



# Council Meeting Agenda

Wednesday 19 February  
2025

Commencing at 7:00 pm

Wycheproof Supper Room  
367 Broadway, Wycheproof

Wayne O'Toole  
Chief Executive Officer



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

### **WELCOME**

The Mayor Cr Alan Getley will welcome all in attendance.

### **STATEMENT OF ACKNOWLEDGEMENT**

The Mayor Cr Alan Getley 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 HELD 18 DECEMBER 2024**

### **RECOMMENDATION**

That Council adopt the Minutes of the Council Meeting held on 18 December 2024.

## **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 2022; and
- b) 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**

## 7 PROCEDURAL ITEMS

### 7.1 REPORT OF COUNCILLOR ASSEMBLIES

**Author's Title:** Executive Assistant to CEO

**Directorate:** Office of the CEO

**File:** GO/05/04

#### PURPOSE

To report on the Councillor Briefing held 4 December 2024

#### RECOMMENDATION

That Council note the report of Councillor Briefing held 4 December 2024.

#### 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 Schedules adopted 9 November 2022 and 8 November 2023, 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 Briefing held on 4 December 2024 is attached for public information.

**Attachments:** 1. Attachment 7.1.1 - Councillor Briefing Record - 4 December 2024



## Councillor Briefing Record

*Build a Better Buloke – a healthy, connected, inclusive and prosperous community*

<b>Date:</b>	4 December 2024	<b>Time</b>	5:00pm
<b>Location:</b>	Wycheproof Supper Room		
<b>Attendees:</b>	Cr Alan Getley, Cr Graeme Milne, Cr Stephen Barratt, Cr Charmaine Delaney, Cr Bernadette Hogan, Cr Bruce Stafford Wayne O’Toole, Daniel McLoughlan, Jenna Allan, Gaynor Atkin, Anthony Smith, Peter Harriott		
<b>Apologies:</b>	Nil		
<b>Guests:</b>	Peter Harriott – Municipal Monitor		
<b>Acknowledgement of Country:</b>	The Mayor acknowledged 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 may be here today.		
<b>Conflicts of Interest:</b>	There were no declarations of interest.		

### ITEMS

NO.	MATTER FOR DISCUSSION	Notes
1.	<b>Councillor only time 5:00pm</b>	Councillor only time concluded at 5.47pm
2.	<b>Councillor Briefing Notes – 2 October 2024</b>	Noted
3.	<b>Discussions</b>	
3.1	Draft Governance Rules including Election Period Policy	
3.2	Draft Social Media Policy	
3.3	Draft Updated Child Safe Standards Policy	
3.4	Draft Confidentiality Policy	
3.5	Updated (Draft) Council Expenses Policy	
<b>Break 6.22pm</b>		
4.	<b>Councillor Matters</b>	
5.	<b>CEO Updates</b>	
6.	<b>Briefing Close</b>	Briefing closed at 8.00 pm
<b>NEXT BRIEFING</b>		
5 February 2025, Sea Lake Senior Citizens, 5:00pm		

## 7.2 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

**Author's Title:** Executive Assistant to CEO

**Directorate:** Office of the CEO

**File No:**  
Governance

### PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 10 October 2024 Council Meeting Resolutions.

### RECOMMENDATION

That Council note the Status of Actions Report for Council resolutions documented in the report.

### KEY POINTS/ISSUES

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 the Council's Governance Rules adopted August 2022, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action and introducing the SOA for the 11 September 2024 Council Meeting Resolutions.

**Attachments:**

1. Attachment 7.2.1 - Action Taken on Council Res - Outstanding Items and items from 18 December 2024 CM

**Summary of Action on Council Resolutions – Outstanding from past Council Meetings & 18 December 2024 CM – to be tabled 19 February 2025**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
02082023	Infrastructure and Delivery	8.2.1	That Council: 1. Notes following consultation process in accordance with its Community Engagement Policy, one submission was received to the proposed nine-lot subdivision sale of land at 110 Sutcliffe Street, Sea Lake; 2. Sells nine-lot subdivision surplus land at 110 Sutcliff St, Sea Lake by private treaty or auction in accord sec 114 of the Local Gov Act 2020 and Council’s Sale of Land Policy; and 3. Authorises the CEO to execute the Transfer of Land documents and any other documents required to affect the sale of the land.	Dir Infra & Del	GWMWater approval obtained, procurement for works has commenced. Civil contractor has recommenced works.  290524 - Plumbing works for water, sewer and stormwater commence in June, final civil works to follow. Valuation complete to inform sale of land process to be undertaken. (MS)	Commenced
11092024	DCD	8.2.2	Buloke Planning Scheme Amendment  1. Requests that the Minister for Planning grant Authorisation under Section 8A of the <i>Planning and Environment Act 1987</i> to prepare and exhibit a Planning Scheme Amendment to implement the recommendations in the Planning Scheme review report and correct selected mapping/zoning anomalies.	DCD		Commenced

**Tabled 19 February 2025 Council Meeting**

**Summary of Action on Council Resolutions – Outstanding from past Council Meetings & 18 December 2024 CM – to be tabled 19 February 2025**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
18122024	Corporate	8.1.1	Adopt the Council Expenses Policy	DCOP		Completed
18122024	Corporate	8.1.2	<p>Draft Governance Rules and Draft Election Period Policy.</p> <ol style="list-style-type: none"> <li>Having prepared the Revised Draft Governance Rules in accordance with section 60 of the <i>Local Government Act 2020</i>, approves and commences a 9-week process of community consultation in relation to the Revised Draft Governance Rules and Draft Election Period Policy, and makes the Revised Draft Governance Rules and Draft Election Period Policy available for Public Exhibition via Council’s website;</li> <li>Allows persons to make submissions in writing in relation to any proposal contained within the Revised Draft Governance Rules and/or Draft Election Period Policy; and</li> <li>Allows presentations in support of written submissions to be heard at the Council Meeting on 19 March 2025 prior to the proposed adoption of the Draft Governance Rules and Draft Election Period Policy at this Meeting.</li> </ol>	DCOP		Commenced
18122024	Corporate	8.1.3	Adopt the Child Safe Standards Policy	DCOP		Commenced

**Tabled 19 February 2025 Council Meeting**

**Summary of Action on Council Resolutions – Outstanding from past Council Meetings & 18 December 2024 CM – to be tabled 19 February 2025**

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
18122024	Infrastructure and Delivery	8.2.5	Deed of Novation - CONTRACT NUMBER C101 2021/22 FOR THE PROVISION OF WASTE AND RECYCLING SERVICES That Council authorises the Chief Executive Officer to sign a Deed of Novation to Wimmera Mallee Waste Management Pty Ltd in relation to Contract Number C101 2021/22, Provision of Waste and Recycling Services	DID		Complete

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**8 GENERAL BUSINESS**  
**8.1 POLICY REPORTS**  
**8.1.1 CONFIDENTIALITY POLICY**

**Author's Title:** Director Corporate and Organisational Performance

**Directorate:** Corporate and Organisational Performance

**File No:**  
CM/14/11

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

**PURPOSE**

The purpose of the Confidentiality Policy – Handling of Confidential Information by Councillors (Policy) is to:

- Outline the types of confidential information that Councillors will have access to;
- Establish the processes to be adopted by Council when Councillors are given access to confidential information; and
- State Council's expectations of a Councillor who is given access to confidential information.

By complying with this Policy, it is expected that Councillors will avoid any actual or appearance that they have disclosed or used confidential information without lawful authority.

**SUMMARY**

The Policy applies to all Councillors and operates in conjunction with the Local Government Act 2020 (Act) and the Model Councillor Code of Conduct (Code).

Section 125 Confidential information of the Act applies to a person who is, or has been, a Councillor.

**RECOMMENDATION**

That Council:

1. Adopts the Confidentiality Policy.

**DISCUSSION**

The Policy is not intended to replicate or replace the obligations imposed on Councillors under the Act and the Code. Rather, it is intended to complement and clarify them.

The term 'confidential information' also includes such terminology as 'In Confidence' and 'Privileged Information' and is used in this Policy to refer to information that is classified as being confidential in accordance with s 125 of the Act.

Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of Council.

This Policy aims to support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information.

#### **RELEVANT LAW**

The policy is relevant to the *Local Government Act 2020*, specifically Section 125 for confidentiality matters. Other relevant law referenced in the development of this Policy includes:

- Freedom of Information Act 1982
- Information Privacy Act 2000
- Health Records Act 2001
- Privacy and Data Protection Act 2014

#### **RELATED COUNCIL DECISIONS**

Not applicable – this is a new Council Policy.

#### **OPTIONS**

Council may choose not to adopt the Confidentiality Policy.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

Not applicable, this is an internal policy.

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

The Policy strives for continuous improvement in Council governance and integrity.

#### **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.

**CONFLICT OF INTEREST**

The author and approvers of this report do not have any conflicts of interest in the preparation of the report of the Policy itself.

***Attachments:***            1.    Attachment 8.1.1.1 - Draft Confidentiality Policy 2024



<b>POLICY LOCATION</b>	Office of CEO	<b>POLICY TITLE</b>	Confidentiality Policy: Handling of Confidential information by Councillors
<b>POLICY NUMBER</b>	[INSERT NUMBER]	<b>DATE ADOPTED</b>	[INSERT ADOPTION DATE MM/YY]
<b>REVISION NUMBER</b>	[INSERT REVISION NUMBER]	<b>REVISION DATE</b>	2029

### 1. Purpose

The purpose of the Confidentiality Policy – Handling of Confidential Information by Councillors (Policy) is to:

- Outline the types of confidential information that Councillors will have access to;
- Establish the processes to be adopted by Council when Councillors are given access to confidential information; and
- State Council's expectations of a Councillor who is given access to confidential information.

By complying with this Policy, it is expected that Councillors will avoid any actual or appearance that they have disclosed or used confidential information without lawful authority.

### 2. Scope

- The Policy applies to all Councillors and operates in conjunction with the Local Government Act 2020 (Act) and the Model Councillor Code of Conduct (Code).
- Section 125 Confidential information of the Act applies to a person who is, or has been, a Councillor.

### 3. Definitions and Explanations

- The Policy is not intended to replicate or replace the obligations imposed on Councillors under the Act and the Code. Rather, it is intended to complement and clarify them.
- The term 'confidential information' also includes such terminology as 'In Confidence' and 'Privileged Information' and is used in this Policy to refer to information that is classified as being confidential in accordance with s 125 of the Act.



- Notwithstanding any clause contained in this Policy, the Mayor or Chief Executive may deem information to be 'confidential information' which must be treated in accordance with the requirements of this Policy.
- Information includes discussions, documents, electronic data or knowledge.
- Personal Information is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

#### 4. Policy Statement

- Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of Council.
- This Policy aims to support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information.
- This Policy does not override an individual Councillor's statutory obligations in respect of the use of information, nor does it override Council's obligations under the Act or any other legislation or subordinate legislation to disclose or publish information where this is required by law.
- A Councillor may disclose information that they know is confidential information to an Integrity agency for example:
  - to a court or tribunal in the course of legal proceedings;
  - to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
  - to a Councillor Conduct Panel in the course of a hearing and for the purposes of the hearing; and
  - to the extent reasonably required for any other law enforcement purposes.
- Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council and its Committees. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.
- At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of Council.



- It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is a Councillors' responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.
- In balancing the interests of public accountability and limiting the number of matters which are considered as confidential items at Council Meetings, Council does acknowledge that it is appropriate to consider certain matters in the closed section of a Council Meeting.
- All items listed, discussed or presented at a Councillor Briefing Session, Workshops or other informal meetings of Councillors will be considered 'confidential' unless the Chief Executive Officer declares that such information (or part thereof) is not confidential.

## 5. Confidential Information

- The following types of information shall be deemed to be confidential to Council unless or until formally released in a particular instance:
  - Commercial in confidence information including where the release of information would affect a third party's competitive advantage.
  - Information derived from government departments or ministers that has been classified as confidential.
  - Information of a personal nature or about personal affairs, for example, personal details of Councillors, employees, and members of the public.
  - Information relating to property disposal or acquisition procedures where the release of the information may prejudice Council.
  - Financial and legal analysis where the disclosure of that information may compromise Council or someone else or waive legal professional privilege.
  - Information that could result in action being taken against Council for defamation.
  - Information involving the provision of legal advice to council or about a legal issue or a matter before a court, commission or tribunal.
  - Information about:
    - the appointment, dismissal or discipline of employees or industrial relations matters affecting employees.
    - Council's budget including rating concessions unless cleared for public release
    - Contracts proposed to be made by Council
    - Starting or defending legal proceedings involving Council.



- Information that is expressly given to Councillors in confidence.
- Information examined, presented or discussed at Councillor Briefing sessions, unless the Chief Executive Officer declares that such information (or part thereof) is not confidential.
- Information that the Mayor, CEO or CEO's delegate has declared (or Council has resolved) to be confidential information, until declared to the contrary.

## 6. Distribution of Confidential Information

### Confidential documents circulated via Email

- All confidential information provided to Councillors electronically via email will:
  - Be marked with a heading and/or watermark on each page stating 'CONFIDENTIAL';
  - Be attached to an email with the words 'CONFIDENTIAL' in the subject heading; and
  - Carry the following statement:

*This email and the information attached to it are CONFIDENTIAL and are provided to you for the purpose of fulfilling your functions as a Councillor. This email and the information attached to it are not to be further distributed and their content is not to be discussed with, or disclosed to, anyone other than your fellow Councillors and members of Council staff who are directly involved in their preparation and distribution.*

- **Confidential documents loaded onto the Councillors 'Hub' or Portal will :**
  - Either be marked 'CONFIDENTIAL' in the Header of each page; or
  - Include a watermark on each page stating 'CONFIDENTIAL'; or
  - Be identified as 'CONFIDENTIAL' in the file name
- **Confidential documents provided to Councillors in hard copy will be:**
  - Marked with a heading and/or watermark on each page stating 'CONFIDENTIAL'.
  - Handed to Councillors at a time deemed suitable by the member of Council staff distributing the information; or
  - Sealed in an envelope marked 'CONFIDENTIAL' and distributed to Councillors using the usual method of distribution.
- **Register of Confidential documents provided to Councillors**
  - A register of confidential information provided to Councillors will be kept, which will record:



- A brief description of the confidential information provided to Councillors;
- The date and manner in which the confidential information was provided to Councillors;
- **Councillor Briefing Sessions, Workshops and other informal meetings of Councillors**
  - All items listed, discussed or presented at a Councillor Briefing Session, Workshop or other informal meetings of Councillors will be considered 'confidential' unless the Chief Executive Officer declares that such information (or part thereof) is not confidential.
  - A Councillor Briefing Session or Workshop Agenda papers will carry the heading 'CONFIDENTIAL'.

## 7. Custody of Confidential Information

- Councillors must exercise extreme care when handling confidential information to ensure that it is not disclosed, deliberately or accidentally, to any other person who has not lawfully been given access to the information.
- Councillors must ensure that electronic and hard copy confidential information in their possession is stored in a secure manner so that it cannot be accessed by any other person who has not lawfully been given access to that information.
- Councillors must only seek to access confidential information for purposes necessary for the fulfilment of their functions as Councillors.
- In the case of hard copy confidential information, Councillors are required to return all hard copies of confidential information in their possession at the conclusion of a meeting or workshop or their Council term of office, whichever is required as stated by the Chief Executive Officer. The receipt of this information will be recorded against the Register of Confidential Information distributed in hard copy.

## 8. Disclosure or Use of Confidential Information

- The disclosure or use of confidential information includes:
  - Verbally telling another person about the information or any part of the information;
  - Allowing another person to see the original confidential information;



- Providing a copy of the confidential information to another person who has not been given access to the information;
- Paraphrasing, either in writing or verbally, the confidential information and providing that to a person who has not lawfully been given access to the information.
- The Act states that serious misconduct by a Councillor includes the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information.

### **9. Action on Disclosure or Use of Confidential Information**

- A Councillor who discloses or uses confidential information without lawful authority may be referred to a Councillor Conduct Panel or another law enforcement agency in accordance with the Act.
- A person who is, or has been, a Councillor must not intentionally misuse their position by disclosing information that is confidential information.

### **10. References**

- Local Government Act 2020
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Health Records Act 2001
- Privacy and Data Protection Act 2014

## 8.2 MANAGEMENT REPORTS

### 8.2.1 COMMUNITY GRANTS

**Author's Title:** Manager Community Partnerships

**Directorate:** Community Development

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

#### **Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Increased Community Wellbeing

#### **PURPOSE**

To present to Council the applications recommended for funding under the Community Grants Program.

#### **SUMMARY**

Each year, Council allocates funds in the Annual Budget to support community initiatives that align with Council priorities and vision as outlined in the Council Plan. The purpose of these grant programs are:

- **Community Grants** support the strengthening of the capacity and capability of local organisations, assist with the organisation and management of events, or help with the purchase of small capital items.
- **Sustainability Grants** assist projects that contribute to reducing the community's carbon footprint, improve the environment or effectively conserve resource usage.

#### **RECOMMENDATION**

That Council:

1. Approves the following allocation of funds under the Community Grants Program:
  - \$2,000 – Berriwillock Rodeo (Berriwillock Community Development Group)
  - \$2,000 - F2D Workshop (Fit to Drive Foundation)

#### **DISCUSSION**

Three Community Grant applications have been received since the Ordinary Meeting of Council in December 2024.

As per the current Community Grant Guidelines, each application was assessed by an Assessment Panel. The Panel of three assessors consisted of three Council officers from across the Community Development Directorate.

Based on their assessment against the selection criteria, the Panel recommends the following grants for Council's consideration and approval.

<b>Name of Organisation</b>	Berriwillock Community Development Group
<b>Project Title</b>	Berriwillock Rodeo
<b>Grant Type</b>	Project Support Grant - Up to \$2,000
<b>Total Amount Requested</b>	\$2,000
<b>Funding Amount Recommended</b>	\$2,000
<b>Full project cost</b>	\$60,000
<b>Project Description</b>	The Berriwillock Rodeo will be a unique event for the local community and visitors that will feature a rodeo, activities for children, food and drink and a band.
<b>Project Benefit</b>	The Rodeo will be open to community groups to setup their own fundraising event within the event with all proceeds going to that group. Profit from the Rodeo will be used to upgrade the Berriwillock Recreation Reserve and other projects all around town.
<b>Assessment Panel Scoring:</b>	Average score = 15.67 out of 20

<b>Name of Organisation</b>	Fit to Drive Foundation
<b>Project Title</b>	F2D Workshop
<b>Grant Type</b>	Project Support Grant - Up to \$2,000
<b>Total Amount Requested</b>	\$2,000
<b>Funding Amount Recommended</b>	\$2,000
<b>Full project cost</b>	\$4,147.00
<b>Project Description</b>	The F2D Workshop is an interactive incursion for cohorts aged 16 and upwards within mainstream, alternative, and specialist schools. We utilise the expertise of local members of emergency services (e.g., Victoria Police, Fire Rescue Victoria) to equip young people with knowledge about road rules and empower them to think critically about personal responsibility and practical strategies to keep themselves and everyone safe on the road.
<b>Project Benefit</b>	In the F2D Workshop, students will have the opportunity to share their differing experiences with unsafe driving behaviours, critically consider how peers can influence their decision-making and the consequences of unsafe driving practices, as well as identify the shared responsibility of young road users in reducing road trauma within their communities.
<b>Assessment Panel Scoring:</b>	Average score = 13.00 out of 20

**RELEVANT LAW**

Not applicable to this report.

**RELATED COUNCIL DECISIONS**

Not applicable to this report.

**OPTIONS**

Council has the option to not to allocate the funds as recommended by the Assessment Panel however, such amendments to the proposed funding recommendations may undermine the integrity and fairness of the assessment process.

**SUSTAINABILITY IMPLICATIONS**

Not applicable to this report.

**COMMUNITY ENGAGEMENT**

Applicants were contacted by a Council officer if their application required additional information or clarification.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Community Grants Program is consistently assessed to identify any opportunities for continuous improvement and to ensure it reflect the needs of the community.

**COLLABORATION**

Not applicable to this report.

**FINANCIAL VIABILITY**

The allocation of funds for the application recommended for funding will come from the Community Grants Program budget (\$20,000) in Council's Annual Budget 2024-25.

There is currently \$14,338 remaining in the adopted Community Grants Program budget for the 2024-25 financial year.

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

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision  
Community Grant Guidelines  
Community Engagement Policy  
Community Support Policy

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable to this report.

**CONFLICT OF INTEREST**

No officer involved in the preparation of this report has declared a conflict of interest.

<b>Attachments:</b>	Nil
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## 8.3 FINANCIAL REPORTS

### 8.3.1 FINANCE REPORT HALF-YEAR TO 31 DECEMBER 2024

**Author's Title:** Manager Financial Strategy

**Directorate:** Corporate and Organisational Performance

**File No:**  
FM/02/09

#### **Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

#### **PURPOSE**

The purpose of this report is to present Council with financial reports for the half year ended 31 December 2024 in accordance with the requirements of Section 97 of the *Local Government Act 2020 (the Act)*.

#### **SUMMARY**

Council adopted the 2024/25 budget on 26 June 2024 and this report provides a comparison between budgets and actuals for the first half of the year, forecasts the actual result for the full financial year and compares that to the adopted budget.

The report explains variances to date and explains reforecasts for the full year including the anticipated impact on Council's adopted operating and capital works budgets. A revised budget in accordance with the Act is not required.

#### **RECOMMENDATION**

That Council:

1. receives and notes the financial report for the half year to 31 December 2024; and
2. receives and notes the capital works statement for the half year to 31 December 2024.

#### **DISCUSSION**

Under Section 97 of the *Local Government Act 2020* a quarterly budget report must be presented to Council. The attached reports include a comparison of the operating and capital works budgets with actuals for the half year and forecasts for the full year, as well as cashflow statement and balance sheet.

Council's forecast operating result for the year as per the income statement is a surplus of \$512k compared to a budgeted surplus of \$2.033 million, a negative variance of \$1.52 million. Capital works expenditure is forecast to be \$15.175 million compared to the approved budget of \$19.709 million, a positive cash variance of \$4.534 million.

Variances from budget are explained in more detail below.

Overall, while Council's operating surplus is forecast to be reduced, there will also be a reduction in capital expenditure and from a cash perspective, Council's anticipated cash at 30 June 2025 will still exceed \$20 million. This reduction in cash was anticipated as the capital works program in 2024/25 includes \$7.567 million of works carried forward. At 30 June 2024 cash was \$29.3 million.

Council is still awaiting finalisation of flood funding packages that will potentially impact on the capital works program and cash held at 30 June 2025, but the income and expenditure will be matched in this and future financial years.

### Income Statement

Total income is currently \$513k better than budget to date and is forecast to be \$1.581 million better than budget at year end.

The better than anticipated income will however be more than offset by additional expenditure, \$1.740 million more than budget, resulting in a forecast negative variance overall of \$159k

However it is also anticipated that capital income will be \$1.362 million less than budget adding to the negative forecast variance.

These variations are explained in the following tables.

Detail	Commentary
<b>Income</b>	
Rates and charges	Minor adjustments to forecast due to revenue from Wind Farms being greater than budget and waste management charges for the hospital being adjusted.
Statutory fees and fines	Forecast to be \$37k greater than budget as planning fees forecast to increase by \$29k due to a one-off permit fee.
User fees	Income from compliance charges and food premises registrations forecast to be less than budget.
Grants – operating	Additional operating grant income of \$996k is forecast as a result of a flood recovery grant carried over from FY24 (\$548k) and \$504k received for the December 2023 storm event. Neither of these were budgeted. These will be partly offset by the Commonwealth Government Financial Assistance Grant forecast to be \$213k less than budget.
Contributions	Favourable variance of \$96k forecast as Council will receive back payment of the State Revenue Office payment for collection of the Fire Services Levy.
Other income	Forecast to be greater than budget by \$492k as interest on investments is expected to exceed the full year budget by \$450k. Other unbudgeted income includes sales of scrap metal (\$62k) from Council transfer stations and workcover reimbursements (\$30k). These will be partly offset by an anticipated reduction in compliance income of \$50k.

Grants - capital	No capital grants were received in the first quarter and a negative adjustment was made to an unpaid grant that was adjusted at acquittal. Capital grants at year end are forecast to be \$1.026 million less than budget mainly due to the reduction in the regional worker accommodation cabins (\$1.429 million) which will carry over to 2025/26.
Contributions monetary	These are forecast to be \$401k less than budget as insurance contributions of \$650k for the Birchip netball courts remediation (\$500k) and Wooroonook septic replacement (\$150k) are unlikely to be received this year. Unbudgeted capital contributions of \$249k from various sporting organisations across the shire for their contributions to the lighting up Buloke project and \$64k of insurance claims on various smaller projects will partly offset this.
<b>Expenditure</b>	
Employee costs	Favourable forecast variance of \$391k because of numerous vacancies across the organisation.
Materials and services	<p>Unfavourable variance of \$1.976 million due to unbudgeted expenditure across various departments where contractors are filling vacant positions, backfilling for leave or completing various projects. These include in governance, office of the CEO, finance, corporate governance and risk, human resources, assets and works. Council has also incurred additional unbudgeted expenditure for legal and consultant costs on various matters.</p> <p>Additional unbudgeted costs of \$752k have been incurred in emergency management and flood response in relation to the recent flood and storm events and these will be offset by additional operating grants.</p> <p>Some other variances are due to timing differences, including for swimming pool systems work and landfill and transfer stations cleanup and green waste shredding.</p>
Depreciation	Depreciation for the quarter is over budget due to the capitalisation at year end of road assets.
Finance costs - leases	Projected to be \$9k over budget at year end due to additional vehicles.

### Capital Works

Total capital expenditure for the half year to date is \$4.870 million against a budget to date of \$2.987 million. Many projects have not yet incurred expenditure or are in their early stages. Unbudgeted costs of \$2 million associated with the 2022 flood event are forecast by year end and will be acquitted against the grant advance received in 2022/23.

Detail	Commentary
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Land and land improvements	Expenditure on the Sea Lake residential development was not budgeted and is forecast to be \$210,000 and the night art activation project carried over from 2023/24 is anticipated to be \$70,000 more budget.
Plant and equipment	On budget to date but this program is not anticipated to be completed this year and has been adjusted accordingly.
<b>Infrastructure</b>	
Roads	<p>Some projects have been adjusted for various reasons. The second temporary levee at Donald will incur design only costs, safer local roads funding has been deferred and \$3.3 million is forecast to be spent on works associated with the 2022 flood event and will be acquitted against the grant advance received in 2022/23. This spending was originally included under rehabilitation and flood works, the forecast for which has been reduced by the same amount.</p> <p>Further flood rehabilitation works will be carried out dependent upon approval and receipt of funding this year. Until funding is certain, neither income nor expenditure forecast adjustments have been made. These adjustments can be made at the March quarterly review as required.</p>
Footpaths and cycleways	Projects progressing within budget.
Drainage	Forecast for the Nullawil drainage works has been reduced pending flood study work.
Recreational, leisure and community facilities	Birchip Netball Court remediation has been reduced in the absence of insurance reimbursement and Aquatic facilities renewal works reduced pending design work. Tiny towns work at Nullawil, Culgoa and Watchem is forecast to be completed this year.
Parks, open space and streetscapes	Ongoing expenditure on projects including play spaces and Wycheproof wetlands with some projects forecast to increase within budget allocations. Regional worker accommodation expenditure is forecast to be \$1.429 million less than budget as this is a multi-year project that will carry over into 2025/26. Capital income for this project has been reforecast down by the same amount so overall there will be no change from a cash perspective.
Aerodromes	No variations anticipated.

**Balance sheet**

Detail	Commentary
<b>Assets</b>	
Cash and cash equivalents	Cash and cash equivalents total \$25.9 million compared to \$29.3 million at 30 June 2024 as works have been completed. Rate income and capital grant income over the next few months will ensure that cash at year end will still exceed \$20 million.

Trade and other receivables	These have increased from 30 June 2024 due to the issue of Council's rate notices in August. Prepayments have been costed as required.
Property, infrastructure, plant and equipment	Adjusted for depreciation, and capital expenditure to date is included as work in progress.
Right-of-use assets	No change.
<b>Liabilities</b>	
Trade and other payables	These include trade creditors and have decreased since 30 June 2024 when they included accrued payroll and expenses.
Trust funds and deposits	Includes the fire services levy billed with rates that will be payable to the State government. Unearned grant income has increased as some operating grants have been received. These will be brought to account as funding requirements are met.
Contract and other liabilities	Minor changes since year end.
Provisions	Minor changes since year end.
Lease liabilities	No change.
<b>Equity</b>	
Accumulated surplus	Adjusted for last year's deficit and current "earnings" for the half year are shown here.
Reserves	No change.

**RELEVANT LAW**

The reports are consistent with the requirements of the *Local Government Act 2020*.

**RELATED COUNCIL DECISIONS**

Council adopted its Annual Budget 2024/25 on 26 June 2024.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

The attached reports and comments have been prepared in collaboration with various Council officers.

**FINANCIAL VIABILITY**

The reports provide a snapshot of Council's financial performance for the first half of the year and reforecasts for the year, noting the impact on the adopted budget.

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

Not applicable.

**COUNCIL PLANS AND POLICIES**

The report is an opportunity for Council to compare its financial performance against its annual budget and is in accordance with its Council Plan 2021-2025 commitment to manage its budgets responsibly to achieve long term financial sustainability.

**TRANSPARENCY OF COUNCIL DECISIONS**

Quarterly financial reporting ensures Council and the Buloke community are aware of financial implications of decisions and actions. Reporting Council's financial position allows Council to monitor and respond to financial risk.

**CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.

<b><i>Attachments:</i></b>	1. Attachment 8.3.1.1 - Finance Report Half Year to 31 December 2024
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## Income Statement

HALF YEAR TO 31 DECEMBER 2024

	Jul 2024 - Dec 2024			Full Year Budget		
	Actuals	Approved YTD	Variance YTD	Approved	Forecast	Variance
<b>400 · Operating Income</b>						
1 · Rates & Charges	15,331,148	15,334,074	(2,926)	15,374,074	15,366,183	(7,891)
2 · Statutory fees and fines	110,392	69,400	40,992	138,800	175,800	37,000
3 · User fees	168,026	205,700	(37,674)	463,400	431,400	(32,000)
4 · Grants - operating	8,857,994	8,481,779	376,215	9,326,790	10,323,032	996,242
6 · Contributions	5,636	44,600	(38,964)	45,200	141,200	96,000
7 · Other Income	655,339	479,533	175,805	1,124,900	1,616,900	492,000
<b>Total Operating Income</b>	<b>25,128,535</b>	<b>24,615,086</b>	<b>513,449</b>	<b>26,473,164</b>	<b>28,054,516</b>	<b>1,581,351</b>
<b>Total Income</b>	<b>25,128,535</b>	<b>24,615,086</b>	<b>513,449</b>	<b>26,473,164</b>	<b>28,054,516</b>	<b>1,581,351</b>
<b>600 · Operating Expense</b>						
1 · Employee Costs	6,171,767	6,633,428	461,661	13,262,193	12,871,037	391,156
2 · Materials and services	7,093,841	4,966,987	(2,126,853)	9,908,458	11,884,094	(1,975,636)
3 · Depreciation & Amortisation (Leasing)	4,843,827	4,640,965	(202,862)	9,281,930	9,324,584	(42,654)
4 · Bad and doubtful debts	1,364	0	(1,364)	60,000	60,000	0
5 · Borrowing costs	38,273	32,210	(6,063)	64,420	73,477	(9,057)
6 · Other expenses	240,898	368,157	127,259	869,763	973,865	(104,102)
<b>Total Operating Expense</b>	<b>18,389,969</b>	<b>16,641,746</b>	<b>(1,748,223)</b>	<b>33,446,763</b>	<b>35,187,057</b>	<b>(1,740,293)</b>
<b>Operating Net Surplus/(Deficit)</b>	<b>6,738,566</b>	<b>7,973,340</b>	<b>(1,234,774)</b>	<b>(6,973,599)</b>	<b>(7,132,541)</b>	<b>(158,942)</b>
<b>800 · Capital Income</b>						
5 · Grants - capital	(79,503)	0	(79,503)	8,357,000	7,330,465	(1,026,535)
6 · Other Capital Income	249,211	0	249,211	650,000	313,881	(336,119)
<b>Total Capital Income</b>	<b>169,708</b>	<b>0</b>	<b>169,708</b>	<b>9,007,000</b>	<b>7,644,346</b>	<b>(1,362,654)</b>
<b>Net Surplus/Deficit</b>	<b>6,908,274</b>	<b>7,973,340</b>	<b>(1,065,066)</b>	<b>2,033,401</b>	<b>511,805</b>	<b>(1,521,596)</b>

## Balance Sheet

AS AT DECEMBER 2024

	Dec 2024	Jun 2024	Change
<b>Asset</b>			
<b>Current assets</b>	<b>43,977,635</b>	<b>36,082,101</b>	<b>7,895,535</b>
Cash and cash equivalents	25,932,826	29,395,787	(3,462,961)
Trade and other receivables	17,084,801	4,865,007	12,219,794
Prepayments	0	428,417	(428,417)
Other assets	549,296	825,598	(276,302)
Provision for Doubtful Debts - General	(4,240)	(4,240)	0
SECURITY BOND - GRAINCORP	8,250	8,250	0
Inventory	277,438	277,438	0
GST	129,264	285,843	(156,579)
<b>Non-current assets</b>	<b>304,096,705</b>	<b>303,849,948</b>	<b>246,757</b>
Property, infrastructure, plant and equipment	289,703,865	294,326,884	(4,623,019)
Works in progress	13,204,066	8,334,290	4,869,776
Right of Use Assets	1,188,774	1,188,774	0
<b>Total Asset</b>	<b>348,074,340</b>	<b>339,932,049</b>	<b>8,142,292</b>
<b>Liability</b>			
<b>Current liabilities</b>	<b>10,733,194</b>	<b>9,499,176</b>	<b>(1,234,018)</b>
Trade and other payables	811,046	2,397,713	1,586,667
Trust funds and deposits	2,060,300	306,296	(1,754,004)
Unearned Income	3,924,810	2,849,293	(1,075,517)
Provisions	3,520,354	3,529,191	8,837
Leases	416,684	416,685	
<b>Non-current liabilities</b>	<b>1,352,862</b>	<b>1,352,862</b>	<b>0</b>
Leases	823,836	823,836	0
Provisions	529,026	529,026	0
<b>Total Liability</b>	<b>12,086,056</b>	<b>10,852,038</b>	<b>(1,234,018)</b>
<b>Net Assets</b>	<b>335,988,284</b>	<b>329,080,010</b>	<b>6,908,274</b>
<b>Equity</b>			
Accumulated Surplus	130,855,035	135,891,829	(5,036,793)
Reserves	198,224,975	198,224,975	0
Current Earnings	6,908,274	(5,036,793)	11,945,067
<b>Total Equity</b>	<b>335,988,284</b>	<b>329,080,010</b>	<b>6,908,274</b>

## Cashflow Statement

HALF YEAR TO 31 DECEMBER 2024

Jul 2024 - Dec 2024	
	Actuals
<b>Bank at Beginning</b>	<b>29,395,744</b>
Cashflow from Operating Activities:	
<b>Net Profit</b>	<b>6,908,274</b>
Adjustments to Net Profit for Non-Cash Activities:	
<b>Non - Cash expenses</b>	<b>4,623,067</b>
Depreciation	4,623,067
Other	-
<b>Total Adjustments to Net Profit for Non-Cash Activities</b>	<b>4,623,067</b>
Adjustments to Net Profit for Non-Operating Activities:	
<b>Non - Cash expenses</b>	<b>38,273</b>
Other	38,273
<b>Total Adjustments to Net Profit for Non-Operating Activities</b>	<b>38,273</b>
Adjustments for Balance Sheet Movement on Operating Activities:	
<b>Current assets</b>	<b>(11,358,501)</b>
Cash and cash equivalents	43
Trade and other receivables	(12,219,843)
Prepayments	428,417
Other assets	276,302
GST	156,579
<b>Current liabilities</b>	<b>1,234,019</b>
Trade and other payables	(1,586,666)
Trust funds and deposits	1,754,004
Unearned Income	1,075,517
Provisions	(8,837)
<b>Total Adjustments for Balance Sheet Movement on Operating Activities</b>	<b>(10,124,482)</b>
<b>Net Cashflow from Operating Activities</b>	<b>1,445,132</b>
Cashflow from Investing Activities:	
<b>Non-current assets</b>	<b>(4,869,776)</b>
Property, infrastructure, plant and equipment	(4,869,776)
<b>Net Cashflow from Investing Activities</b>	<b>(4,869,776)</b>
Cashflow from Financing Activities:	
<b>Non - Cash expenses</b>	<b>(38,273)</b>
Other	(38,273)
<b>Current liabilities</b>	<b>(1)</b>
Trade and other payables	(1)
<b>Net Cashflow from Financing Activities</b>	<b>(38,274)</b>
<b>Net Cashflows</b>	<b>(3,462,918)</b>
<b>Discrepancy</b>	<b>0</b>
<b>Bank at End</b>	<b>25,932,826</b>

## Capital Works

Half-year ended 31 December 2024

Project	Full Year Budget	YTD Budget	YTD Actual	YTD Variance +ve (-ve)	Forecast Full Year	Variation from Approved Budget
<b>Land improvements</b>						
5021 - Wycheproof Saleyards rural water connection	40,000	0	0	0	0	40,000
5022 - Sea Lake Housing Development	0	0	190,577	(190,577)	210,000	(210,000)
5020 - Night art activation	10,000	10,000	78,077	(68,077)	80,000	(70,000)
<b>Total Land improvements</b>	<b>50,000</b>	<b>10,000</b>	<b>268,654</b>	<b>(258,654)</b>	<b>290,000</b>	<b>(240,000)</b>
<b>Building improvements</b>						
5041 - Heating, ventilation, and air conditioning works	100,000	0	0	0	0	100,000
5040 - Building improvements	125,000	0	0	0	50,000	75,000
<b>Total Building improvements</b>	<b>225,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>175,000</b>
<b>Plant, machinery and equipment</b>						
5060 - Plant, machinery and equipment	1,596,000	400,000	372,727	27,273	372,000	1,224,000
<b>Total Plant, machinery and equipment</b>	<b>1,596,000</b>	<b>400,000</b>	<b>372,727</b>	<b>27,273</b>	<b>372,000</b>	<b>1,224,000</b>
<b>Fixtures, fittings and furniture</b>						
5065 - Fixtures, fittings and furniture	65,000	0	0	0	65,000	0
<b>Total Fixtures, fittings and furniture</b>	<b>65,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>65,000</b>	<b>0</b>
<b>Computers and telecommunications</b>						
5070 - Computers and Information Technology equipment	170,000	85,000	128,769	(43,769)	170,000	0
5075 - Library assets	27,000	10,000	8,911	1,089	27,000	0
<b>Total Computers and telecommunications</b>	<b>197,000</b>	<b>95,000</b>	<b>137,680</b>	<b>(42,680)</b>	<b>197,000</b>	<b>0</b>
<b>Roads</b>						
5085 - Second temporary levee Donald	523,000	0	0	0	55,000	468,000
5083 - Safer local roads	250,000	0	0	0	0	250,000
5082 - Resheet program	650,000	250,000	259,655	(9,655)	1,050,000	(400,000)
5086 - Jeffcott Road Rehabilitation & final seal	350,000	0	0	0	350,000	0
5088 - Rehabilitation works	1,900,000	0	0	0	1,900,000	0
5080 - Rehabilitation and flood works	4,523,000	0	0	0	1,223,000	3,300,000
5081 - Reseal program	1,200,000	0	6,788	(6,788)	250,000	950,000
5087 - Marlbed Curyo Rehabilitation Ch 0 to 1.075 km	72,000	72,000	9,960	62,040	72,000	0
5084 - Major patching	100,000	0	0	0	100,000	0
5089 - Shoulder program	0	0	0	0	550,000	(550,000)
Flood works (AGRN 1037 and 1096)	0	0	1,783,506	(1,783,506)	3,300,000	(3,300,000)
<b>Total Roads</b>	<b>9,568,000</b>	<b>322,000</b>	<b>2,059,909</b>	<b>(1,737,909)</b>	<b>8,850,000</b>	<b>718,000</b>
<b>Footpaths and cycleways</b>						
5220 - Footpath and cycleways	203,000	100,000	135,745	(35,745)	203,000	0
<b>Total Footpaths and cycleways</b>	<b>203,000</b>	<b>100,000</b>	<b>135,745</b>	<b>(35,745)</b>	<b>203,000</b>	<b>0</b>
<b>Drainage</b>						
5250 - Drainage Works	200,000	0	0	0	200,000	0
5251 - Nullawil - West/East drainage (Calder Highway Pipeworl	152,000	0	0	0	20,000	132,000
<b>Total Drainage</b>	<b>352,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>220,000</b>	<b>132,000</b>
<b>Recreational, leisure and community facilities</b>						
5280 - Aquatic facilities renewal works	560,000	100,000	78,249	21,751	100,000	460,000
5284 - Flagpole upgrades	50,000	0	0	0	50,000	0
5285 - Electric vehicle charger Birchip or Charlton	60,000	0	0	0	60,000	0
5281 - Birchip netball court remediation	550,000	0	0	0	0	550,000
5286 - Tiny Towns	304,000	10,000	16,616	(6,616)	100,000	204,000
5283 - Recreational vehicle dump point	75,000	50,000	26,665	23,335	75,000	0
5282 - Birchip recreation reserve generator	85,000	0	0	0	85,000	0
<b>Total Recreational, leisure and community facilities</b>	<b>1,684,000</b>	<b>160,000</b>	<b>121,530</b>	<b>38,470</b>	<b>470,000</b>	<b>1,214,000</b>

Project	Full Year Budget	YTD Budget	YTD Actual	YTD Variance +ve (-ve)	Forecast Full Year	Variation from Approved Budget
<b>Parks, open space and streetscapes</b>						
5420 - Wycheproof Recreation Reserve public toilets	100,000	0	1,002	(1,002)	100,000	0
5411 - Watchem septic replacement *	150,000	0	863	(863)	200,000	(50,000)
5410 - Regional worker accommodation (Cabins)	1,629,000	0	0	0	200,000	1,429,000
5416 - Playspace (Berri, Birchip, Charlton, Donald & Wychepro	1,269,000	700,000	412,674	287,326	1,269,000	0
5413 - Birchip streetscape lighting	199,000	0	140	(140)	199,000	0
5418 - Nullawil public toilets	34,000	0	710	(710)	60,000	(26,000)
5419 - Sea Lake streetscape lighting	201,000	0	106,111	(106,111)	201,000	0
5417 - Memorial Park changing places	387,000	300,000	342,631	(42,631)	387,000	0
5415 - Regional Infrastructure Fund Cabins	600,000	600,000	648,741	(48,741)	600,000	0
5414 - Donald Streetscape	300,000	50,000	30,791	19,209	300,000	0
5421 - Wycheproof Wetlands	500,000	250,000	227,621	22,379	500,000	0
Charlton Signage	0	0	0	0	20,000	(20,000)
5412 - Wooroonook septic replacement	300,000	0	1,700	(1,700)	300,000	0
5422 - Sea Lake Apex Park Shelter	0	0	547	(547)	22,000	(22,000)
<b>Total Parks, open space and streetscapes</b>	<b>5,669,000</b>	<b>1,900,000</b>	<b>1,773,531</b>	<b>126,469</b>	<b>4,358,000</b>	<b>1,311,000</b>
<b>Aerodromes</b>						
5530 - Aerodrome Audit Works	100,000	0	0	0	100,000	0
<b>Total Aerodromes</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100,000</b>	<b>0</b>
<b>Total capital works</b>	<b>19,709,000</b>	<b>2,987,000</b>	<b>4,869,776</b>	<b>1,882,776</b>	<b>15,175,000</b>	<b>4,534,000</b>

## 8.4 ORGANISATIONAL REPORTS

### 8.4.1 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER - S5

**Author's Title:** Manager Governance

**Directorate:** Corporate and Organisational Performance

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

#### **Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

#### **PURPOSE**

The Instrument of Delegation to the Chief Executive Officer (CEO) is required to be reviewed, amended and adopted regularly to ensure its relevancy with current legislation within which Council operates.

#### **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 in exercise of the power conferred by section 11(1) of the Local Government Act 2020 (The Act) and all other powers enabling it, 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 the delegation:

1. comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
2. Is subject to any conditions and limitations set out in the schedule;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;
4. Remains in force until Council resolves to vary or revoke it; and
5. 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.

#### **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 and includes the power to sub-delegate powers to Council officers where legislation permits.

There has been no changes to this instrument of Delegation from the Instrument adopted by Council on 12 July 2023 other than those implied that result from changes to legislation, as applies to Council, that has occurred since the instrument was last adopted.

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 was adopted by Council on 12 July 2023.

#### **OPTIONS**

Council may decide not to adopt the instrument of delegation in which case the instrument adopted on 12 July 2023 will continue unless Council also resolves to revoke it. In which case, every decision, will require adoption by Council, other than the powers and duties vested directly to the CEO by the *Local Government Act 2020* and other legislation

#### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications to this report.

**COMMUNITY ENGAGEMENT**

Community engagement is not required on this matter.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensure that the Instrument remains contemporary with all relevant legislation incorporating amendments, and new legislation that has occurred since the last Instrument of Delegation to the CEO was made.

**COLLABORATION**

Matters relating to the Instrument of Delegation were discussed internally.

**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 publicly available on Councils website.

**CONFLICT OF INTEREST**

No officer involved with writing this report has a conflict of interest.

- Attachments:**
1. Attachment 8.4.1.1 - 20250219 S5 Instrument of Delegation to Chief Executive Officer

Buloke Shire Council

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

**Preamble**

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 19 February 2025;
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.

Wayne O’Toole  
Chief Executive Officer  
Buloke Shire Council

Cr Alan Getley,  
Mayor,  
Buloke Shire Council

In the presence of .....

In the presence of.....

Date:

Date:

## SCHEDULE

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

The power to;

1. determine any issue;
2. take any action
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, unless it is expenditure made under a contract already entered into and the CEO has been authorised by resolution to make payment.
  - 1.3. Payments exceeding the above amount may be paid if they relate to expenditure made under contract already entered into and the CEO has been authorised by resolution to make the payment, where Council is required by, or under legislation to make payment e.g. fire services levy, or where the payment relates to the payment of premiums for insurances in which case it must not exceed \$1,000,000.
  - 1.4. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.5. electing a Mayor or Deputy Mayor;
  - 1.6. granting a reasonable request for leave under s 35 of the Act;
  - 1.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.8. approving or amending the Council Plan;
  - 1.9. adopting or amending any policy that Council is required to adopt under the Act;
  - 1.10. adopting or amending the Governance Rules;
  - 1.11. appointing the chair or the members to a delegated committee;
  - 1.12. making, amending or revoking a local law;
  - 1.13. approving the Budget or Revised Budget;
  - 1.14. approving the borrowing of money;
  - 1.15. 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. 4.1 policy; or
  - 4.2. 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.

## 8.4.2 S6 - INSTRUMENT OF DELEGATION TO COUNCIL STAFF

**Author's Title:** Manager Governance

**Directorate:** Corporate and Organisational Performance

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

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

### PURPOSE

To 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 this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
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.

### 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 all decisions had to be made by Council.

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, efficiently, 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. A decision made by a member of staff under delegation is a decision of Council.

The legislation referred to in the attached S6 Instrument of Delegation 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 13 December 2023.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation the Instrument previously adopted on 13 December 2023 will prevail, this instrument however, does not take into account the legislative and organisational changes that have occurred since its adoption, which could have legislative and legal ramifications.

**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.

**CONFLICT OF INTEREST**

No officer involved with writing this report has a conflict of interest.

***Attachments:***            1.    Attachment 8.4.2.1 - S6 Instrument of Delegation 19 Feb 2025

Buloke Shire Council

**Preamble**

**S6 - Instrument of Delegation**

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are listed under the heading 'Positions'.

declares that:

- 2.1. this Instrument of Delegation is authorised by resolution of Council passed on 19 February 2025; and
- 2.2. the delegation:
  - 2.2.1. comes into force immediately or where the Chief Executive Officer and Mayor of Council is authorised under resolution, the Chief Executive Officer executes the Instrument of Delegation;
  - 2.2.2. remains in force until varied or revoked;
  - 2.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
  - 2.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3. the delegate must not determine the issue, take the action or do the act or thing:
  - 2.3.1. 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;
  - 2.3.2. 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;
  - 2.3.3. 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
  - 2.3.4. 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.

Signed:

.....

Wayne O'Toole  
Chief Executive Officer  
Buloke Shire Council

Signed:

.....

Cr Alan Getley  
Mayor  
Buloke Shire Council

Date: .....

Buloke Shire Council

**Delegation Sources**

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- 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
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

**Positions**

Abbreviation	Position
ASR	Asset Inspector
CEO	Chief Executive Officer
CETD	Civil Engineer Transport and Drainage
DCD	Director Community Development
DCOP	Director Corporate and Organisational Performance
DID	Director Infrastructure and Delivery
EHA	Environmental Health Administration Support
EHO	Environmental Health Officer
GO	Governance Officer
MG	Manager Governance
MSD	Manager Community Safety and Development Services
MFS	Manager Finance Strategy
MW	Manager Works
PO	Planning Officer
SETD	Senior Engineer Transport and Drainage
SMAD	Senior Manager Assets and Delivery
SSP	Senior Planning Officer
TLC	Team Leader Compliance

Buloke Shire Council

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

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Power to enter into a written agreement with a caravan park owner	MSD, DCD, EHO	
r 10	Function of receiving application for registration	MSD, DCD, EHO, EHA	
r 11	Function of receiving application for renewal of registration	MSD, DCD, EHO, EHA	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MSD, DCD, EHO, EHA	
r 12(1)	Power to refuse to grant the registration if not satisfied that the caravan park complies with these regulations	MSD, DCD, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MSD, DCD, EHO, EHA	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MSD, DCD, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MSD, DCD, EHO	
r 12(4) & (5)	Duty to issue certificate of registration	MSD, DCD, EHO, EHA	
r 14(1)	Function of receiving notice of transfer of ownership.	MSD, DCD, EHO, EHA	
r 14(3)	Power to determine where notice of transfer is displayed	MSD, DCD, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MSD, DCD, EHO, EHA	
r 15(2)	Duty to issue a certificate of transfer of registration	MSD, DCD, EHO, EHA	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MSD, DCD, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MSD, DCD, EHO	
r 17	Duty to keep register of caravan parks	MSD, DCD, EHO, EHA	

Buloke Shire Council

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 21(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	MSD, DCD, EHO	
r 21(2)	Duty to consult with relevant emergency services agencies	MSD, DCD, EHO	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	MSD, DCD, EHO	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	MSD, DCD, EHO	
r 24(2)	Power to consult with relevant floodplain management authority	MSD, DCD, EHO	
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	MSD, DCD, EHO	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MSD, DCD, EHO	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MSD, DCD, EHO	
r 39(3)	Function of receiving installation certificate	MSD, DCD, EHO	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	MSD, DCD, EHO	
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	MSD, DCD, EHO	

<b>Domestic Animals Act 1994</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 41A(1)	Power to declare a dog to be a menacing dog	MSD, CEO, TLC	Council may delegate this power to a Council authorised officer

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MSD, DCD, EHO	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	MSD, DCD, EHO	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	MSD, DCD, EHO	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, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	MSD, DCD, EHO	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	MSD, DCD, EHO	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	MSD, DCD, EHO	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).	MSD, DCD, EHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MSD, DCD, EHO	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  Only in relation to temporary food premises or mobile food premises
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	MSD, DCD, EHO	Where Council is the registration authority

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19CB(4)(b)	Power to request copy of records	MSD, DCD, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MSD, DCD, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	MSD, DCD, EHO, EHA	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	MSD, DCD, EHO	Where Council is the registration authority Subject to s 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	MSD, DCD, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	MSD, EHO	Where Council is the registration authority
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	MSD, DCD, EHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MSD, DCD, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	MSD, DCD, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	MSD, DCD, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MSD, DCD, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	MSD, DCD, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MSD, DCD, EHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	MSD, DCD, EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MSD, DCD, EHO	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	MSD, DCD, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MSD, DCD, EHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MSD, DCD, EHO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	MSD, DCD, EHO	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises 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	MSD, EHO, EHA	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MSD, EHO	Where Council is the registration authority

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	MSD, DCD, EHO	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)	MSD, DCD, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MSD, DCD, EHO	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	MSD, DCD, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MSD, DCD, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MSD, DCD, EHO	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	MSD, DCD, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MSD, DCD, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MSD, DCD, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MSD, DCD, EHO	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	MSD, DCD, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MSD, DCD, EHO	Where Council is the registration authority

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MSD, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	MSD, DCD, EHO, EHA	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MSD, EHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	MSD, EHO	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	MSD, DCD, EHO, EHA	Where Council is the registration authority  Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	MSD, DCD, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	MSD, DCD, EHO	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	MSD, DCD, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MSD, DCD, EHO, EHA	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MSD, DCD, EHO	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	MSD, DCD, EHO	

Buloke Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 40F	Power to cancel registration of food premises	MSD, EHO	Where Council is the registration authority
s 43	Duty to maintain records of registration	MSD, DCD, EHO, EHA	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 or renewing registration of a component of a food business	MSD, DCD, EHO	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	MSD, DCD, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	MSD, DCD, EHO	
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

<b>Heritage Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DID	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

<b>Local Government Act 1989</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MSD, CEO, PO, SSP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MSD, PO, SSP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	MSD, PO, SSP	
s 4(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	MSD, PO, SSP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MSD, PO, SSP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MSD, PO, SSP	
s 8A(5)	Function of receiving notice of the Minister's decision	MSD, PO, SSP	
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	MSD, PO, SSP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MSD, PO, SSP	
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	MSD, CEO, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12B(1)	Duty to review planning scheme	MSD, CEO, PO, SSP	
s 12B(2)	Duty to review planning scheme at direction of Minister	MSD, CEO, PO, SSP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MSD, PO, SSP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	MSD, PO, SSP	
s 17(1)	Duty of giving copy amendment to the planning scheme	MSD, PO, SSP	
s 17(2)	Duty of giving copy s 173 agreement	MSD, PO, SSP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MSD, PO, SSP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	MSD, PO, SSP	Until the proposed amendment is approved or lapsed
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	MSD, PO, SSP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	MSD, PO, SSP	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.

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MSD, PO, SSP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	MSD, PO, SSP	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	MSD, PO, SSP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	MSD, PO, SSP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	MSD, PO, SSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	MSD, PO, SSP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	MSD, PO, SSP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	MSD, CEO, PO, SSP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	MSD, PO, SSP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	MSD, PO, SSP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	MSD, CEO, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	MSD, PO, SSP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MSD, PO, SSP	
s 30(4)(a)	Duty to say if amendment has lapsed	MSD, PO, SSP	
s 30(4)(b)	Duty to provide information in writing upon request	MSD, PO, SSP	
s 32(2)	Duty to give more notice if required	MSD, PO, SSP	
s 33(1)	Duty to give more notice of changes to an amendment	MSD, PO, SSP	
s 36(2)	Duty to give notice of approval of amendment	MSD, CEO, PO, SSP	
s 38(5)	Duty to give notice of revocation of an amendment	MSD, CEO, PO, SSP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	MSD, CEO, PO, SSP	
s 40(1)	Function of lodging copy of approved amendment	MSD, CEO, PO, SSP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	MSD, PO, SSP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in	MSD, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	person in accordance with the requirements set out in s 197B of the Act after the inspection period ends		
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	MSD, PO, SSP	
s 46AW	Function of being consulted by the Minister	MSD, SSP	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	MSD, SSP	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	MSD, SSP	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	MSD, SSP	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	MSD, SSP	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	MSD, SSP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MSD, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MSD, SSP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MSD, SSP	
s 46GP	Function of receiving a notice under s 46GO	MSD, SSP	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	MSD, SSP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MSD, SSP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	MSD, SSP	
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	MSD, SSP	
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	MSD, SSP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MSD, SSP	
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	MSD, SSP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MSD, SSP	
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	MSD, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of the plan unless the criteria in s 46GU(1)(a) and (b) are met		
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	MSD, SSP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	MSD, SSP	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)	MSD, SSP	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)	MSD, SSP	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	MSD, SSP	
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	MSD, SSP	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	MSD, SSP	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	MSD, SSP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	MSD, SSP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSD, SSP	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	MSD, SSP	Where Council is the collecting agency under an approved infrastructure contributions plan

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	costs to the planning authority that incurred those costs		This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	MSD, SSP	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	MSD, SSP	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	MSD, SSP	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)	MSD, SSP	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	MSD, SSP	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

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MSD, SSP	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	MSD, SSP	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	MSD, SSP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	MSD, SSP	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MSD, SSP	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	MSD, SSP	Where Council is a development agency under an approved infrastructure contributions plan

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MSD, SSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	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)	MSD, SSP	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)	MSD, SSP	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)	MSD, SSP	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	MSD, SSP	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	MSD, SSP	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	MSD, SSP	Where Council is the collecting agency under an approved infrastructure contributions plan

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	expires, to follow the steps set out in s 46GZE(3)(a) and (b)		
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	MSD, SSP	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)	MSD, SSP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MSD, SSP	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)	MSD, SSP	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)	MSD, SSP	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	MSD, SSP	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	MSD, SSP	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	MSD, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	before 1 July of each financial year for which the amount is adjusted under s 46LB (2)		
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	MSD, CEO, PO, SSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MSD, CEO, PO, SSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MSD, CEO, PO, SSP	
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	MSD, CEO, PO, SSP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MSD, CEO, PO, SSP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MSD, CEO, PO, SSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MSD, CEO, PO, SSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	MSD, MFS, DCOP, PO, SSP	
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	MSD, MFS, DCOP, PO, SSP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the	CEO	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	works, services and facilities in respect of which the levy was paid etc		
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	MSD, CEO, PO, SSP	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 in accordance with the public availability requirements, during the inspection period	MSD, PO, SSP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	MSD, PO, SSP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	MSD, CEO, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MSD, PO, SSP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	MSD, PO, SSP	
s 50(4)	Duty to amend application	MSD, PO, SSP	
s 50(5)	Power to refuse to amend application	MSD, PO, SSP	
s 50(6)	Duty to make note of amendment to application in register	MSD, PO, SSP	
s 50A(1)	Power to make amendment to application	MSD, PO, SSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MSD, PO, SSP	
s 50A(4)	Duty to note amendment to application in register	MSD, PO, SSP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	MSD, PO, SSP	
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	MSD, PO, SSP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	MSD, PO, SSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MSD, PO, SSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered	MSD, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	restrictive covenant if may result in breach of covenant		
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	MSD, PO, SSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MSD, PO, SSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MSD, PO, SSP	
s 52(3)	Power to give any further notice of an application where appropriate	MSD, CEO, PO, SSP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MSD, PO, SSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	MSD, PO, SSP	
s 54(1)	Power to require the applicant to provide more information	MSD, PO, SSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MSD, PO, SSP	
s 54(1B)	Duty to specify the lapse date for an application	MSD, PO, SSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MSD, PO, SSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MSD, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MSD, PO, SSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MSD, CEO, PO, SSP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MSD, PO, SSP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	MSD, PO, SSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MSD, PO, SSP	
s 57A(5)	Power to refuse to amend application	MSD, PO, SSP	
s 57A(6)	Duty to note amendments to application in register	MSD, PO, SSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	MSD, PO, SSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MSD, PO, SSP	
s 57C(1)	Duty to give copy of amended application to referral authority	MSD, PO, SSP	
s 58	Duty to consider every application for a permit	MSD, PO, SSP	
s 58A	Power to request advice from the Planning Application Committee	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 60	Duty to consider certain matters	MSD, PO, SSP	
s 60(1A)	Duty to consider certain matters	MSD, PO, SSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MSD, DCD, PO, SSP	
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	MSD, PO, SSP	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	MSD, PO, SSP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MSD, PO, SSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	MSD, PO, SSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	MSD, CEO, PO, SSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MSD, CEO, PO, SSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	MSD, PO, SSP	
s 62(2)	Power to include other conditions	MSD, PO, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MSD, PO, SSP	
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	MSD, PO, SSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MSD, PO, SSP	
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)	MSD, PO, SSP	
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)	MSD, PO, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	MSD, PO, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MSD, PO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	MSD, PO, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MSD, PO, SSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	MSD, PO, SSP	
s 69(2)	Power to extend time	MSD, PO, SSP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	MSD, PO, SSP	
s 71(1)	Power to correct certain mistakes	MSD, PO, SSP	
s 71(2)	Duty to note corrections in register	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 73	Power to decide to grant amendment subject to conditions	MSD, PO, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	MSD, PO, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MSD, PO, SSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	MSD, PO, SSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, CEO, PO, SSP	
s 83	Function of being respondent to an appeal	MSD, CEO, PO, SSP	
s 83B	Duty to give or publish notice of application for review	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MSD, PO, SSP	
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	MSD, PO, SSP	
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	MSD, PO, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	MSD, PO, SSP	
s 84AB	Power to agree to confining a review by the Tribunal	MSD, DCD, SSP	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	MSD, PO, SSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MSD, CEO, PO, SSP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	MSD, CEO, PO, SSP	
s 91(2)	Duty to comply with the directions of VCAT	MSD, CEO, PO, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	MSD, PO, SSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MSD, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 93(2)	Duty to give notice of VCAT order to stop development	MSD, PO, SSP	
s 95(3)	Function of referring certain applications to the Minister	MSD, CEO, PO, SSP	
s 95(4)	Duty to comply with an order or direction	MSD, CEO, PO, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MSD, CEO, PO, SSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MSD, PO, SSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSD, PO, SSP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSD, PO, SSP	
s 96F	Duty to consider the panel's report under s 96E	MSD, CEO, PO, SSP	
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	MSD, CEO, PO, SSP	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSD, PO, SSP	
s 96J	Duty to issue permit as directed by the Minister	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSD, PO, SSP	
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	MSD, PO, SSP	
s 97C	Power to request Minister to decide the application	MSD, PO, SSP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MSD, PO, SSP	
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	MSD, CEO, PO, SSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	MSD, PO, SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	MSD, PO, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSD, PO, SSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSD, PO, SSP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MSD, PO, SSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MSD, CEO, PO, SSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MSD, PO, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	MSD, PO, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MSD, PO, SSP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MSD, PO, SSP	
s 101	Function of receiving claim for expenses in conjunction with claim	MSD, PO, SSP	
s 103	Power to reject a claim for compensation in certain circumstances	MSD, PO, SSP	
s.107(1)	Function of receiving claim for compensation	MSD, PO, SSP	
s 107(3)	Power to agree to extend time for making claim	MSD, CEO, PO, SSP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DCD	
s 114(1)	Power to apply to the VCAT for an enforcement order	MSD, CEO, PO, SSP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	MSD, CEO, PO, SSP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MSD, CEO, PO, SSP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	MSD, PO, SSP	
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 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	DID, DCD	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	MSD, PO, SSP	

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 130(5)	Power to allow person served with an infringement notice further time	MSD, PO, SSP	
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	MSD, PO, SSP	
s 149B	Power to apply to the Tribunal for a declaration.	DID, DCD	
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)	MSD, PO, SSP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MSD, CEO, PO, SSP	
s 171(2)(g)	Power to grant and reserve easements	DCD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DCD	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)	DCD	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)	DCD	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	MSD, CEO, PO, SSP	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	DCD	Where Council is the relevant responsible authority

Buloke Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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	MSD, CEO, PO, SSP	
	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	MSD, CEO, PO, SSP	
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	MSD, CEO, PO, SSP	
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	MSD, CEO, PO, SSP	
s 178A(1)	Function of receiving application to amend or end an agreement	MSD, PO, SSP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	MSD, PO, SSP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MSD, PO, SSP	
s 178A(5)	Power to propose to amend or end an agreement	MSD, PO, SSP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	MSD, PO, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	MSD, PO, SSP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	detrimentally affected by decision to amend or end		
s 178C(4)	Function of determining how to give notice under s 178C(2)	MSD, PO, SSP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	MSD, PO, SSP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	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	MSD, PO, SSP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	MSD, PO, SSP	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)	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MSD, PO, SSP	
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	MSD, PO, SSP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSD, PO, SSP	
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	MSD, PO, SSP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MSD, PO, SSP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSD, PO, SSP	
s 181	Duty to apply to the Registrar of Titles to record the agreement	MSD, PO, SSP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSD, PO, SSP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSD, PO, SSP	
s 182	Power to enforce an agreement	MSD, CEO, PO, SSP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	MSD, PO, SSP	
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	MSD, PO, SSP	
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	MSD, PO, SSP	
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	MSD, PO, SSP	
s 184G(2)	Duty to comply with a direction of the Tribunal	MSD, PO, SSP	
s 184G(3)	Duty to give notice as directed by the Tribunal	MSD, PO, SSP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	MSD, PO, SSP	
s 198(1)	Function to receive application for planning certificate	MSD, PO, SSP	
s 199(1)	Duty to give planning certificate to applicant	MSD, PO, SSP	
s 201(1)	Function of receiving application for declaration of underlying zoning	MSD, PO, SSP	
s 201(3)	Duty to make declaration	MSD, PO, SSP	

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<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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	MSD, CEO, PO, SSP	
	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	MSD, CEO, PO, SSP	
	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	MSD, CEO, PO, SSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	MSD, CEO, PO, SSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	MSD, PO, SSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	MSD, PO, SSP	

<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MSD, EHO	
s 522(1)	Power to give a compliance notice to a person	MSD, DCD	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	

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<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 525(4)	Duty to issue identity card to authorised officers	CEO, MG, GO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MSD, DCD, EHO	
s 526A(3)	Function of receiving report of inspection	MSD, DCD	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	SETD, DID, SMAD	Obtain consent in circumstances specified in s 11(2) Following resolution of Council
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	SETD, DID, SMAD	In accordance with Council's naming of roads, features and localities policy or any successor policy
s 11(9)(b)	Duty to advise Registrar	SETD, DID, SMAD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DID	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DID	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DID	Where Council is the coordinating road authority Subject to resolution of Council
s 12(2)(b)	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	DID	
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	SETD, DID, SMAD	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12(10)	Duty to notify of decision made	SETD, DID, SMAD	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 12(5)	Duty to consider written submissions received within 28 days of notice	SETD, DID, SMAD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	SETD, DID, SMAD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate Subject to Council Resolution
s 12(6)	Function of hearing a person in support of their written submission	SETD, DID, SMAD	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	SETD, DID, SMAD	
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DID	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DID	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO	
s 15(2)	Duty to include details of arrangement in public roads register	SETD, DID, SMAD	
s 16(7)	Power to enter into an arrangement under s 15	CEO	
s 16(8)	Duty to enter details of determination in public roads register	SETD, DID, SMAD	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 17(2)	Duty to register public road in public roads register	SETD, DID, SMAD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	SETD, DID, SMAD	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	SETD, DID, SMAD	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	SETD, DID, SMAD	Where Council is the coordinating road authority Subject to Council Resolution
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	SETD, DID, SMAD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	SETD, DID, SMAD	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	SETD, DID, SMAD	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	SETD, DID, SMAD	
s 19(4)	Duty to specify details of discontinuance in public roads register	SETD, DID, SMAD	
s 19(5)	Duty to ensure public roads register is available for public inspection	SETD, DID, SMAD	
s 21	Function of replying to request for information or advice	SETD, DID, SMAD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, SETD, DID, SMAD	
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, DID	
s 40(1)	Duty to inspect, maintain and repair a public road.	SETD, MW, SMAD, CETD, ASR	

Buloke Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	SETD, MW, SMAD, CETD, ASR	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	SETD, DID, SMAD, CETD, ASR	
s 42(1)	Power to declare a public road as a controlled access road	SETD, DID, SMAD	Power of coordinating road authority and sch 2 also applies Subject to Council Resolution
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	SETD, DID, SMAD	Power of coordinating road authority and sch 2 also applies Subject to Council Resolution
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	SETD, DID, SMAD	Where Council is the coordinating road authority  If road is a municipal road or part thereof Advice to Council
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	SETD, DID, SMAD	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 Advice to Council
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)	SETD, DID, SMAD	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, DID	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DID	

Buloke Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	SETD, DID, SMAD	
s 54(2)	Duty to give notice of proposal to make a road management plan	SETD, DID, SMAD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	SETD, DID, SMAD	
s 54(6)	Power to amend road management plan	CEO, DID	Subject to Council resolution
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DID	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	SETD, DID, SMAD	
s 63(1)	Power to consent to conduct of works on road	SETD, DID, SMAD	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	SETD, DID, SMAD	Where Council is the infrastructure manager In consultation with MEMO
s 64(1)	Duty to comply with cl 13 of sch 7	SETD, DID, SMAD	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DID, SMAD	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	SETD, DID, SMAD	Where Council is the coordinating road authority
s 67(3)	Power to request information	DID, SMAD	Where Council is the coordinating road authority
s 68(2)	Power to request information	DID, SMAD	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	CEO, DCOP, MG, GO	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 85	Function of receiving report from authorised officer	CEO, SETD, DID, SMAD	
s 86	Duty to keep register re s 85 matters	DID, SMAD	
s 87(1)	Function of receiving complaints	CEO, DID, SMAD	
s 87(2)	Duty to investigate complaint and provide report	SETD, DID, SMAD	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DID	
s 112(2)	Power to recover damages in court	CEO	
s 116	Power to cause or carry out inspection	SETD, DID, SMAD, CETD, ASR	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DID	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DID, SMAD	In consultation with MEMO
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)	DID, SMAD	In consultation with MEMO
s 121(1)	Power to enter into an agreement in respect of works	DID, SMAD	
s 122(1)	Power to charge and recover fees	CEO, DID	
s 123(1)	Power to charge for any service	CEO, DID	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	SETD, DID, SMAD	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DID	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 2 cl 5	Duty to publish notice of declaration	SETD, DID, SMAD	
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	SETD, DID, SMAD	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	SETD, DID, SMAD	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	SETD, MW, DID, SMAD, CETD	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	SETD, MW, DID, SMAD, CETD	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	SETD, MW, DID, SMAD	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	CEO, SETD, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	SETD, MW, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	SETD, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	SETD, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	SETD, DID, SMAD	Where Council is the works manager

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 13(2)	Power to vary notice period	DID, SMAD	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)	SETD, DID, SMAD	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	SETD, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, SETD, DID, SMAD	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DID, SMAD	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	DID, SMAD	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DID	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	SETD, DID, SMAD	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, DID	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	CEO, DID	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	SETD, DID, SMAD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	SETD, MW, DID, SMAD	Where Council is the responsible road authority

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	SETD, DID, SMAD	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	SETD, DID, SMAD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	DCD	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	MSD, DCD, SSP	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	MSD, DCD, SSP	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 in accordance with the public availability requirements	MSD, PO, SSP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	MSD, DCD, PO, SSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MSD, PO, SSP	
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	MSD, CEO, PO, SSP	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Function of entering into a written agreement with a caravan park owner	CEO	
r 10	Function of receiving application for registration	MSD, EHO	
r 11	Function of receiving application for renewal of registration	MSD, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MSD, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MSD, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MSD, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MSD, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MSD, EHO	
r 12(4) & (5)	Duty to issue certificate of registration	MSD, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	MSD, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	MSD, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MSD, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	MSD, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MSD, DCD, EHO	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 17	Duty to keep register of caravan parks	MSD, EHO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MSD, DCD, EHO	
r 18(6)	Power to determine where certain information is displayed	MSD, EHO	
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	MSD, EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	MSD, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MSD, EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MSD, EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	MSD, DCD, EHO	
r 26	Duty to have regard to any report of the relevant fire authority	MSD, DCD, EHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MSD, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MSD, EHO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MSD, EHO	
r 41(4)	Function of receiving installation certificate	MSD, EHO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MSD, EHO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MSD, EHO	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	DID	

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<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 9(2)	Duty to produce written report of review of road management plan and make report available	DID	
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)	DID	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	DID	
r 13(1)	Duty to publish notice of amendments to road management plan	DID	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	DID	
r 16(3)	Power to issue permit	SETD, DID	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	SETD, DID, SMAD	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DID	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DID	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	SETD, DID, SMAD	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))	DID	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DID	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	DID	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

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## **8.5 REPORTS FROM COUNCILLORS**

### **8.5.1 Councillor Reports**

#### **Cr Delaney**

18.12.24 Council meeting Wycheproof

19.12.24 Closed over Christmas

23.01.25 Buloke Australia Day Event Wycheproof

26.01.25 Donald Australia Day Memorial Park

03.02.25 Donald Cemetery Trust in Donald

05.02.25 Donald Men's Shed

05.02.25 Councillor Briefing Sea Lake

## **9 OTHER BUSINESS**

### **9.1 NOTICES OF MOTION**

Nil.

### **9.2 QUESTIONS FROM COUNCILLORS**

### **9.3 URGENT BUSINESS**

Nil.

### **9.4 ANY OTHER BUSINESS**

Nil

## 9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

The Meeting may be closed to members of the public to consider confidential matters.

### RECOMMENDATION

That pursuant to section 66(1) and (2)(a) of the Local Government Act 2020 the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the Local Government Act 2020 as indicated below:

No.	Title	Confidential Reason
9.5.1	Sale of Properties for Recovery of Rates and Charges	Relates to (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs as described in s 3(1) of the <i>Local Government Act 2020</i> .

### RECOMMENDATION

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the Local Government Act 2020.

## 10 MEETING CLOSE