	DWTS, MDS, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DWTS, MDS, PO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DWTS, MDS, PO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DWTS, MDS, PO	
s 101	Function of receiving claim for expenses in conjunction with claim	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103	Power to reject a claim for compensation in certain circumstances	DWTS, MDS, PO	
s.107(1)	function of receiving claim for compensation	DWTS, MDS, PO	
s 107(3)	Power to agree to extend time for making claim	CEO, DWTS, MDS, PO	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DWTS, MDS, PO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DWTS, MDS, PO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DWTS, MDS, PO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DWTS, MDS, PO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO	Except Crown Land  In consultation with Council
s 129	Function of recovering penalties	DWTS, MDS, PO	
s 130(5)	Power to allow person served with an infringement notice further time	DWTS, MDS, PO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO	In consultation with Council
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DWTS, MDS, PO	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DWTS, MDS, PO	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DWTS, MDS, PO	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DWTS	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)	DWTS	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)	DWTS	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	CEO, DWTS, MDS, PO	In Consultation with Council
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	DWTS	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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, DWTS, MDS, PO	
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	CEO, DWTS, MDS, PO	
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	CEO, DWTS, MDS, PO	
s 178A(1)	Function of receiving application to amend or end an agreement	DWTS, MDS, PO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DWTS, MDS, PO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DWTS, MDS, PO	
s 178A(5)	Power to propose to amend or end an agreement	DWTS, MDS, PO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DWTS, MDS, PO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DWTS, MDS, PO	
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	DWTS, MDS, PO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DWTS, MDS, PO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DWTS, MDS, PO	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DWTS, MDS, PO	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	DWTS, MDS, PO	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	DWTS, MDS, PO	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	DWTS, MDS, PO	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	DWTS, MDS, PO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DWTS, MDS, PO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DWTS, MDS, PO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DWTS, MDS, PO	
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	DWTS, MDS, PO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DWTS, MDS, PO	
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	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DWTS, MDS, PO	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	DWTS, MDS, PO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DWTS, MDS, PO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DWTS, MDS, PO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DWTS, MDS, PO	
s 182	Power to enforce an agreement	CEO, DWTS, MDS, PO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DWTS, MDS, PO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DWTS, MDS, PO	
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	DWTS, MDS, PO	
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	DWTS, MDS, PO	
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	DWTS, MDS, PO	
s 184G(2)	Duty to comply with a direction of the Tribunal	DWTS, MDS, PO	
s 184G(3)	Duty to give notice as directed by the Tribunal	DWTS, MDS, PO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 198(1)	Function to receive application for planning certificate	DWTS, MDS, PO	
s 199(1)	Duty to give planning certificate to applicant	DWTS, MDS, PO	
s 201(1)	Function of receiving application for declaration of underlying zoning	DWTS, MDS, PO	
s 201(3)	Duty to make declaration	DWTS, MDS, PO	
	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	CEO, DWTS, MDS, PO	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DWTS, MDS, PO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DWTS, MDS, PO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DWTS, MDS, PO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DWTS, MDS, PO	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DWTS, MDS, PO	

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, DWTS	Where Council is a public statutory authority engaged in the provision of

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO, DWTS	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO, DWTS	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, DWTS	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	MEH, MDS	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	MEH, MDS	
s 142G(2)	Power to enter certain information in the Rooming House Register	MEH, MDS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MEH, MDS	
s 206AZA(2)	Function of receiving written notification	CEO, DWTS	
s 207ZE(2)	Function of receiving written notification	CEO, DWTS	
s 311A(2)	Function of receiving written notification	CEO, DWTS	
s 317ZDA(2)	Function of receiving written notification	CEO, DWTS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MEH, MDS	
s 522(1)	Power to give a compliance notice to a person	DCD	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	

## Residential Tenancies Act 1997

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	MEH, DCD	
s 526A(3)	Function of receiving report of inspection	DCD	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

## 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	DWTS, MA, SAE	Obtain consent in circumstances specified in s 11(2) In consultation with CEO and Council
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DWTS, MA, SAE	In consultation with Council
s 11(9)(b)	Duty to advise Registrar	DWTS, MA, SAE	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DWTS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DWTS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DWTS	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	DWTS, MA, SAE	Power of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DWTS, MA, SAE	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	DWTS,	Function of coordinating road

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	submission	MA, SAE	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	CEO, DWTS	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	DWTS, MA, SAE	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	DWTS, MA, SAE	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DWTS, MA, SAE	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DWTS	
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	DWTS, MA, SAE	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DWTS, MA, SAE	
s 15(2)	Duty to include details of arrangement in public roads register	DWTS, MA, SAE	
s 16(7)	Power to enter into an arrangement under s 15	DWTS, MA, SAE	
s 16(8)	Duty to enter details of determination in public roads register	DWTS, MA, SAE	



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	DWTS, MA, SAE	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DWTS, MA, SAE	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	DWTS, MA, SAE	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	DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DWTS, MA, SAE	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	DWTS, MA, SAE	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	DWTS, MA, SAE	
s 19(4)	Duty to specify details of discontinuance in public roads register	DWTS, MA, SAE	
s 19(5)	Duty to ensure public roads register is available for public inspection	DWTS, MA, SAE	
s 21	Function of replying to request for information or advice	DWTS, MA, SAE	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DWTS, MA, SAE	
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	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DWTS	
s 40(1)	Duty to inspect, maintain and repair a public road.	DWTS, MW	
s 40(5)	Power to inspect, maintain and repair a road which is	DWTS,	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	not a public road	MW	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DWTS, MW	
s 42(1)	Power to declare a public road as a controlled access road	DWTS, MA, SAE	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	DWTS, MA, SAE	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DWTS, MA, SAE	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO	
s 49	Power to develop and publish a road management plan	CEO, DWTS	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DWTS	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DWTS, MA, SAE	
s 54(2)	Duty to give notice of proposal to make a road management plan	DWTS, MA, SAE	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DWTS, MA, SAE	
s 54(6)	Power to amend road management plan	CEO, DWTS	Subject to Council resolution
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DWTS	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DWTS, MA, SAE	
s 63(1)	Power to consent to conduct of works on road	DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DWTS, MA, SAE	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the coordinating road authority
s 67(3)	Power to request information	DWTS, MA, SAE	Where Council is the coordinating road authority
s 68(2)	Power to request information	DWTS, MA, SAE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	DWTS, MA, SAE	
s 72	Duty to issue an identity card to each authorised officer	DWTS, MA, SAE	
s 85	Function of receiving report from authorised officer	CEO, DWTS, MA, SAE	
s 86	Duty to keep register re s 85 matters	DWTS, MA, SAE	
s 87(1)	Function of receiving complaints	CEO,	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		DWTS, MA, SAE	
s 87(2)	Duty to investigate complaint and provide report	DWTS, MA, SAE	
s 112(2)	Power to recover damages in court	CEO	
s 116	Power to cause or carry out inspection	DWTS, MA, MW, SAE	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DWTS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DWTS	
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)	DWTS	
s 121(1)	Power to enter into an agreement in respect of works	DWTS, MA, MW, SAE	
s 122(1)	Power to charge and recover fees	CEO, DWTS	
s 123(1)	Power to charge for any service	CEO, DWTS	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DWTS, MA, SAE	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DWTS, MA, SAE	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DWTS	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DWTS	
sch 2 cl 5	Duty to publish notice of declaration	DWTS, MA, SAE	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DWTS, MA, MW, SAE	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DWTS, MA, MW, SAE	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	DWTS, MA, MW, SAE	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	DWTS, MA, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DWTS, MA, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DWTS, MA, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DWTS, MA, MW, SAE	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	DWTS, MA, MW,	Where Council is the works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	to sch 7 cl 13(2)	SAE	
sch 7 cl 13(2)	Power to vary notice period	DWTS, MA, SAE	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)	DWTS, MA, MW, SAE	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DWTS, MA, MW, SAE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DWTS, MA, SAE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DWTS, MA, SAE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DWTS, MA, SAE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DWTS, MA, SAE	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	DWTS, MA, SAE	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DWTS	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DWTS, MA, SAE	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	CEO, DWTS	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	DWTS	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause streetlights to be installed on roads	DWTS, MA, SAE	Power of responsible road authority where it is the coordinating road

## Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DWTS, MA, MW, SAE	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	DWTS, MA, MW, SAE	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DWTS, MA, MW, SAE	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	DWTS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DWTS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DWTS	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	DWTS	where Council is not the responsible authority, but the relevant land is within Council's municipal district

Planning and Environment Regulations 2015

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	DWTS	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, DWTS	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DWTS, MDS, PO	
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	CEO, DWTS, MDS, PO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CEO	
r 10	Function of receiving application for registration	MEH, MDS	
r 11	Function of receiving application for renewal of registration	MEH	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MEH, MDS	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MEH, MDS	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MEH, MDS	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MEH	
r 12(4) & (5)	Duty to issue certificate of registration	MEH, MDS	
r 14(1)	Function of receiving notice of transfer of ownership	MEH, MDS	
r 14(3)	Power to determine where notice of transfer is displayed	MEH, MDS	
r 15(1)	Duty to transfer registration to new caravan park owner	MEH, MDS	
r 15(2)	Duty to issue a certificate of transfer of registration	MEH, MDS	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MEH, DCD, MDS	
r 17	Duty to keep register of caravan parks	MEH, MDS	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MEH, MDS	
r 18(6)	Power to determine where certain information is displayed	MEH, MDS	
r 22(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	MEH, MDS	
r 22(2)	Duty to consult with relevant emergency services agencies	MEH, MDS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MEH, MDS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MEH, MDS	
r 25(3)	Duty to consult with relevant floodplain	MEH, DCD,	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	management authority	MDS	
r 26	Duty to have regard to any report of the relevant fire authority	MEH, DCD, MDS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and wastewater from a movable dwelling	MEH, MDS	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MEH, MDS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MEH, MDS	
r 41(4)	Function of receiving installation certificate	MEH, MDS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MEH, MDS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MEH, MDS	

Residential Tenancies Regulations 2021			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	MEH	

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	DWTS	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DWTS	
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)	DWTS	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	DWTS	

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 13(1)	Duty to publish notice of amendments to road management plan	DWTS	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	DWTS	
r 16(3)	Power to issue permit	DWTS	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DWTS	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DWTS	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DWTS	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DWTS	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))	DWTS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DWTS	

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	DWTS	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	CEO	Where Council is the coordinating road authority

## 8.2.6 ADVOCACY STRATEGY

**Author's Title:** Chief Executive Officer

**Department:** Office of the CEO

**File No:** ED/03/02

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Our Council and Community Leadership

### PURPOSE

This report is presented for Council to consider the adoption of the revised Advocacy Strategy

### SUMMARY

Following the development of Council's Long Term Community Vision and Plan development, a review and redevelopment of the Advocacy Strategy has been undertaken.

### RECOMMENDATION

That Council adopt the Advocacy Strategy and review the Strategy within 12 months

**Attachments:** 1 [Buloke Shire Council Advocacy Strategy - 2021 to 2022](#)

### DISCUSSION

The redevelopment of an Advocacy Strategy is a commitment from the Council Plan and the year 1 annual plan. This follows the development of Council's first Advocacy Strategy, which was adopted in May 2020.

The first Advocacy Strategy was a platform for significant funding outcomes, which many of the priorities funded over the previous 15 months. This includes:

- Streetscape funding
- Playspaces funding
- Key freight route funding
- Lake Tyrrell intersection funding
- Charlton Rex Theatre funding
- Upgrades to Birchip Community Leisure Centre and lighting upgrades across sporting grounds
- Caravan Park Upgrades across the Shire
- Blackspot funding across key locations
- Allocation of funds to Charlton and Birchip drainage projects
- Wycheproof wetlands project
- EV charging points, conversion of street lighting to LED and funding for tree canopy cover.

Given both the success in achieving the key initiatives from the 2020 Advocacy Strategy as well as the significant community engagement undertaken during the development of the Council Plan and Community Vision, it is a relevant time to review the Advocacy Strategy.

To achieve the vision of the 2021 – 2025 Council Plan and Long Term Community Vision, Council needs to advocate on behalf of our community to key decision-makers. This document is intended to aid in advocacy activities led by Council by setting out a clear and compelling case for financial and policy support. The Buloke Shire Council Advocacy Strategy is a document that outlines the strategic priorities for Buloke and highlights the major advocacy campaigns Council will support, lead and pursue. In considering the strategic priorities and projects, Council has reviewed relevant strategies and plans, including:

- Council Plan and Community Vision
- Economic Development and Tourism Plan and Investment Attraction Plan
- Master Plans
- Inclusiveness Plan
- Regional Plans, such as the Loddon Mallee Economic Growth Strategy
- Relevant asset management plans.

The above strategies and plans have all been established through rigorous consultation with our community.

This Advocacy Strategy follows the same themes identified by Buloke residents in the development of the Buloke 2030 Community Plan. These strategic themes are:

- Our Built and Natural Environment
- Our Community Wellbeing
- Our Economy
- Our Council and Community Leadership

The Strategy includes seventeen priorities, many of which are infrastructure projects that can be staged. Whilst the strategy highlights the strategic priorities, it doesn't prohibit Council from applying for funding and requesting government support on other initiatives.

Key initiatives include:

- Cabin installation at lakes and caravan parks across the Shire
- Housing projects, commencing with the Birchip Housing Development
- Greening Buloke and securing grants for tree planting, retrofitting buildings and biodiversity projects
- Civic Precinct and community hub projects across all townships
- Continuing the investment into the arts trail
- A renewed funding call for recreation reserves and aquatic facilities across the Shire.

It also calls for state and federal government policy shifts, particularly around:

- A housing investment incentive package for rural areas
- Increased funding for asset renewal for small rural councils
- Rural-proofing childcare provision
- Full completion of the Murray Basin Rail project

Given the rapid changing environment, it has been recommended that the strategy be reviewed in twelve months.

#### **RELEVANT LAW**

There are no relevant law implications.

#### **RELATED COUNCIL DECISIONS**

Council adopted the first Advocacy Strategy in May 2020.

**OPTIONS**

Council can choose to not adopt the Advocacy Strategy. It is worth noting that this document can be reviewed at any time.

**SUSTAINABILITY IMPLICATIONS**

The Strategy includes a priority focussed on enhancing the environmental performance of the broader Buloke community.

**COMMUNITY ENGAGEMENT**

This Advocacy Strategy has been developed through a review of a large range of strategies, plans and consultation efforts of Council in recent years.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The first Advocacy Strategy wielded extremely positive results from funding providers over the past 15 months. This document will build on the success of the advocacy efforts of Council.

**COLLABORATION**

This strategy pulls from a range of internal and external strategic documents and the only way for Council to deliver on these community priorities is to do it in partnership with other levels of government and the community

**FINANCIAL VIABILITY**

Council is heavily reliant on external funding for the delivery of large scale capital works projects. Ultimately, one of the key aims of this document is to attract external funding for the for the delivery of the important projects detailed in this Advocacy Strategy. If funding is received, this will form part of future capital works programs.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

This document will feed into key regional strategic plans, including the Mallee Regional Partnership priorities.

**COUNCIL PLANS AND POLICIES**

This Advocacy Strategy has strong alignment with key strategy and policy documents, including the Council Plan and Economic Development and Tourism Strategy

**TRANSPARENCY OF COUNCIL DECISIONS**

This report is being made in open Council meeting.

**CONFLICTS OF INTEREST**

No officer involved in the development of this report has a known conflict of interest





**BULOKE**  
SHIRE COUNCIL

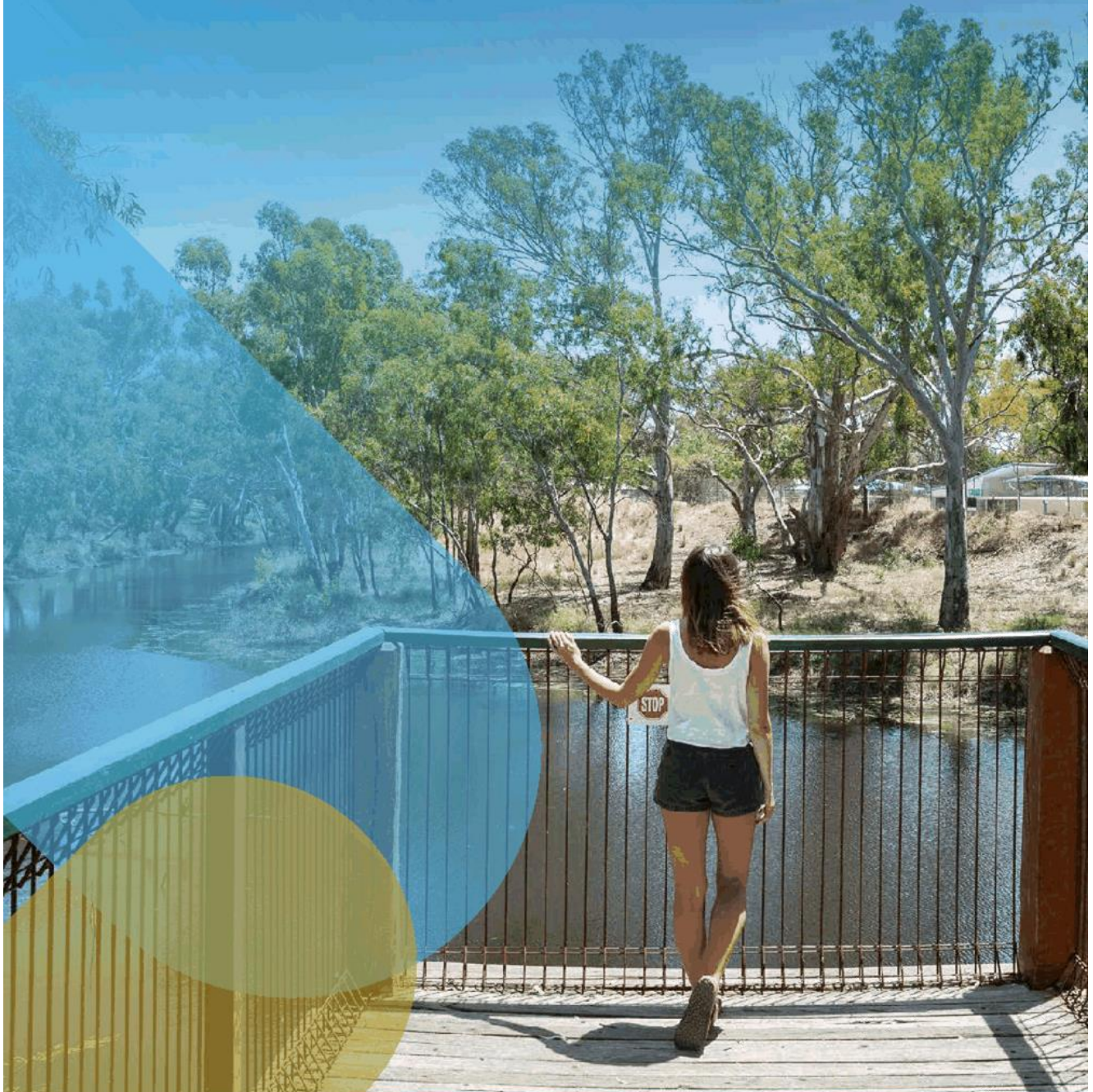
# ADVOCACY STRATEGY







**Council continuously works with other levels of government, agencies and organisations to achieve its goals for the community.**

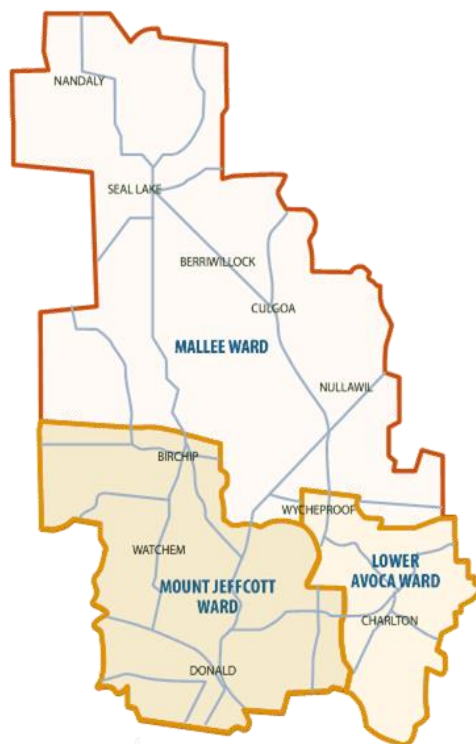




# OVERVIEW

This document outlines key advocacy priorities Council is committed to focusing on, and seeking partnerships in relation to, over the next three years. The projects identified in this document align with the themes and objectives of the Council Plan 2021-25, which sets out the long-term vision for the Shire.

Many of the projects in the agenda are chosen to recognise the challenges that Buloke Shire faces, as one of the geographically largest municipalities, with an ageing and declining population. Many rural councils face similar challenges and it is important to recognise that Council cannot, and does not, act alone – but works in partnership with all areas of society and other levels of government to deliver on our vision for the future. Council continuously works with other levels of government, agencies and organisations to achieve its goals for the community. The projects identified in the Strategy are not the only advocacy issues for Council and the Buloke community. Work will continue on a number of other advocacy issues as outlined in the Council Plan 2021-25 and Long Term Community Vision and other adopted policies and strategies. However the Advocacy Strategy outlines our top tier asks impacting our community right now.



# OUR SHARED VISION

**Building a Better Buloke**  
- A healthy, connected, inclusive  
and prosperous community..



## OUR BUILT AND NATURAL ENVIRONMENT

Our future Buloke has quality, safe and accessible infrastructure valued by and responsive to the community alongside attractive streetscapes and a protected and celebrated natural environment reflecting Buloke pride.



## OUR COMMUNITY WELLBEING

Our future Buloke... is a welcoming, well-connected and inclusive community built around social connections for all age groups and backgrounds and access to, as well as ongoing advocacy for, vital services.



## OUR ECONOMY

Our future Buloke... is an innovative and strong economy with agriculture, small business and industry capitalising on new ideas to provide a range of employment and tourism opportunities backed by the services, connectivity and housing to achieve population stability.



## OUR COUNCIL AND COMMUNITY LEADERSHIP

Our future Buloke... is dynamically led by a Council that informs community, has active partnerships, authentic advocacy and quality customer service delivering valued community services in a responsible way.





# ADVOCACY PRINCIPLES



The priorities within this document have also been identified in the Council Plan 2021-25 and Long Term Community Vision, Council's Capital Works Plan, and other relevant policies, plans and strategies adopted by Council



The priorities are realistic and attainable, in the short to medium term. We will stage or breakdown larger and longer-term priority projects



The priorities have a clear community need and benefit and are backed up by evidence



The priorities have broad community support



The priorities align with those of State and Federal decision-makers and Council will seek to work in partnership with other levels of Government, as well as candidates for election to other levels of Government, to deliver these priorities



Council has indicated the resources it will commit to these priorities as a partner



Council will also work with other advocacy organisations and local community groups where our interest align, to build support for our priorities



# ADVOCACY ACTIVITIES



Council will undertake a range of activities to promote and deliver on our advocacy objectives. These activities will be undertaken by council officers, the Senior Leadership Team and Councillors as appropriate. Activities may include:

**Undertaking public campaigns** and producing collateral to raise awareness of the issues in the community and encouraging their involvement in advocacy efforts

**Developing partnerships with key stakeholders**, local and regional organisations, and peak bodies whose interests align with the Advocacy Strategy objectives

**Liaising with government priorities** to local Members of Parliament, state and federal ministers, shadow ministers, opposition and cross bench members, and local state and federal election candidates

**Aligning Council activities** and participating in the advocacy work of peak bodies and regional organisations including the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA)

**Making submissions** to government and parliamentary enquiries to advance the goals of the Advocacy Strategy

**Identifying and applying for grants** to secure funding in order to deliver on our advocacy priorities

**Promoting commitments**, where we receive them, to encourage other parties and stakeholders to lend their support



# MONITORING AND EVALUATION

Over the next three years, Council will ask other levels of government as well as various agencies and organisations to join in developing and delivering these vital projects. The strategy is designed to be a live document and remain relevant as work on the advocacy priorities develops. Council will monitor progress towards delivery of these priorities on an ongoing basis, with regular updates provided to Council and the community through Council reports and a formal annual review.

## PRIORITIES

The following priorities have been established through a range of engagement activities with the wider Buloke community. These projects have clear strategic linkages from:



**LONG-TERM COMMUNITY VISION AND COUNCIL PLAN 2021-2025**



**COMMUNITY PLANS**



**RELEVANT MASTER PLANS, SUCH AS STREETSCAPE AND RECREATION RESERVE MASTER PLANS**



**ECONOMIC DEVELOPMENT AND TOURISM STRATEGY**



**INDUSTRY GAP ANALYSIS**



**INCLUSIVENESS PLAN**



**RECREATION STRATEGY**

Perhaps most importantly, this Advocacy Strategy has been developed in close alignment with the Buloke Shire Council Long-Term Community Vision, that sets out the vision and aspirations of the Buloke Community and the strategies, projects and actions that will deliver them.

PROJECT	REQUEST	STRATEGIC ASSESSMENT	FEASIBILITY/ BUSINESS CASE	PROJECT DEVELOPMENT	CONSTRUCTION
OUR BUILT AND NATURAL ENVIRONMENT					
Drainage and Flood Mitigation	\$3million for flood mitigation and drainage and harvesting projects at Charlton, Donald, Birchip and Nullawil	Complete	Complete	Underway	
Greening Buloke	\$500,000 per year over five years to implement Council's Climate Change Strategy, including retrofit environmentally sustainable design features at community facilities, improve tree canopy within towns and establish EV charging stations	Complete	Underway		
Buloke Roads of Strategic Importance	\$1m annually for rural council's to invest into country roads, to ensure our agricultural supply chains, which span the equivalent of Melbourne to Jakarta, meet community expectations	Complete	Complete	Complete	
Civic Precinct and town centres	Implement the Birchip Town Centre masterplan and improve streetscape and parks at Nandaly, Berriwillock, Culgoa, Nullawil and Watchem	Complete	Complete	Underway	
Buloke Heritage Places	\$1million to enhance and restore and key heritage buildings such as court houses, halls and museums	Complete	Underway		
OUR COMMUNITY WELLBEING					
Community Hubs Development	\$2million for vital upgrades to community facilities across towns and hamlets.	Complete	Underway		
Buloke's premier sporting reserves	\$4million for upgrades to the Birchip, Wycheproof, Nullawil and Sea Lake Recreation Reserve facilities	Complete	Complete		
Buloke's premier sporting reserves	\$4million for upgrades to the Birchip, Wycheproof, Nullawil and Sea Lake Recreation Reserve facilities	Complete	Complete		
Donald and Birchip Early Years Upgrades	\$500,00 for upgrades at Birchip and Donald Early Years Centres	Complete	Underway		
Charlton Driver Education Centre	\$500,000 for the upgrade to facilities at the Charlton Driver Education Centre	Complete	Complete	Complete	
OUR ECONOMY					
Tourism and Seasonal Accommodation	\$3million for cabins across seven caravan parks to accommodate for tourism and seasonal accommodation	Complete	Complete	Complete	
Birchip Community Housing Expansion	\$1.5million for the development of six new units for the Birchip community, targeting aged residents	Complete	Complete	Complete	
Donald Tradie Park	\$1.2million to develop a tradie park in Donald on the Industrial estate, including six trades sheds	Complete	Underway		
Connecting Buloke	Upgrade Sea Lake NBN to Fixed Wireless. Construction of phone towers for the three worst blackspots:	Complete	Complete		
Boosting the Art Trail	\$350,000 for the expansion of the existing arts trail through the Wimmera and Southern Mallee region, through the street murals, activation of silo art and value-adding to trail	Complete	Complete		
OUR COUNCIL AND COMMUNITY LEADERSHIP (POLICY ASKS)					
Clear decentralisation and housing policy	The development and funding of a very clear decentralisation policy, that aims to address transport, housing, health and jobs				
Asset Stabilisation Fund	The establishment of an Asset Stabilisation Fund to assist small rural Council's with largest renewal gap to address infrastructure needs				
Rural-proofing Childcare provision	Establish a new childcare funding model that meets the needs of rural people				
Murray Basin Rail	Full completion of the Murray Basin Rail project, including the standardisation of the Sea Lake and Manangatang lines.				





## PRIORITIES OUR BUILT AND NATURAL ENVIRONMENT

### DONALD, CHARLTON, NULLAWIL AND BIRCHIP FLOOD MITIGATION AND DRAINAGE WORKS.

ASK:  
\$3MILLION



TOTAL COST:  
\$3.3MILLION



Charlton and Birchip are two of Buloke's largest townships and have had a history of flash flooding in recent years, causing damage to infrastructure and property. Nullawil has also had a history of flooding. Reviews and investigations have found the underground drainage for each township was not designed to meet current climatic changes and large rainfall events.

Upgrades at Birchip, Nullawil and Charlton will mitigate against flash flooding, protect vital community and private property and provide these communities with improved security. In addition, completion of the temporary levee at the Donald Levee Bank is a necessity to protect from future flooding. Designs have been completed for these works and are ready to proceed.

### GREENING BULOKE

ASK:  
\$500,000  
PER YEAR (5 YEARS)



TOTAL COST:  
\$2.5MILLION



Over a five year period, the Buloke community aims to significantly improve its sustainability performance and provide a more liveable community for residents and tourists. The aim of this project is to have network of Electric Vehicle charging stations that ensure ease of visitation, to improve tree canopy cover and provide an appealing and cooler township and to retrofit key community facilities, such as sporting clubs, with environmentally sustainable design features.

Council has worked closely with the CVGA to identify priority locations for EV Charging points and tree canopy deficiencies. In addition, facility audits in conjunction with Sustainability Victoria have highlighted opportunities to address energy and water reduction in our heavily utilised community assets.





## PRIORITIES OUR BUILT AND NATURAL ENVIRONMENT

### BULOKE ROADS OF STRATEGIC IMPORTANCE

ASK:  
\$1MILLION  
ANNUALLY



This project is aimed to improve the efficiency of the road network and remove blockages for freight to use the most direct route to get products to port. Key projects include pavement rehabilitation, seal widening, line marking, improving dangerous intersections and first-and-last mile issues.

By improving efficiency of freight movements, more money will end up in farmers pockets to reinvest into their businesses. This project extends beyond dry-land farming, and considers the emergence of intensive agriculture as a driving industry within the Shire.

Many projects have been designed and costed, with projects such as the Jeffcott and McLoughlans Road requiring urgent works.

### CIVIC PRECINCT AND TOWN CENTRE UPGRADES

ASK:  
\$4MILLION



TOTAL COST:  
\$4.4MILLION



Implement the upgrades to town centres, streetscapes and parks across the smaller towns of Nullawil, Watchem, Berriwillock, Nandaly and Culgoa.

Project also includes the implementation of the Birchip Civic Precinct Project and expansion of the town park and improving green space in the community.





## PRIORITIES OUR BUILT AND NATURAL ENVIRONMENT

### BULOKE HERITAGE SPACES

ASK:  
\$1MILLION



TOTAL COST:  
\$1.2MILLION



The Buloke townships have amazing history and many of the heritage community buildings have an amazing story to tell. Buildings such as the Watchem and Wycheproof Halls, Charlton, Birchip and Wycheproof Courthouses and Auchmore Museum (Nullawil) stand to tell the stories of generations and pioneers of our region and are central to civic pride of current day residents. Yet, there is a need to preserve and upgrade these historical buildings and make them suitable for current day use.

This project will see the refurbishment, critical renewal works and expansion of Council's halls, museums and courthouses. These facilities are some of the most utilised facilities in the Shire and are arts and culture hubs within the township and a tourism drawcard.



## PRIORITIES OUR COMMUNITY WELLBEING

### COMMUNITY HUBS DEVELOPMENT

ASK:  
\$2MILLION



TOTAL COST:  
\$2.2MILLION



Town halls remain the hubs of many of Council's smaller townships and hamlets. For communities such as Litchfield, Coonooer Bridge and Corack, these halls are the key social gathering place and many are in need of improvements to meet current requirements and address accessibility issues.

This project will see upgrades across the five smaller townships and other hamlets with halls to upgrade toilets, kitchens, air conditioning and other urgent repair needs.

### BULOKE PREMIER SPORTING FACILITY UPGRADES

ASK:  
\$4MILLION



TOTAL COST:  
\$4.8MILLION



The Birchip, Nullawil, Wycheproof and Sea Lake Recreation Reserve facilities are some of Buloke's highest utilised community assets. Currently, some of these facilities do not provide female friendly change spaces and therefore restrict the current and future usage.

The upgrades will create a function space that acts as the hub for each community, create viewing spaces, improve oval lighting and improve accessibility for players, spectators and umpires. These facilities are the heart of these communities and will increase community connectivity and participation in physical activity into the future.





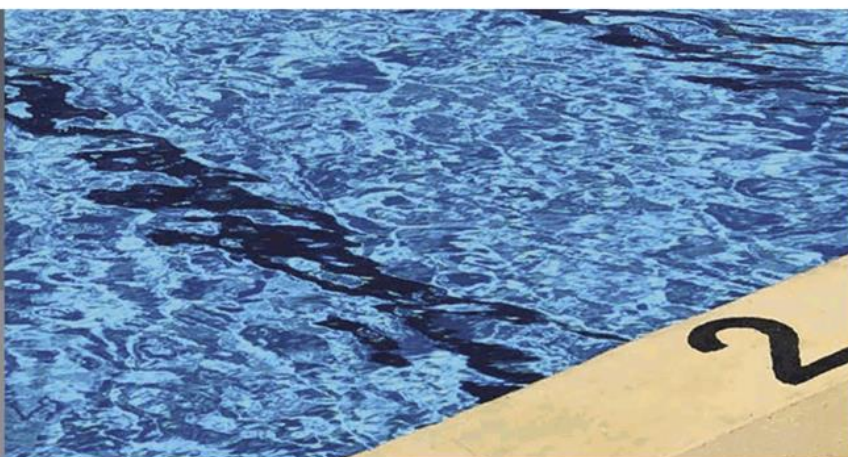
## PRIORITIES OUR COMMUNITY WELLBEING

### BULOKE AQUATIC UPGRADES

ASK:  
\$1,300,000



TOTAL COST:  
\$1,700,000



With seven pools across the Shire all built between 1950 - 1970 (Charlton, Donald, Sea Lake, Wycheproof, Birchip, Watchem and Berriwillock), the need for investment into Council's aquatic facilities is significant. Upgrades to plant, pipework and pools shells are all important to ensure the pools remain accessible into the future, and value additions, such as solar heating and splash parks are required to drive additional patronage.

### DONALD AND BIRCHIP EARLY YEARS UPGRADES

ASK:  
\$500,000



TOTAL COST:  
\$580,000



Complete much required upgrades to improve staffing, storage and play space area for children and educators at the Donald and Birchip Early Years Upgrades. This funding will improve safety for the educators and improve the early learning outcomes for children attending these important services.



## PRIORITIES OUR COMMUNITY WELLBEING

### CHARLTON DRIVER EDUCATION CENTRE

ASK:  
\$500,000



TOTAL COST:  
\$500,000



The Charlton Driver Education Centre provides an essential learning service for students' right across Victoria. Whilst the cars and roads at the centre are in good condition, there is no adequate classroom and staff amenity.

This funding will see the development of a new office and classroom area for students to learn the theory as well as practice at this essential learning service.





## PRIORITIES OUR ECONOMY

### TOURISM AND SEASONAL ACCOMMODATION

ASK:  
\$3MILLION



TOTAL COST:  
\$3.2MILLION



Across Buloke, there has been a lack of both tourism and seasonal accommodation for many years. The continued rise of visitation to the Shire has highlighted the need for a variety of accommodation offerings and this project will see cabins installed at seven different caravan parks and lakes across the Shire.

Cabins will be installed at Watchem Lake, Tchum Lake, Green Lake, Sea Lake Caravan Park, Wycheproof Caravan Park, Charlton Travellers Rest and Wooroonook Lake to cater for seasonal accommodation needs and tourists.

### BIRCHIP COMMUNITY HOUSING EXPANSION

ASK:  
\$1.5MILLION



TOTAL COST:  
\$1.6MILLION



The Buloke Shire has a housing shortage and has been actively looking at ways to improve the housing offerings for all segments of the market. This project expands on the impressive work of the Birchip Community Housing Committee by building another six units on the old bowling green site.

This will cater for the ageing population and will serve to open up family homes as retirees downsize into these custom built units.



## PRIORITIES OUR ECONOMY

### DONALD TRADIE PARK DEVELOPMENT

ASK:  
\$1.2MILLION



TOTAL COST:  
\$1.3MILLION



This project aims to deliver a new tradie park in the industrial estate in Donald. It will service and build a series of medium size sheds to allow for the expansion of the many tradespeople that Donald has and will also promote the relocation of other tradies to town to utilise the sheds.

This will build between 6-8 sheds on the industrial estate using local trades and will support the community by having many trades located on the one site.

### CONNECTING BULOKE

FIBRE TO THE NODE  
FOR SEA LAKE

3 MOBILE TOWERS



Sea Lake does not have fibre to the node NBN and would be one of the largest towns in Victoria that has Skymuster as a poor alternative. With two schools, a hospital, ambulance, burgeoning tourism sector, large population and many businesses, there is a clear need to upgrade Sea Lake's NBN offering to fixed wireless. Without the upgrade, Sea Lake remains disadvantaged, with poorer speeds and higher costs.

In addition, Buloke has a range of mobile blackspots and in a time with technology in agriculture is creating significant efficiencies, connectivity is vital. The key blackspots for Buloke that need addressing are located north of Birchip, Woornook/Jeffcott and Coonooer West.





## PRIORITIES OUR ECONOMY

### BOOSTING THE BULOKE ART TRAIL

ASK:  
\$350,000

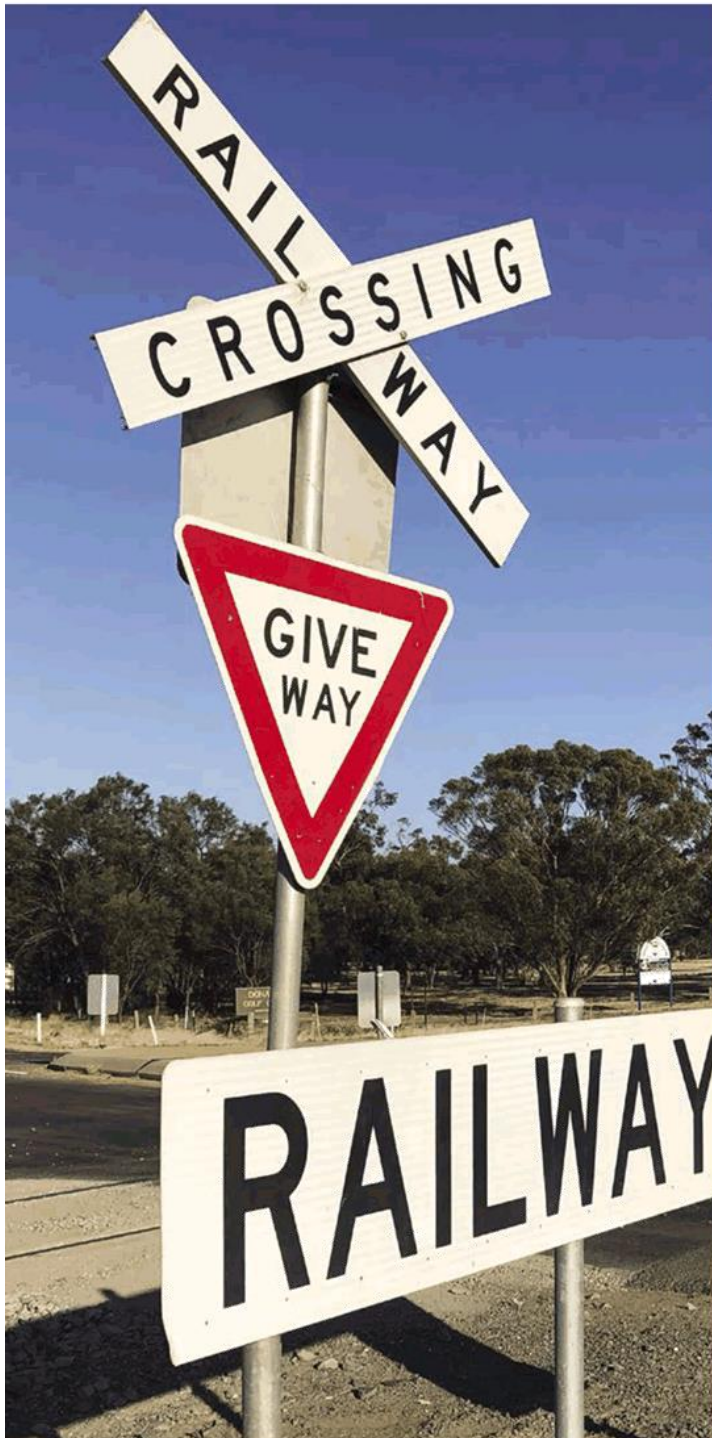


In recent years, Buloke has been invigorated by public and community art, and has seen the benefits of community connectedness and enhanced tourism outcomes. Off the back of the Silo Art Trail, there are now amazing painted silo's in Sea Lake and Nullawil and also wall art through many towns.

To build on this, and create a critical mass and a major international tourism drawcard, there is the need to create public art in the 'gaps' and enhance existing art through night time activation and augmented reality. This project will paint an additional silo, street art, create night time viewing and augmented reality on key public art spaces.



## PRIORITIES OUR COUNCIL AND COMMUNITY LEADERSHIP (POLICY ASKS)



### CLEAR DECENTRALISATION AND HOUSING POLICY:

There is the need for the development and funding of a clear decentralisation policy that aims to address key inhibitors such as transport and accessibility, housing, health and jobs.

### ASSET STABILISATION FUND:

A recent KPMG report into the sustainability challenges of small rural councils highlighted the need for an asset stabilisation fund to address key asset renewal challenges that face Council's such as Buloke. The challenge of maintaining buildings across 10 towns and 5,300kms of road is growing for the declining rate base and a structural funding solution that addresses these challenges would make a significant difference to the liveability of these communities.

### RURAL-PROOFING CHILDCARE PROVISION

All five of the larger Buloke communities are set to have state-of-the-art childcare facilities, however the existing funding model is broken and requires adjustment for rural families. In Buloke, there is the need for more flexible childcare services, such as fewer days or after-school care, however the existing funding model does not allow these services to be offered in an affordable way. A model that considers a place-based approach to Childcare is needed to allow service providers and families to develop a service that meets the needs of Buloke communities.

### MURRAY BASIN RAIL PROJECT

Council considered the Murray Basin Rail Project one of the most important funding wins for the region over many years. With the Mildura line standardised, and the Sea Lake still on broad gauge, the outcome is simply poorer for the Buloke community. Council advocates for the full project to be completed to ensure that Buloke farmers have access to all ports in an efficient manner.

In addition to rail, \$2million to upgrade the Charlton Avoca River Bridget to take Heavy Vehicles.

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   Buloke Shire Council



**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**8.5 REPORTS FROM COUNCILLORS**

Nil

**8.6 MATTERS WHICH MAY EXCLUDE THE PUBLIC**

Nil

**9. OTHER BUSINESS**

**9.1 NOTICES OF MOTION**

Nil

**9.2 QUESTIONS FROM COUNCILLORS**

Nil

**9.3 URGENT BUSINESS**

Nil

**9.4 ANY OTHER BUSINESS**

Nil

**10. MEETING CLOSE**