



COUNCIL MEETING

AGENDA

Wednesday 13 December 2023

Commencing at 7:00pm

Wycheproof Supper Room

367 Broadway, Wycheproof

**Wayne O'Toole
Chief Executive Officer
Buloke Shire Council**

ORDER OF BUSINESS

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

RECOMMENDATION:

That Council adopt the Minutes of the Statutory Meeting held on Wednesday, 8 November 2023 and Council adopt the Minutes of the Council Meeting held on Wednesday, 8 November 2023.

4. REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

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

6. QUESTIONS FROM THE PUBLIC

NIL

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NIL

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NIL

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NIL

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NIL

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NIL

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NIL

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

9.5.1 AWARD CONTRACT NO. C121 2023/24 AGRN 1037 – REHABILITATION OF TWO (2) FLOODWAYS ON YEUNGROON ROAD

9.5.2 AWARD CONTRACT NO. C122 2023/24 DESIGN & CONSTRUCT CHANGING PLACES AMENITIES BLOCK & CAR PARK AT DONALD MEMORIAL PARK

9.5.3 AWARD CONTRACT NO. C120 2022/23 BIRCHIP FOOTBALL OVAL LIGHTING UPGRADE

If the meeting has been closed it will be brought back into open session by resolution

10. MEETING CLOSE

NEXT MEETING

THE NEXT MEETING OF COUNCIL WILL BE HELD IN WYCHEPROOF SUPPER ROOM, 367 BROADWAY, WYCHEPROOF ON WEDNESDAY, 14 FEBRUARY 2024 AT 7:00PM.

Wayne O'Toole
CHIEF EXECUTIVE OFFICER

6. QUESTIONS FROM THE PUBLIC

Nil

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

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

RECOMMENDATION

That the Council note the report of Councillor Assembly Meetings held 1 and 15 November 2023.

Attachments: 1 [Councillor Briefing Record - 1 November 2023](#)
2 [Councillor Briefing Record - 15 November 2023](#)

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 Briefings held on 1 and 15 November 2023 is attached for public information.



Councillor Briefing Record

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

Date:	1 November 2023	Time	5:00pm – 8:00pm
Location:	Donald District Office – Council Chamber		
Attendees:	Cr Getley, Cr Milne, Cr Simpson, Cr Warren, Cr Hogan, Wayne O’Toole (CEO), Hannah Yu (DID), Travis Fitzgibbon (DCD), Michelle Stedman (DCOP), Dan McLoughlan (Senior Manager Flood Recovery), Trevor Rumbold (Acting Manager Assets)		
Apologies:	Cr Stewart and Cr Pollard – Leave of Absence		
Acknowledgement of Country:	The Mayor 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.		
Conflicts of Interest:	Nil noted at start of meeting; Cr Warren declared Conflict of Interest during meeting regarding sale of land in Donald due to his role in Donald 2000 committee, as noted in minutes.		

ITEMS

NO.	Item
1.	Councillor only time 5:00pm – 5:30pm
2.	Confirmation of Councillor Briefing Minutes – 18 October 2023
3.	Presentations
3.1	Annual Plan/Capital Program 2023/2024 – DCD, Actg Mgr Assets
3.2	Infrastructure Flood Recovery Update – DID, Snr Mgr Flood Recovery
4.	Items for Discussion
5.	Councillor Matters
6.	CEO Updates Draft 8 November 2023 Statutory Meeting Agenda Draft 8 November 2023 Council Meeting Agenda
	NEXT BRIEFING To be confirmed following adoption of Council’s Meeting Schedule for 2023 - 2024



Councillor Briefing Record

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

Date:	15 November 2023	Time	5:00pm – 8:00pm
Location:	Wycheproof Supper Room		
Attendees:	Mayor Cr Getley, Cr Simpson, Cr Milne, Cr Hogan, Wayne O'Toole – Chief Executive Officer (CEO), Hannah Yu - Director Infrastructure and Delivery (DID), Travis Fitzgibbon – Director Community Development (DCD), Michelle Stedman – Director Corporate and Organisational Performance (DCOP), Dan McLoughlan - Senior Manager Flood Recovery (SMFR)		
Apologies:	Cr Warren, Cr Stewart and Cr Pollard – Leave of Absence		
Acknowledgement of Country:	The Mayor 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.		
Conflicts of Interest:			

ITEMS

NO.	MATTER FOR DISCUSSION	
1.	Councillor and CEO only time 5:00pm – 5:30pm	
2.	Confirmation of Councillor Briefing Minutes – 1 November 2023	
3.	Presentations	
	Wyche Alive – Declined Invitation	
3.1	Draft Children, Youth and Family Plan - Rory White	
	Engage – Youth Program – declined Invitation	
	Late business – Placement of smaller Glass Out bins	
3.2	Infrastructure and Delivery Update: Transport Infrastructure -	
Dinner Break		
4.	Councillor Matters	
5.	CEO Updates	
5.1	Nil	
NEXT BRIEFING		
6 December 2023 - Berriwillock Community Centre at 5:00pm		

7.2 CORRESPONDENCE INITIATED BY COUNCIL

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/06/06

PURPOSE

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

RECOMMENDATION

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

Attachments: Nil

TABLE OF CORRESPONDENCE

Council Initiative	Sent to	Sent	Response	Purpose of Letter/Response
Notice of Motion from September 2023 CM to forward letter.	Hon Sonya Kilkenny MP Victorian Minister for Planning	3 Oct 2023		To outline Council's concerns with the impacts on small communities with the introduction of the Windfall Gains Tax (WGT).
Notice of Motion from October 2023 CM to forward letter.	<i>The Hon. Anthony Carbines MP</i> Minister of Victorian Police	19 Oct 2023		Calling on the State Government to guarantee that one-person police stations will not close
Notice of Motion from Nov 2023 CM to forward letter.	<i>Hon Melissa Horne MP</i> <i>Minister for Roads and Road Safety</i> <i>Copy sent to:</i> <i>Anthony Judd</i> <i>Exec Director</i> <i>Loddon, Mallee and Hume</i> <i>Dept of Transport & Planning</i>	17 Nov 2023		That Council write regarding the poor condition of regional and rural roads and request that these ongoing poor conditions be addressed as a matter of urgency

7.3 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

Author's Title: Executive Assistant

Department: Office of the CEO

File No: CR/13/01

PURPOSE

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

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

RECOMMENDATION

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

Attachments: Nil

RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition

7.4 BUILDING PERMITS - MONTHLY UPDATE

Author's Title: Statutory Administration Support

Department: Community Development

File No: DB14/01

EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 November to 30 November 2023.

RECOMMENDATION

That the Council note information contained in the report on Building Permits approved by staff from 1 November to 30 November 2023.

Attachments: Nil

LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	Address	Project Description	Date Approved
20230029	Corack Road Wycheproof VIC 3527	Construction of a swimming pool or spa barrier	2/11/2023

LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR

Application No.	Address	Project Description	Date Approved
PBLD23103	Old Woomelang Rd Curyo VIC 3483	Construction of a dwelling	9/11/2023
PBLD23115	Opie Road Karyrie Vic 3483	Re-erection Dwelling (1a(a)) - Frame Stage Only	1/11/2023
PBLD23127	Woods Street Donald VIC 3480	Proposed Dwelling & Garage	23/11/2023
PBLD23128	Mill Street Wycheproof VIC 3527	Construction of Carport	8/11/2023
PBLD23130	Seven Mile Road Charlton Vic 3525	Farm Shed	9/11/2023
PBLD23132	Cumming AVENUE Birchip VIC 3483	Construction of a storage shed	14/11/2023
PBLD23134	Mill Street Wycheproof VIC 3527	Proposed Re-Stump of Dwelling	1/11/2023
PBLD23136	Sutcliff Street Sea Lake VIC 3533	Alterations to Existing School Building (Toilet Refurbishments)	23/11/2023
PBLD23137	Birchip-Wycheproof Road NARRAPORT VIC 3483	Farm Shed	23/11/2023

7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE

Author's Title: Planning Officer

Department: Community Development

File No: LP/09/01

PURPOSE

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

RECOMMENDATION

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

Attachments: Nil

LIST OF PLANNING APPLICATIONS

Application No	Address	Date Rec	Summary of Proposal	Status
PA23020	Church Street, Culgoa	10/05/2023	Use and development of land for a transfer station (install an RV dump point and septic holding tank)	Review
PA23025	Byrne Street, Donald	16/08/2023	Development of land for a Smoke House restaurant and cocktail bar including the construction of a new deck / entertainment area and amenities and the demolition of two buildings	Permit Issued
PA23026	Horace Street, Sea Lake	06/09/2023	Construct and display internally illuminated business identification sign (LED priceboard)	Review
PA23028	Calder Highway, Berriwillock	08/09/2023	Development of a telecommunications facility	Permit Issued
PA23029	McLoughlans Road, Warmur	31/08/2023	Create or alter access to a road in a Transport Zone 2 for the construction of a single dwelling	Permit Issued
PA23030	Borong Highway, Donald	15/09/2023	Creation of access to Borong Highway to an existing Powercor Regulator Site	Permit Issued
PA23031	Calder Highway, Wycheproof	15/09/2023	Creation of access to Borong Highway to an existing Powercor Regulator Site	Permit Issued

Application No	Address	Date Rec	Summary of Proposal	Status
PA23032	Boort-Wycheproof Road, Wycheproof	15/09/2023	Creation of access to Borung Highway to an existing Powercor Regulator Site	Permit Issued
PA23033	Borong Highway, Gil Gil	15/09/2023	Creation of access to Borung Highway to an existing Powercor Regulator Site	Permit Issued
PA23034	Enterprise Drive, Donald	25/09/2023	Three-lot subdivision of land	Review
PA23035	Woods Street, Donald	06/10/2023	Alteration of access in a Transport Zone (Creation of new driveway access)	Permit Issued
PA23036	Birchip – Sea Lake Road, Marlbed	11/10/2023	Two-lot subdivision of land	Review
PA23037	Connellan Road, Watchem	24/10/2023	Two lot subdivision of land (boundary re-alignment)	Review
PA23038	Industry Drive, Donald	25/10/2023	Telecommunications Facility (Installation of a 60-metre-high lattice tower and ancillary equipment)	Review

The information published in the list provided, is in accordance with the *Privacy and Data Protection Act 2014* and the *Planning and Environment Act 1987*.

7.6 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/04

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 8 November 2023 Council Meeting Resolutions.

RECOMMENDATION

Council to note the Status of Action Report for Council resolutions documented on this list.

Attachments: 1 [Status of Actions - Council Resolutions](#)

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 8 November 2023 Council Meeting Resolutions.

Summary of Action on Council Resolutions – Outstanding Previous Months Items to 8 November 2023 Council Meeting

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
02082023	Infrastructure and Delivery	8.2.1	That Council: <ol style="list-style-type: none"> Notes that following the 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; Sells the nine-lot subdivision surplus land at 110 Sutcliffe Street, Sea Lake by private treaty or auction in accordance section 114 of the Local Government Act 2020 and Council's Sale of Land Policy; and Authorises the Chief Executive Officer to execute the Transfer of Land documents and any other documents required to affect the sale of the land. 	DID	GWMWater approval obtained, procurement for works has commenced. Civil contractor has recommenced works.	Commenced
09082023	Infrastructure and Delivery	8.2.4	Risk and Resilience Grants Program That Council: <ol style="list-style-type: none"> Approve a financial co-contribution of \$70,000 from the \$200,000 Grant Opportunity Reserve FY24 in addition to a \$180,000 Council cash commitment in FY25 for the purposes of a funding application towards the Risk and Resilience Grants Program 2023. Delegate authority to the Chief Executive Officer to apply for the Risk and Resilience Grants Program 2023; and Authorises the Chief Executive Officer to sign the funding agreement on behalf of the Council should the application be successful. 	DID	Expression of Interest submitted	Commenced

Tabled 13 December 2023 Council Meeting

Summary of Action on Council Resolutions – Outstanding Previous Months Items to 8 November 2023 Council Meeting

Date	Directorate	Item	Resolution/Question	Actioning Officer/s	Status of Action	Complete or Commenced
11102123	Corporate and Organisational Performance	8.2.2	Audit and Risk Committee Chair Report 1. That Council notes the Biannual Audit and Risk Report from the Chair of the Audit and Risk Committee. 2. Council also write to the retiring Chair of the Audit and Risk Committee, Ms Margaret Abbey, to thank her for her dedicated and professional service as Chair of this Committee.	DCOP	Correspondence with retiring chair in progress, in conjunction with review of ARC Independent Memberships.	In progress
08112023	Office of the CEO	7.3	That the Council acknowledge and congratulate the persons and/or groups mentioned in the report for their achievements.	EA	Letters sent.	Completed
08112023	Office of the CEO	9.1.1	NoM That Council write to the State Minister for Road Safety and TAC, <i>the Hon. Melissa Horne MP</i> , and Regional Roads Victoria, regarding the poor condition of regional and rural roads and request that these ongoing poor conditions be addressed as a matter of urgency	EA	Letter sent to Minister with a copy to Reg Dir (Loddon Mallee Hume) D of T and Planning Correspondence Init Report for Cllrs updated for December	Completed
08112023	Office of the CEO	9.4.1	Interstate Travel - Mayor	EA	Gov Officer notified of Interstate Travel for the Register.	Completed.

Tabled 13 December 2023 Council Meeting

7.7 CIRCULATED MOTION - REAPPOINTMENTS OF AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER AND CHAIR

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **File No:** FM/02/10

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

This report is presented to Council to note the Circulated Motion regarding the reappointment of Mr Bernard Young as an independent Audit and Risk Committee (Committee) Member, and Ms Margaret Abbey PSM and as Chair of the Committee.

SUMMARY

A Circulated Motion was distributed to Councillors, via email on 1 December 2023 to consider reappointment of Mr Bernard Young for his second term as an independent member of the Committee and Ms Margaret Abbey PSM as Chair of the Committee for a shortened third term.

The Circulated Motion considered by Council is set out below:

That Council:

1. *Reappoint Mr Bernard Young as an independent Audit and Risk Committee Member for a term of 3 years expiring 30 September 2026; and*
2. *Reappoint Ms Margaret Abbey PSM as Chair of the Audit and Risk Committee for a term of 12 months expiring 14 November 2024.*

Councillors approved the Circulated Motion, with all Councillors not on a leave of absence at this time voting in favour.

Council's Governance Rules (August 2022) outline that any Circulated Motion must be reported to the next Council Meeting.

RECOMMENDATION

That Council note the motion circulated and Council's decision in relation to the reappointment of Mr Bernard Young as an independent Audit and Risk Committee Member, and Ms Margaret Abbey PSM and as Chair of the Committee for the periods specified.

Attachments: Nil

DISCUSSION

A Circulated Motion was distributed to Councillors to consider reappointment of Mr Young for his second term as an independent member of the Committee and Ms Margaret Abbey PSM as Chair of the committee for a shortened third term. This was considered via a Circulated Motion due to the Audit and Risk Committee meeting being held prior to the December 2023 Council Meeting.

Mr Young concluded his first term as independent member on Council's Committee in October 2023. As per the Committee Charter, independent members have a right to seek reappointment after their first term; a request for which was received by the Chief Executive Officer via email on 29 November 2023.

Ms. Abbey PSM as a current independent member of the committee has recently concluded a second term as Committee Chair in November 2023. Under the Committee Charter, a Chair may serve two consecutive 24 month terms. Ms Abbey PSM's first term however was only 12 months in duration, meaning she has served as Committee Chair for 36 months instead of 48 months.

In conjunction with advice from the independent members that Mr Young (considered for re-appointment as part of this Circulated Motion) and Mr Dean Sleigh (third independent member) did not consider themselves able to take on Committee Chair duties at this time, it was recommended by the independent members that Ms Abbey PSM remain as Committee Chair for a further 12 month period until her final third term as independent member concludes in November 2024. A 12 month Chair appointment also aligns Ms Abbey PSM's total period as Committee Chair with the Committee Charter's two consecutive 24 month terms.

Overview of independent member and Committee Chair terms:

Member/Role (Chair & IM – Independent Member)	Term 1	Term 2	Term 3
Margaret Abbey (Chair)	1 Oct 2020 – 14 Nov 2021 (12.5 Months)	15 Nov 2021 – 15 Nov 2023 (24 months)	<u>New Term:</u> 16 Nov 2023 – 14 Nov 2024
Margaret Abbey (IM)	15 Nov 2018 – 14 Nov 2021	15 Nov 2021 – 14 Nov 2024	
Dean Sleigh (IM)	14 Nov 2019 – 13 Nov 2022	15 Nov 2022 – 15 Nov 2025	
Bernard Young (IM)	1 Oct 2020 – 30 Sept 2023	<u>New Term:</u> 1 Oct 2023 – 30 Sept 2026	

RELEVANT LAW

Section 53 of the *Local Government Act 2020* outlines the requirement of Council to prepare and approve an Audit and Risk Committee Charter.

RELATED COUNCIL DECISIONS

The Committee was established by Council on 12 August 2020 and the Charter was adopted on 9 November 2022.

Ms Margaret Abbey PSM was last appointed as independent member and Committee Chair at the Council Meeting on 13 October 2021.

Mr Bernard Young was appointed to his first term as independent member at the Council Meeting on 13 November 2019.

Mr Dean Sleigh was appointed for his second term as independent member at the Council Meeting on 9 November 2022.

OPTIONS

The Council had the option to determine not to reappoint Mr Young to the maximum allowable term, or Council may've determined not to reappoint Mr Young as an independent member.

In the event the Council determined not to reappoint Mr Young for any further term, the Council would've been required to seek expressions of interest to appoint a new Independent Member and Mr Young would've been unable to attend the December Committee meeting.

The Council may've also determined not to appoint Ms Abbey PSM as Committee Chair, however that was not advisable due to availability of other independent members for this role at this time. If Ms Abbey had not been appointed ahead of the December Committee Meeting, then Ms Abbey would've been considered for a temporary Chair role at the December Committee Meeting until such time as a Chair was appointed.

SUSTAINABILITY IMPLICATIONS

Not Applicable

COMMUNITY ENGAGEMENT

Not Applicable

INNOVATION AND CONTINUOUS IMPROVEMENT

Not Applicable

COLLABORATION

Not Applicable

FINANCIAL VIABILITY

Fees are paid to Independent Members of the Audit Committee on a per meeting basis in accordance with the section 53(6) of the *Local Government Act 2020*. Payment of fees for Independent Members are provided for as operational expenses in the adopted Budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Not Applicable

TRANSPARENCY OF COUNCIL DECISIONS

The Audit and Risk Committee Charter is available on the Council's website. Minutes of the Audit Committee are made available to the public through adoption of Council Meeting Minutes, other than those matters considered confidential.

CONFLICTS OF INTEREST

Not Applicable

8. GENERAL BUSINESS

8.1 POLICY REPORTS

Nil

8.2 MANAGEMENT REPORTS

8.2.1 DRAFT CHILDREN, YOUTH AND FAMILIES PLAN

Author's Title: Manager of Children & Youth

Department: Community Development

File No: GO/05/02

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Community Wellbeing

PURPOSE

To inform Councillors of the completion of phase one of the development of the Draft Children, Youth and Families Plan and seek endorsement of the release of the draft plan for further community feedback prior to a final Children Youth and Families Plan being presented at a future Council Meeting for endorsement.

SUMMARY

Council is well placed to work with the community and other levels of government to enhance the liveability of Buloke for children, young people and their families.

This Plan outlines a framework and strategic objectives to guide Council in working for and with children and young people, from birth through to 25 years, and their families.

RECOMMENDATION

That Council endorse the Draft Children, Youth and Families Plan to go out for community feedback.

Attachments: 1 [Draft Children, Youth and Families Plan](#)

DISCUSSION

The Children Youth and Families Plan combines the Buloke Shire Council Children & Youth Strategy 2016-2019 and Buloke Shire Council Municipal Early Years Plan 2015-2019 into a single ten-year plan to address the needs of children, young people, and families. The Plan focuses on planning, advocacy, and the delivery of services, programs, events, and spaces for children, young people, and their families 2024 – 2034.

The Plan will encompass two age groups.

Early Years: Birth - 8 Years Old.

Young People: 8 – 24 Years old.

This is a ten-year plan that provides a strategic direction for Children, Youth and Families in the Buloke Shire. The plan will underpin the 3-year operational work plans that will be established in conjunction with staff and stakeholders. These work plans will ensure each of the outcomes is achieved and tracked.

Throughout the development of this draft, officers actively sort feedback from the community.

Feedback strategies were broken down into four categories.

- ❑ **Primary Aged Children (4 - 12)** - Through primary schools, children were invited to draw/write the things they loved the most about where they live.
- ❑ **Young People (12 – 25)** – An online Youth Survey was developed in line with the online Mission Australia Survey and promoted through all schools, key stakeholder organisations, through social media and promoted by ‘youth researchers’. Further to this secondary school student leadership groups were invited to participate in focus groups to share their thoughts and ideas.
- ❑ **Parents & Caregivers** - The online parent/carer survey was promoted through service providers, community groups, and on social media. Further to this we spoke with Playgroups and Early Learning Centre Parent Advisory Groups.
- ❑ **Service Providers** - Service providers were invited to a workshop to hear consultation results and to share their thoughts for what Council should be doing in the Children, Youth & Families space. There was also an online service provider survey circulated broadly and promoted through our networks.

Following the consultation with children, young people, parents, and service providers we have identified four overarching priority areas for the Buloke Shire Council Children, Youth and Family Plan:

- Health and Wellbeing
- Connected Communities
- Learning and Earning
- Engaging Spaces and Places

RELEVANT LAW

Not applicable.

RELATED COUNCIL DECISIONS

This is an initiative of the Council Plan 2021-2025 Year 3 Annual Plan which was adopted by Council on 9 August 2023.

OPTIONS

Council can choose not to endorse the plan to go out for community feedback.

SUSTAINABILITY IMPLICATIONS

No Sustainability implications

COMMUNITY ENGAGEMENT

This draft will be circulated throughout the community for feedback in line with Council's Community Engagement Policy before undertaking a review and presented to Council for adoption at Council's February 2024 Meeting.

INNOVATION AND CONTINUOUS IMPROVEMENT

Combining the Children & Youth Strategy and the Municipal Early Years Plan offers several benefits for the community, these include Continuity of Services, Early Intervention & Prevention, Strengthened Collaboration and Partnership.

COLLABORATION

Throughout the consultation process Council staff have consulted widely with the community and a number of different community stakeholders to ensure the draft plan responds to the community's needs.

FINANCIAL VIABILITY

This plan contains initiatives that will need to be considered in future Council budgets or investigation of external funding opportunities.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Victoria's Youth Strategy

Victorian Early Years Learning and Development Framework

COUNCIL PLANS AND POLICIES

Long-Term Community Vision and Council Plan 2021-2025

Council Plan 2021-2025 Year 3 Annual Plan

Staff Code of Conduct

Councillor Code of Conduct

Inclusiveness Plan

Gender Equality Action Plan.

TRANSPARENCY OF COUNCIL DECISIONS

Endorsing this Draft Children, Youth and Families Plan for community consultation allows the community and stakeholders further opportunity to provide feedback to shape the how the Council serve Children, Youth and Families across the Buloke Shire.

CONFLICTS OF INTEREST

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

DRAFT CHILDREN, YOUTH AND FAMILIES PLAN



Buloke Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations and the Dja Dja Wurrung people as the Traditional Owners of parts of the land now known as Buloke.



CHILDREN, YOUTH AND FAMILIES PLAN 3

INTRODUCTION

Child and adolescent development plays a key role in setting the stage for life success in adulthood.

There is increasing understanding that early childhood offers a crucial 'window of opportunity' for investment and early intervention, not only to prevent or reduce adverse outcomes but to maximise the life chances of children and young people so that they can thrive (Emerson, Fox and Smith, 2015)¹.

The Children, Youth and Families Plan (CYFP) is shaped by the voices of children, young people and parents and it ensures that the Buloke Shire Council is well-placed to facilitate positive outcomes for both younger residents and their families. The strategy will guide planning, advocacy, and Council's delivery of services, programs, events, and spaces for children, young people, and their families over the next ten years.

Council is committed to supporting positive child, youth and family outcomes in collaboration with community, partner organisations and state and federal governments. The Building a Better Buloke vision identifies the community's vision for and focus on a healthy, connected, inclusive and prosperous community.

The Children, Youth and Families Plan (CYFP) supports and links with key directions of the Buloke Shire Council Long-Term Vision and Council Plan 2021-2025; specifically:

- Quality, safe and accessible infrastructure

- Social connections, service access and advocacy for services
- Strong economy, employment and population stability
- Active partnerships, community engagement and authentic advocacy

Buloke Shire Council's Children, Youth and Families Plan is focussed on Council's roles and responsibilities. The four key strategic directions were shaped by the community consultation process:

Priority Area 1: Health and Wellbeing

Priority Area 2: Community Engagement

Priority Area 3: Learning and Earning

Priority Area 4: Engaging Places and Spaces

The CYFP will strengthen strategic focus and support improved outcomes across key life stages from birth-24 years.

¹ Emerson, L., Fox, S & Smith, C, 2015. Good Beginnings: Getting it right in the early years. The Lowitja Institute, Melbourne.

4 CHILDREN, YOUTH AND FAMILIES PLAN

OUR CHILDREN, YOUTH PEOPLE AND FAMILIES

AS THE TIME OF THE 2021 CENSUS THERE WERE 6,178 RESIDENTS LIVING IN THE BULOKE SHIRE.

1.5%

were Aboriginal and/or Torres Strait Islander (Victoria 1.0%)

83.7%

were born in Australia (Victoria 65.0%)

571

children aged 0-9 years (9.3%)

690

children/young people aged 10-19 years (11.2%)

246

young people aged 20-24 years (4%)

CHILDREN (0 – 8 YEARS)



1.9

ASR per 100 of children aged 0-14 years reported they had a mental health condition (including depression or anxiety) (Victoria 2.0)

4.2

ASR per 100 of children aged 0-14 years reported that they had any other long term health condition (Victoria 3.8)

45.1%

of children were developmentally on track on all five domains (Victoria 57.2%)

33.3%

of children were developmentally vulnerable on one or more domains (Victoria 19.9%)

14.0%

of children were developmentally vulnerable on two or more domains (Victoria 10.2%)



YOUNG PEOPLE (9 - 24)

84.6%

were participating full-time in secondary school education at age 16 (Victoria 88.5%)

36.4%

of school leavers were participating in higher education (Victoria 57.5%)

84.2%

of young people aged 15-24 years were learning or earning (Victoria 87.5%)

6.3%

of young people were receiving Youth Allowance (Victoria 4.2%)

CHILDREN, YOUTH AND FAMILIES PLAN 5

FAMILIES

34.3%

were couple families with children
(Victoria 45.5%)

12.4%

were one parent families
(Victoria 15.2%)

20.5%

of families were single parent families with children aged less than 15 years
(Victoria 18.2%)

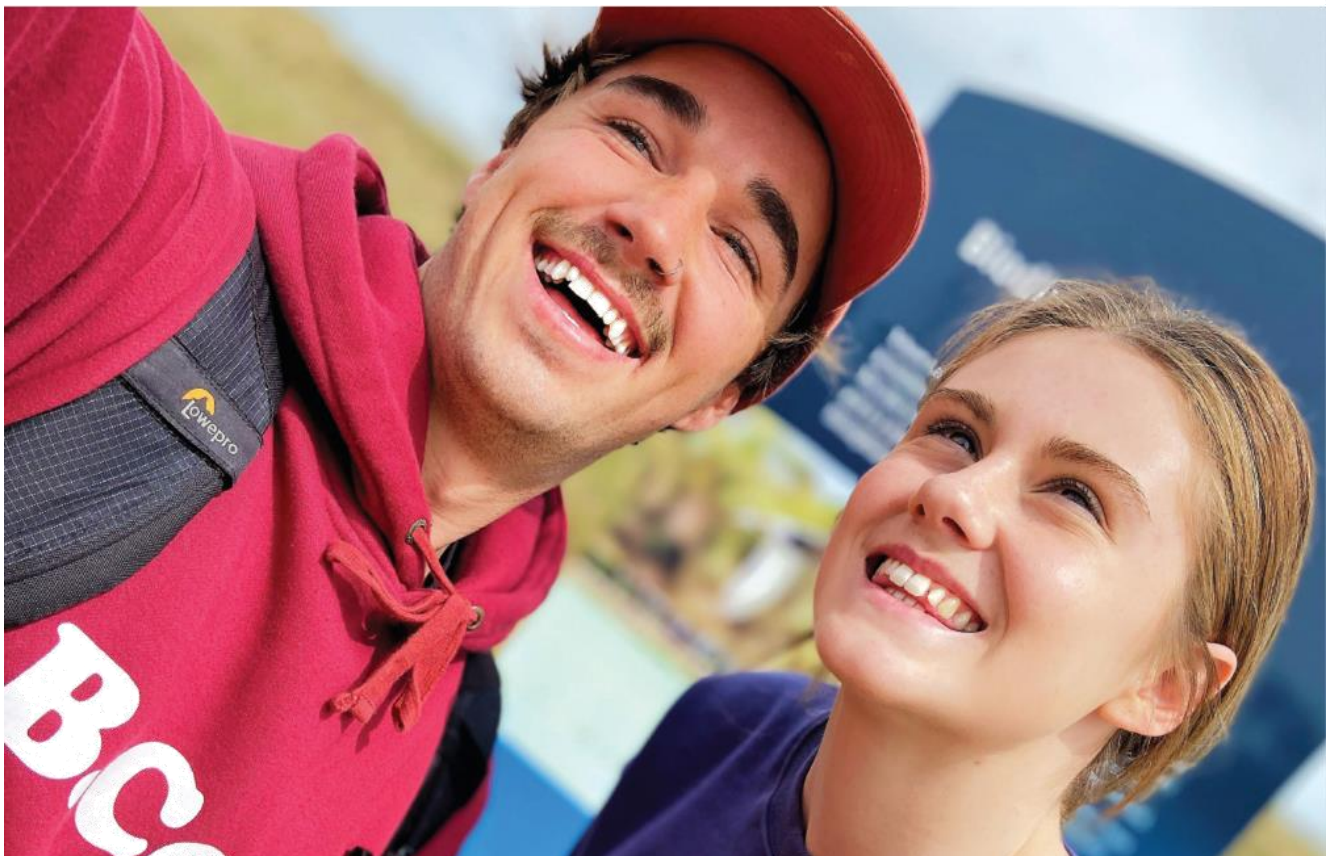
9.2%

of families with children under 15 years were jobless
(Victoria 9.9%)

4.6%

female sole parent pensioners
(Victoria 2.5%)

4.8% of families were low income, welfare dependant (Victoria 4.3%)



6 CHILDREN, YOUTH AND FAMILIES PLAN

COMMUNITY ENGAGEMENT

The Children, Youth and Families Plan Consultation Summary report draws upon community feedback and engagement sought through surveys, key stakeholder workshops and focus group conversations. The information gathered represents the views of those who responded to the opportunity to provide feedback to Council.

Our engagement activities were mixed and varied and included:



Children's Drawing Activity

Through primary schools, children were invited to draw/write the things they loved the most about where they live.



Parent Focus Groups

The researcher attended a playgroup to speak with parents and spoke with a parent advisory group of an Early Years Centre.



Youth Survey

The Buloke Shire Youth Survey was promoted through schools, key stakeholder organisations, through social media and promoted by 'youth researchers'. The survey was completed by over 30% of all young people aged 12-24 years in the Buloke Shire.



Service Provider Workshop

Service providers were invited to a workshop to hear consultation results and to share their thoughts for what Council could be doing.



Youth Focus Groups

Secondary school student leadership groups were invited to share their thoughts and ideas for the strategy.



Service Provider Survey

The service provider survey was circulated broadly and promoted through networks.



Parent/Carer Survey

Secondary school student leadership groups were invited to share their thoughts and ideas for the strategy.

PRIORITY AREAS

Consultation with children, young people, parents and service providers has informed the four overarching Priority Areas for the Buloke Shire Council Children, Youth and Families Plan:

1. Health and Wellbeing
2. Connected Communities
3. Learning and Earning
4. Engaging Spaces and Places



8 CHILDREN, YOUTH AND FAMILIES PLAN

Health and Wellbeing You told us....

Children/Young People

Children most loved:
home, family, friends, pets, playing,
outdoors and nature.

Buloke Youth Survey

79% rate their mental health as good,
very good or excellent

84% of young people play sport

50% of young people are using social media

39% spend 3-4 hrs/day on social media

35% are gaming

35% are going to parties

Top Five Concerns:

Boredom (44%)

Mental health (39%)

Body image (38%)

Friendship problems (32%)

Verbal bullying (19%)

You told us you want:

More events, activities and programs

Access to support services

Better access to mental health services

Community gyms

Parents/Carers

Key Issues/Challenges

Access to Pediatricians

Availability of Childcare

Access to Antenatal, Postnatal and Midwifery Care

Access to medical services

Access to disability, Maternal and Child Health,
Speech and Occupational services

Parent/Carer Survey:

66% of parents couldn't access a service/support in
the past 12 months

You told us you want:

Medical and Allied Health Support

More local access to medical services to cut down on
travel

Improved access to antenatal, postnatal, lactation
support and midwifery care





CHILDREN, YOUTH AND FAMILIES PLAN 9



Service Providers

Key Issues/Challenges

Program sustainability
Underage drinking
Drug use in 18-24 yr olds
Vaping
Access to alcohol/drug programs for young people
Duplication/overlapping services
Communication across services/organisations
Access to services is a challenge
Families have to travel: service access
Youth mental health service access
9-5 service availability
Access to allied health services
Speech therapy services are lacking
Access to dental checks
Understanding local data

You told us you want:

Wellbeing Networks- Council to join so they hear from schools
"Red Frog" volunteers for FReeZA
Service directory
Lobby/advocate for services to come in
Advocate for mental health services for young people
Youth support worker at council

Buloke Shire Council will:

1. Continued to provide quality Maternal and Child Health and Immunisation Services.
2. Collect, share and use key community data to plan for and advocate for the health and wellbeing needs of children, young people and their families.
3. Work together with key stakeholders to increase community knowledge of available support services, programs and referral pathways for children, youth and families.
4. Advocate for increased locally available mental health services for children and young people.
5. Advocate for improved access to paediatricians and general practitioners.
6. Together with key stakeholders develop and lead an early years and youth network.
7. Work with key stakeholders to advocate for improved local access to an allied health model which better supports children, young people, and families to reduce travel.
8. Attend school wellbeing networks to strengthen relationships and collaboration with schools to support improved outcomes for children, young people and their families.



10 CHILDREN, YOUTH AND FAMILIES PLAN

Connected Community's You told us....

Children/Young People

Children most loved:
home, family, friends, pets, playing,
outdoors and nature.

Buloke Youth Survey

79% rate their mental health as good,
very good or excellent

84% of young people play sport

20% are involved in youth groups

17% volunteer

13% are involved in SRC's

8% are involved in arts/culture activities

Top Five Concerns:

Boredom/nothing to do (44%)

Money problems (14%)

Lack of transport (12%)

Fitting in (22%)

Discrimination (4%)

You told us you want:

More events, activities and programs

Festivals and events

Play spaces

Youth Spaces

Freezas

Access to support services

More non-competitive sport/recreation options

Parents/Carers

Positives

Caring people/community spirit

Infrastructure-sports, playgrounds, education

Playgroups/Kindergartens

Services: MCH, Library, - Limited places to meet safely
for Childcare

Safe CommunitySports

Key Issues/Challenges

Access to entertainment for children/youth **(60%)**

Access to activities/recreation **(48%)**

Geographic isolation **(42%)**

Financial issues **(34%)**

You told us you want:

Youth spaces and support

Parent groups/supports

Entertainment for young people

Free/low cost family friendly activities/ events

More opportunities for young people to have a say

Promotion of activities and events

CHILDREN, YOUTH AND FAMILIES PLAN 11



Service Providers

Key Issues/Challenges

Cost of transport makes it difficult to bring children/ young people into activities

Need transport to go out and be social

Limited places to meet safely for Childcare young people in the evenings

You told us you want:

Young people involved in planning events

Yearly calendar of events

A session to understand data

Drop in sessions for children/youth

Acknowledging/celebrating youth volunteers

Youth support worker at council

More opportunity for youth voice

Buloke Shire Council will:

1. Celebrate, promote and acknowledge the achievements of young volunteers.
2. Seek further funding for an ongoing Buloke Shire Council Youth Support Worker position. Shire to allocated ongoing resources to a youth worker position.
3. Offer activities, programs and events that strengthen social, intergenerational and cross community connections.
4. Work together with key stakeholders to create a calendar of events for children, young people and families and regularly promote to the community.
5. Offer school holiday activities, 'pop-up' events and programs for children, young people and families.
6. Advocate for improved transportation funding to better support children, young people and families to attend events and programs.
7. Strengthen engagement with the 19-25 age group to better understand and support their needs and aspirations.
8. Consult, engage and involve children and young people in matters that are important to them.
9. Support families and young people with educational opportunities to improve health and learning outcomes.
10. Facilitate a genuine youth voice in Council and Community Planning to achieve better outcomes for young people's health and wellbeing.



12 CHILDREN, YOUTH AND FAMILIES PLAN

Learning & Earning You told us....

Children/Young People

Children most loved:
home, family, friends, pets, playing,
outdoors and nature.

Buloke Youth Survey

24% are working part time

49% of young people plan to go to University

49% of young people plan to go to work

12% plan to attend TAFE

11% plan to do a trade

Top Five Concerns:

School or study problems **(34%)**

Money problems **(14%)**

Lack of transport **(12%)**

Career/employment opportunities **(9%)**

You told us you want:

Better transport

Good schools

Job opportunities

Parents/Carers

Positives

Education, Playgroups/Kindergartens

Services: MCH, Library, Childcare

Key Issues/Challenges

Lack of access to childcare

Early Childhood Education and Model needs work to support kindergarten changes and ensure access to childcare

Parent/Carer Survey:

46% of parents said their childcare needs were not met by existing services

61% of parents said the lack of childcare access has greatly affected a parent's ability to work

You told us you want:

Childcare

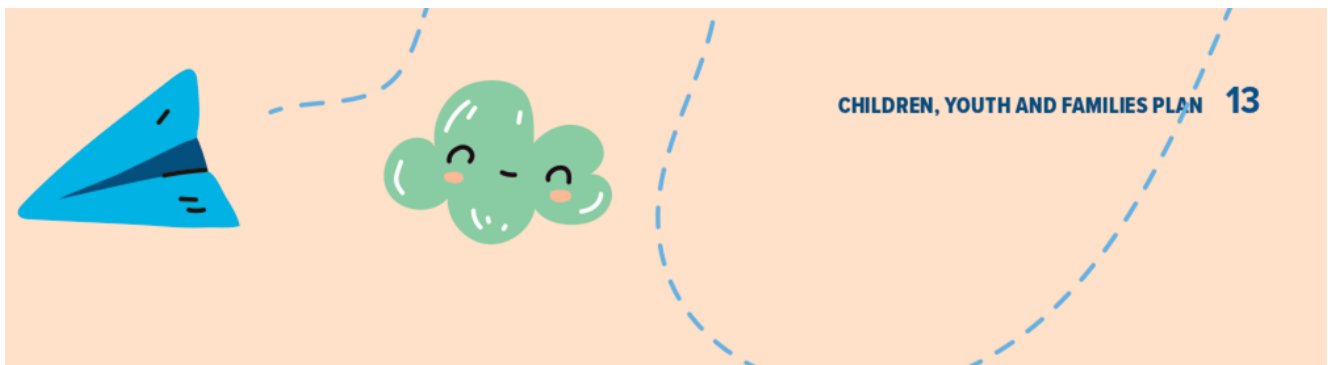
Parent groups/supports

Playgroups

Early years focus

Advocacy so Buloke children have the same level of access to services as urban children

Jobs, career pathways - Further education



Service Providers

Key Issues/Challenges

Childcare is a big issue- impacting on employment

Transportation between towns for work and work placements

Less businesses providing training opportunities for young people

You told us you want:

Smoother transition for parents through the early years and onwards

Better support for parents

Lobby/advocate for childcare

Council involved in careers week

More work placements/traineeships and employment opportunities for young people at Council

Buloke Shire Council will:

1. Continue to support families with young children (birth – school age) through providing and sustaining quality facilitated playgroups and community led playgroups.
2. Work together with communities and the Commonwealth and State governments to support place based infrastructure planning for early childhood education and care.
3. Actively advocate for childcare policy, service models, infrastructure and funding to increase access to high quality childcare and after school care to enable greater workforce participation and ensure that families have access to the same level of childcare that is afforded to their regional and metro counterparts.
4. Partner with the Department of Education and key community stakeholders to create a five year workforce plan to support three and four year old kindergarten.
5. Increase opportunities for work placements, traineeships, cadetships and employment pathways for young people across the Shire.
6. Partner with schools to promote working in Local Government as a career option.
7. Advocate for improved public transport and ride sharing options.
8. Support and connect Young Professionals Networks and address skills training gaps as identified in the 2019 Nous Workforce Development and Training Needs in the Buloke Shire report.



14 CHILDREN, YOUTH AND FAMILIES PLAN

Engaging Spaces and Places You told us....

Children/Young People

Children most loved:
home, family, friends, pets, playing,
outdoors and nature.

Buloke Youth Survey

84% of young people play sport

33% enjoy camping and the outdoors

Young people valued:

Public pools

Sport and Recreation facilities

Outdoor spaces

Natural environment

Concerns:

Boredom

Lack of meeting places

Body image

You told us you want:

Great recreation infrastructure

Play spaces

Youth Spaces

Parents/Carers

Parents Value

Sporting clubs

Playgrounds

Public pools

Walkable footpaths

Natural landscapes

Libraries

Community gym

Key Issues/Challenges

Geographic isolation **(42%)**

Population decline **(32%)**

Parks & play spaces **(27%)**

Youth friendly spaces **(34%)**

Social isolation **(21%)**

You told us you want:

Youth spaces and support

Great playgrounds

Improved recreation facilities

Family friendly spaces





CHILDREN, YOUTH AND FAMILIES PLAN 15

Service Providers

Positives

Recreation facilities

Playgrounds - open space

Key Issues/Challenges

Geographic isolation **(50%)**

Parks and play spaces **(17%)**

Population decline **(25%)**

Social isolation **(67%)**

You told us you want:

More appealing recreation spaces

Walkable public spaces - family friendly spaces

Buloke Shire Council will:

1. Collaborate with young people and key service providers to identify and develop 'youth friendly spaces' for young people to socialise across the Buloke Shire.
2. Ensure Early Years Centres meet population and demographic needs.
3. Work together with communities and sporting and recreation groups to maintain, improve and plan for sport and recreation infrastructure.
4. Offer engaging and safe playgrounds and play spaces.
5. Ensure public facilities and spaces are child, family and all-ability friendly, with change tables, seating, disabled toilets and shade available.



Monitoring and Evaluation

Council will monitor progress towards delivery of these priorities on an ongoing basis and will provide regular feedback to the community.



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8.2.2 S6 - INSTRUMENT OF DELEGATION TO STAFF

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **File No:** PE/02/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

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

SUMMARY

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

RECOMMENDATION:

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

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon 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.

Attachments: 1 [S6 Instrument of Delegation by Council to Members of Council Staff](#)

DISCUSSION

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

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

RELEVANT LAW

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

RELATED COUNCIL DECISIONS

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

OPTIONS

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

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

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

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Not applicable.

TRANSPARENCY OF COUNCIL DECISIONS

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

CONFLICTS OF INTEREST

I, Michelle Stedman, have no conflicts of interest to disclose in relation to this report.

Buloke Shire Council

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

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are defined in the schedule under the heading 'Positions'
3. declares that:
 - 3.1. this Instrument of Delegation is authorised by a resolution of Council passed on 13 December 2023; and
 - 3.2. the delegation:
 - 3.2.1. comes into force immediately the instrument is authorised by resolution of Council and signed by the CEO and the Mayor;
 - 3.2.2. remains in force until varied or revoked;
 - 3.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3. the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 3.3.2. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council;
 - 3.3.3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed by:

.....
Wayne O'Toole – Chief Executive Officer

.....
Cr Alan Getley (Mayor)

Date:

Buloke Shire Council

Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Positions

Abbreviation	Position	Name
ASO	Asset Surveillance Officer	
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	
EHO	Environmental Health Officer	Any officer appointed under the Public Health and Wellbeing Act
MDS	Manager 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 Statutory Planning Officer	
TLC	Team Leader Compliance	
MEMO	Municipal emergency Management Officer	Appointed by Instrument under the Emergency Management Act

Buloke Shire Council

S6 Instrument of Delegation - Members of Staff

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MDS, 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	MDS, 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	MDS, 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, and (ii) inform the public by notice in a published newspaper or otherwise	MDS, 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	MDS, 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	MDS, 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).	MDS, 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	MDS, 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

Buloke Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MDS, DCD, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MDS, DCD, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MDS, DCD, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	MDS, 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	MDS, DCD, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	MDS, DCD, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	MDS, 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))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MDS, DCD, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	MDS, DCD, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MDS, 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	MDS, DCD, EHO	

Buloke Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MDS, 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	MDS, 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	MDS, 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	MDS, DCD, EHO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	MDS, 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	MDS, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MDS, EHO	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MDS, 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)	MDS, DCD, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MDS, DCD, EHO	Where Council is the registration authority

Buloke Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	MDS, DCD, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MDS, DCD, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MDS, 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	MDS, DCD, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MDS, DCD, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MDS, DCD, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MDS, 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	MDS, DCD, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MDS, DCD, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MDS, 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	MDS, DCD, EHO	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	MDS, EHO	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MDS, EHO	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	MDS, DCD, EHO	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	MDS, DCD, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	MDS, 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	MDS, DCD, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MDS, DCD, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MDS, DCD, EHO	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	MDS, DCD, EHO	
s 40F	Power to cancel registration of food premises	MDS, EHO	Where Council is the registration authority
s 43	Duty to maintain records of registration	MDS, DCD, EHO	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	MDS, DCD, EHO	Where Council is the registration authority

Buloke Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MDS, DCD, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	MDS, 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

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	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	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	PO, SSP	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	PO, SSP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	PO, SSP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	PO, SSP	
s 8A(5)	Function of receiving notice of the Minister's decision	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	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	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	CEO, PO, SSP	
s 12B(1)	Duty to review planning scheme	CEO, PO, SSP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, PO, SSP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	PO, SSP	
s 17(1)	Duty of giving copy amendment to the planning scheme	PO, SSP	
s 17(2)	Duty of giving copy s 173 agreement	PO, SSP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	PO, SSP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	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	PO, SSP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	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.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	PO, SSP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	PO, SSP	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(1)	Duty to consider all submissions received before the date specified in the notice	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	PO, SSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	PO, SSP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	PO, SSP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	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	PO, SSP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	PO, SSP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, PO, SSP	
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	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	PO, SSP	
s 30(4)(a)	Duty to say if amendment has lapsed	PO, SSP	
s 30(4)(b)	Duty to provide information in writing upon request	PO, SSP	
s 32(2)	Duty to give more notice if required	PO, SSP	
s 33(1)	Duty to give more notice of changes to an amendment	PO, SSP	
s 36(2)	Duty to give notice of approval of amendment	CEO, PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	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	CEO, PO, SSP	
s 40(1)	Function of lodging copy of approved amendment	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	PO, SSP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	PO, SSP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	PO, SSP	
s 46AW	Function of being consulted by the Minister	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	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	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	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	SSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	SSP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	SSP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	SSP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	SSP	
s 46GP	Function of receiving a notice under s 46GO	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	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	SSP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	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	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	SSP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	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	SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	owner's valuer as to the estimated value of the inner public purpose land		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	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 of the plan unless the criteria in s 46GU(1)(a) and (b) are met	SSP	
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	SSP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	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)	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)	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	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	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	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	SSP	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	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	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 costs to the planning authority that incurred those costs	SSP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	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	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	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)	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	SSP	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	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	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	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	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	SSP	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	SSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	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)	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)	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)	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	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	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	SSP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	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)	SSP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	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)	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)	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	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	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	SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	CEO, PO, SSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, PO, SSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	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	CEO, PO, SSP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, PO, SSP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, PO, SSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, PO, SSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	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	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 works, services and facilities in respect of which the levy was paid etc	CEO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, 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	PO, SSP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	PO, SSP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, PO, SSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	PO, SSP	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	restrictive covenant if application is to remove or vary the covenant		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	PO, SSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	PO, SSP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, PO, SSP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PO, SSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	PO, SSP	
s 54(1)	Power to require the applicant to provide more information	PO, SSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	PO, SSP	
s 54(1B)	Duty to specify the lapse date for an application	PO, SSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	PO, SSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	PO, SSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	PO, SSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	PO, SSP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	PO, SSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	PO, SSP	
s 57A(5)	Power to refuse to amend application	PO, SSP	
s 57A(6)	Duty to note amendments to application in register	PO, SSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	PO, SSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	PO, SSP	
s 57C(1)	Duty to give copy of amended application to referral authority	PO, SSP	
s 58	Duty to consider every application for a permit	PO, SSP	
s 58A	Power to request advice from the Planning Application Committee	PO, SSP	
s 60	Duty to consider certain matters	PO, SSP	
s 60(1A)	Duty to consider certain matters	PO, SSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DCD, PO, SSP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a	PO, SSP	The permit must not be inconsistent with a cultural heritage management

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	permit with conditions or to refuse a permit application		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	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	PO, SSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	PO, SSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, PO, SSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, PO, SSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	PO, SSP	
s 62(2)	Power to include other conditions	PO, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	PO, SSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	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	PO, SSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	PO, SSP	

Buloke Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	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)	PO, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	PO, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	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	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	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	PO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	PO, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	PO, SSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	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

Buloke Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	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	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	PO, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	PO, SSP	
s 69(2)	Power to extend time	PO, SSP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	PO, SSP	
s 71(1)	Power to correct certain mistakes	PO, SSP	
s 71(2)	Duty to note corrections in register	PO, SSP	
s 73	Power to decide to grant amendment subject to conditions	PO, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	PO, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	PO, SSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PO, SSP	

Buloke Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	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	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	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	CEO, PO, SSP	
s 83	Function of being respondent to an appeal	CEO, PO, SSP	
s 83B	Duty to give or publish notice of application for review	PO, SSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	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	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	PO, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84AB	Power to agree to confining a review by the Tribunal	DCD, SSP	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	PO, SSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, PO, SSP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, PO, SSP	
s 91(2)	Duty to comply with the directions of VCAT	CEO, PO, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	PO, SSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	PO, SSP	
s 93(2)	Duty to give notice of VCAT order to stop development	PO, SSP	
s 95(3)	Function of referring certain applications to the Minister	CEO, PO, SSP	
s 95(4)	Duty to comply with an order or direction	CEO, PO, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	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	PO, SSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	PO, SSP	
s 96F	Duty to consider the panel's report under s 96E	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	CEO, PO, SSP	
s 96H(3)	Power to give notice in compliance with Minister's direction	PO, SSP	
s 96J	Duty to issue permit as directed by the Minister	PO, SSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	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	PO, SSP	
s 97C	Power to request Minister to decide the application	PO, SSP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	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	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	PO, SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	PO, SSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97MH	Duty to provide information or assistance to the Planning Application Committee	PO, SSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	PO, SSP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	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	CEO, PO, SSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	PO, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	PO, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	PO, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	PO, SSP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	PO, SSP	
s 101	Function of receiving claim for expenses in conjunction with claim	PO, SSP	
s 103	Power to reject a claim for compensation in certain circumstances	PO, SSP	
s.107(1)	Function of receiving claim for compensation	PO, SSP	
s 107(3)	Power to agree to extend time for making claim	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	CEO, PO, SSP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, PO, SSP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, PO, SSP	

Buloke Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	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 129	Function of recovering penalties	PO, SSP	
s 130(5)	Power to allow person served with an infringement notice further time	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	PO, SSP	
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)	PO, SSP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	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	CEO, PO, SSP	In Consultation with Council

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, 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	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	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	CEO, PO, SSP	
s 178A(1)	Function of receiving application to amend or end an agreement	PO, SSP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	PO, SSP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	PO, SSP	
s 178A(5)	Power to propose to amend or end an agreement	PO, SSP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	PO, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	PO, SSP	

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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	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	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	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	PO, SSP	
s 184G(2)	Duty to comply with a direction of the Tribunal	PO, SSP	
s 184G(3)	Duty to give notice as directed by the Tribunal	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	PO, SSP	
s 198(1)	Function to receive application for planning certificate	PO, SSP	
s 199(1)	Duty to give planning certificate to applicant	PO, SSP	
s 201(1)	Function of receiving application for declaration of underlying zoning	PO, SSP	
s 201(3)	Duty to make declaration	PO, SSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, PO, SSP	

Buloke Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, 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	CEO, PO, SSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, PO, SSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	PO, SSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	PO, SSP	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MDS, EHO	
s 522(1)	Power to give a compliance notice to a person	MDS, DCD	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MDS, DCD, EHO	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 526A(3)	Function of receiving report of inspection	MDS, DCD	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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(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
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 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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DID	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	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 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 14(4)	Function of receiving notice from the Head, Transport for Victoria	SETD, DID, SMAD	
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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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, ASO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	SETD, MW, SMAD, CETD, ASO	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	SETD, DID, SMAD, CETD, ASO	
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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
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, ASO	
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

Buloke Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
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	SETD, MW, DID, SMAD, CETD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Buloke Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	of any non-road infrastructure and technical advice or assistance in conduct of works		
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
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

Buloke Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
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)

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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	DCD, SSP	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	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	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	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.

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

Buloke Shire Council

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CEO	
r 10	Function of receiving application for registration	MDS, EHO	
r 11	Function of receiving application for renewal of registration	MDS, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MDS, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MDS, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MDS, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MDS, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MDS, EHO	
r 12(4) & (5)	Duty to issue certificate of registration	MDS, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	MDS, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	MDS, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MDS, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	MDS, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MDS, DCD, EHO	
r 17	Duty to keep register of caravan parks	MDS, EHO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MDS, DCD, EHO	
r 18(6)	Power to determine where certain information is displayed	MDS, 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	MDS, EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	MDS, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MDS, EHO	

Buloke Shire Council

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MDS, EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	MDS, DCD, EHO	
r 26	Duty to have regard to any report of the relevant fire authority	MDS, DCD, EHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MDS, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MDS, EHO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MDS, EHO	
r 41(4)	Function of receiving installation certificate	MDS, EHO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MDS, EHO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MDS, EHO	

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

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	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

8.2.3 AUDIT AND RISK COMMITTEE MEETING MINUTES 12 SEPTEMBER 2023

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **File No:** FM/02/09

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To provide Council with the confirmed minutes of the Audit and Risk Committee Meeting held on 12 September 2023.

SUMMARY

The 12 September 2023 Audit and Risk Committee minutes are attached for the information of Council.

RECOMMENDATION

That Council notes the confirmed Minutes of the Audit and Risk Committee meeting held on 12 September 2023.

Attachments: 1 [Audit and Risk Committee Minutes - 12 September 2023](#)

DISCUSSION

The Audit and Risk Committee (the Committee) is a statutory committee of Council which considers matters of governance, finance and risk management. The Committee is comprised of three independent members the Mayor and one Councillor. The Committee provides advice on the integrity and effectiveness of Council's financial reporting and risk management system.

At the meeting held, the Committee considered the following matters:

- Outstanding Action Items
- Audit and Risk Committee Work Plan
- Asset Management quarterly update
- Legislative Compliance Register
- Internal Audit Status Report and update
- Draft scope for Governance Internal Audit
- VAGO Interim Management Letter
- Draft External Audit Closing Report
- Draft Financial Statements 2022-23
- Draft Performance Statements 2022-23
- Victorian Auditor-General's Office Status Report – December 2022
- Insurance Summary
- Draft Investment Policy
- Draft Financial Reserves Policy
- Councillor and CEO reimbursements
- Quarterly Investment Report as at 30 June 2023
- Draft Questions for the Audit and Risk Annual Self-Assessment Survey

RELEVANT LAW

Council is required under the *Local Government Act 2020* to establish and maintain an Audit and Risk Committee.

RELATED COUNCIL DECISIONS

The Committee was established by Council at its meeting held on 12 August 2020. The most recent Audit and Risk Committee Charter was adopted by Council on 9 November 2022.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Committee provides guidance and recommendations that result in improvements to methods and systems of Council.

COLLABORATION

Councillors and senior staff are invited to attend, and present as required at Committee meetings. Recommendations from the Committee are communicated to relevant staff members for action.

FINANCIAL VIABILITY

The costs associated with the Committee are considered in the Annual Budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The Audit and Risk Committee Charter was adopted by Council on 9 November 2022.

TRANSPARENCY OF COUNCIL DECISIONS

The Audit and Risk Committee is considered an essential element of good governance, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and overseeing internal and external audit functions. The draft minutes are provided to Council to consider the activities undertaken by the Committee.

CONFLICTS OF INTEREST

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



AUDIT AND RISK COMMITTEE MEETING

MINUTES

Tuesday 12 September 2023

Commencing at 10 AM

**Wycheproof Hall Supper Room
367 Broadway
Wycheproof**

**Wayne O'Toole
Chief Executive Officer
Buloke Shire Council**

ORDER OF BUSINESS

1. WELCOME

The Chair opens the meeting and welcomes those present.

2. RECEIPT OF APOLOGIES

Andrew Rose (A/Manager Governance), Jennifer Hewett (Governance Officer)

3. ATTENDEES

Margaret Abbey PSM (Chair), Dean Sleigh (Member), Bernard Young (Member), Cr Warren , Cr Getley (Mayor), Cr Hogan, Kathie Teasedale (RSD Audit, Internal Auditor), Martin Thompson (Victorian Auditor General Agent), Wayne O'Toole (Chief Executive Officer), Travis Fitzgibbon (Director Community Development), Hannah Yu (Director Infrastructure and Delivery), Michelle Stedman (Director Corporate and Organisational Performance), Nathan Cutting (Manager Finance) Trevor Rumbold (Coordinator Project Delivery).

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

That Council adopt the Minutes of the Audit and Risk Committee Meeting held on Wednesday, 3 May 2023.

MOVED: BERNARD YOUNG

SECONDED: DEAN SLEIGH

CARRIED.

Minutes were confirmed and signed by Chair.

5. CHIEF EXECUTIVE BRIEFING

Briefing by Chief Executive Officer to the Audit and Risk Committee Meeting including any legal matters.

- The Draft Financial and Performance Statements are indicating a cash surplus. This is due to FAG's prepayments anticipated.
- Negotiations in respect to the Enterprise Agreement are progressing. Member Sleigh asked whether or not the likely outcome would be within budgeted estimates. The Committee was advised that at this stage the financial outcome was anticipated to be within the global corporate budget.
- Operation Sardon; an IBAC Investigation across Local Government looking into the handling of conflicts of interest, planning concerns and general governance issues is expected to hand down its finding in July 2023. There is anticipated to have some impacts on Buloke including the issue of a Windfall Tax on capital gains as a result of Planning Scheme Amendments which alter the permissible land use.
- Reference was made to the campaign in respect to Zero Tolerance in support of staff who may be the subject of occupation violence.
- It was reported that there were no legal matters outstanding.

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Tuesday, 12 September 2023

- The Chair asked if the issue of Councillors being on leave was having any Governance impact on the operation of Council. The Mayor advised that there were none at this stage and that Council had been able to maintain a quorum throughout this period.

6. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

There were no declarations of interest. .

7. MATTERS FOR DECISION / DISCUSSION / NOTING

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9. ANY OTHER BUSINESS**10. MEETING CLOSE****NEXT MEETING**

THE NEXT AUDIT AND RISK COMMITTEE MEETING WILL BE HELD IN WYCHEPROOF HALL SUPPER ROOM

367 BROADWAY

WYCHEPROOF ON WEDNESDAY, 6 DECEMBER 2023 AT 10 AM.

Wayne O'Toole
CHIEF EXECUTIVE OFFICER

7. MATTERS FOR DECISION / DISCUSSION / NOTING**7.1 OUTSTANDING ACTION ITEMS****Author's Title:** Governance Officer**Department:** Corporate and Organisational Performance **File No:** FM/02/09**PURPOSE**

To inform the Audit and Risk Committee of the current status of actions from internal and external audit and relevant regulatory reports.

MOTION:

That the Audit and Risk Committee:

1. Notes the status of the outstanding actions
2. Approves item 16 as complete

MOVED: BERNARD YOUNG**SECONDED:** CR ALAN GETLEY**CARRIED.****Attachments:** 1 Outstanding Action Items Q3-2023**KEY POINTS / ISSUES**

Council staff are required to provide updated commentary and to advise when an action is complete. Once completed items are to the satisfaction of the Audit and Risk Committee, the action will be removed from the report.

Current comments are indicated by red font.

DISCUSSION

- Progress completion outlined in updated report
- Item 11: Dean noted BCP not simply the responsibility of IT – many people need to be involved in BCP
- Item 8: risk assessment workshop completed for infrastructure and delivery

7.2 REVIEW OF AUDIT AND RISK COMMITTEE WORK PLAN

Author's Title: Governance Officer

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To provide an updated status of the Audit and Risk Committee Work Plan

RECOMMENDATION

That the Audit and Risk Committee note and review the work plan

NOTED

Attachments: 1 2023 Audit and Risk Committee Work Plan

KEY POINTS / ISSUES

The work plan incorporates all matters that have been considered or will be considered by the Audit and Risk Committee over a twelve-month period.

The attached annual work plan has been populated to show the status of current documents and processes, and key documents and initiatives to be considered within the 2023 meeting schedule, that are known.

The work plan is a dynamic document. It is updated quarterly to reflect reports presented to the committee.

DISCUSSION

- Debtors write off – none have occurred, however they will be brought to the meeting as they are identified, the process for the end of financial year obligations has been followed and Council is targeting a review in 6 months outside the end of year cycle.

7.3 LEGISLATIVE COMPLIANCE REGISTER

Author's Title: Governance Officer

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To provide the Audit and Risk Committee with the status of legislative compliance obligations.

RECOMMENDATION

That the Audit and Risk Committee note the Legislative Compliance Report.

NOTED

Attachments: 1 Legislative Compliance 31 Aug 2023

KEY POINTS / ISSUES

A Legislative Compliance Register has been developed containing items for compliance pursuant to the *Local Government Act 1989* (LGA89), the *Local Government Act 2020* (LGA20) and associated regulations.

Compliance obligations have been included in the report, taking into consideration the commencement dates of the various sections of the LGA20. Items for compliance to other legislation are being added progressively as these items are identified.

The Legislative Compliance Framework places the responsibility on individual departments to identify compliance items and to notify the Governance Team for inclusion into the Register. The subscription service provided through the compliance system provides Council with alerts when there is new or changed obligations to key legislation.

The Register:

- receives legislative updates on a periodical basis.
- identifies legislative obligations and them to be assigned to staff members.
- sets due dates and review cycles. The system will send reminder emails to staff members when their assigned obligation is near due.

The Register is monitored, new legislative obligations are assigned to staff members, and obligations are audited and signed off to ensure that Council's legislative obligations are met.

DISCUSSION

The Committee noted the report.

7.4 ASSET MANAGEMENT QUARTERLY UPDATE

Author's Title: Director Infrastructure and Delivery

Department: Infrastructure and Delivery

File No: FM|02|09

PURPOSE

To update the Audit and Risk Committee on Council's flood response and recovery activities, and progress on business-as-usual asset management programs.

RECOMMENDATION

That the Audit and Risk Committee Meeting note the information contained in the quarterly update.

NOTED

Attachments: Nil

KEY POINTS / ISSUES

Council Officers prepare a summary of Asset Management initiatives and activities to the Audit and Risk Committee each quarter in view of the size of its asset base, and the challenges associated with sustainable management of its assets.

Since presenting the Asset Management Report to the Audit and Risk Committee at its May 2023 Meeting, the following matters have commenced, progressed, or concluded:

October Flood Event (AGRN 1037)

The Emergency Works claims period under the Disaster Recovery Fund has been extended through to 30 September. Council staff continue to work with Department Planning and Transport staff assigned to DRFA claims assessment to finalise:

- Business rules associated with reimbursement of Council employees engaged through Counter-Disaster Operations and Emergency Works, and
- Plant and equipment rates

Council staff may seek a further extension on the Emergency Works claims period if Council has not reached an agreed position on the above matters.

Council has re-engaged Peter Moloney for a further road asset valuation review following secondary condition assessments undertaken in FY24. This further review will be used to provide additional evidence of damage to Council's transport infrastructure during and post AGRN 1037.

Within the local government sector, there has been a slight shift in terminology to distinguish between the terms of 'betterment' and 'the gap'. The former speaks to improvements in infrastructure which may mitigate future flooding issues, such as the installation of new culverts to roads that experienced water over roads. The gap relates to the additional revenue required to improve transport infrastructure following any IRW and/or REPA. An example of the gap may be the restoration of

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segments of a road asset funded through DRFA, where other segments remain 'untouched' creating additional risks for road users.

Council received notification of the 'Council Priority Betterment' package which focusses on resilience improvements to essential public assets damaged by the floods when delivered in conjunction with Immediate Reconstruction Works (IRW) or Restoration of Essential Public Assets (REPA), requiring proportionately minor additional investment.

The program is being made available to the most impacted councils. The amount allocated to the Buloke Shire Council is up to \$1 million, with eligibility to be assessed and payment made when the Council submits its claim for DRFA Category B IRW or when the certified estimate is submitted for REPA for approval.

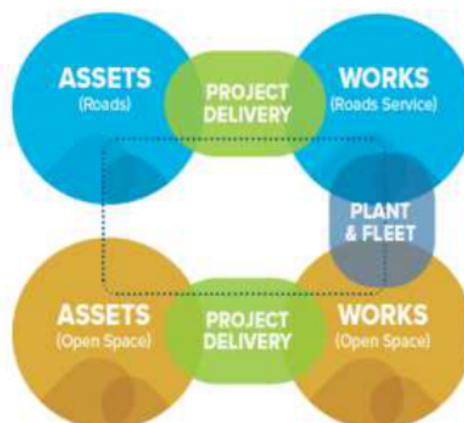
Under the arrangements, a minimum co-contribution of 5% (of the Category D funding value) is required to the project. A co-contribution can be monetary or in-kind contribution from the Council.

Council will continue to advocate to the Victorian Government in relation to the gap, as well as other matters including via its submission to the Inquiry in to the 2022 Flood Event in Victoria.

Flood-related funding opportunities continue to become available for Council and partner organisations. At its August Council Meeting, Council resolved to apply through the Risk and Resilience Grants Program for the construction of a second demountable prefabricated levee in Donald. Council has also provided support to the Mallee Catchment Management Authority (MCMA) in their application through the same Grant Program for the Southern Mallee – Landscape Flood Study incorporating LiDAR. Additionally, Council staff are working with the North Central Catchment Management Authority (NCCMA) to advocate for funding of LiDAR through the DEECA non-competitive fund. Both MCMA and NCCMA have been funded by DEECA to do a study of all private and public levees.

Business As Usual Activities**1. Restructure Assets Department**

Recruitment for senior roles within the Asset Department have commenced. The restructure of the Department has occurred during a full restructure of Infrastructure and Delivery which has introduced a 'mirror' concept between asset management undertaken by the Asset Department and asset maintenance undertaken by the Works Department as outlined below:



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The restructure will provide the ability for Assets and Works to work closely together to develop proactive and efficient programming, provide a sufficient level of technical support and establish operational targets across all asset classes.

2. Programming Road Service Delivery

Internal work to develop a systematic grading maintenance program has commenced; the program will look to establish a 2-year maintenance schedule across the entire road network, as well as providing for work processes required to support reactive grading maintenance. Council staff will apply a variation of standard treatments, and cost estimation tools established through the DRFA process to develop the service plan and ensure future budgets are developed from first principles.

3. Rural Council's Transformation Program (RCTP) – Total Asset Management System

The evaluation of tender submissions has concluded, with 3 vendors shortlisted for further evaluation. Council's experience through the October 2022 flood event has identified minimum capability requirements of any future asset management software.

DISCUSSION

- Director Infrastructure and Delivery presented and noted two matters sitting with DRFA for consideration, these being endorsed business rules, and rates for Plant and Equipment. The timing of their resolution will then dictate whether or not Buloke will seek extension to the emergency works period. The notion of betterment and how it works was also discussed with staff working on how we will approach use of the fund. A submission was also made to the State Government Inquiry on the flooding event.
- Bernard Young queried if the \$1M offered in the Council Priority Betterment fund is a one-off payment? Director Infrastructure and Delivery noted that it was a one-off payment and while it is one of the highest Local Government payments in the state, it is only a small amount of funding compared to the actual cost of what is required.
- Further discussion had regarding ongoing project delivery and Infrastructure and Delivery Directorate structure and subsequent recruitment. Hoping to fill vacancies by the end of the year.
- Also noted was the timeframe adjustment on Plant and Fleet Strategy and promising systems presentations through the Rural Council Transformation Program that may also assist with this.
- Question from Bernard Young regarding the impacts of the flood event when Buloke was already behind on asset management activity; how is Buloke communicating that gap? Director Infrastructure and Delivery and Senior Manager Flood Recovery noted that with roads in particular, we could not fully understand the impacts on our gap until what could be funded through Reconstruction of Essential Public Assets (REPA) program was established. Once the outcomes of the claims process are received, Buloke can look at other funding that could be invested back into roads.
- Margaret Abbey made a comment regarding unsealed and sealed roads rating low in Buloke's Customer Satisfaction Survey, where current investment and priority does not show up in the results. Recommended a focus on proactive quality control to ensure efficiency.
- Report was **NOTED** with the Committee acknowledging the work being undertaken by the organisation in this space.

7.5 INTERNAL AUDIT STATUS REPORT AND UPDATE

Author's Title: Governance Officer

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To provide the Audit and Risk Committee with a report from Council's Internal Auditors on the status of the Internal Audit Program and the Internal Audit Update Report that provides a list of recent reports and publications that may be of interest.

MOTION:

That the Audit and Risk Committee note:

1. the status of the Internal Audit program,
2. the internal audit update report advising of recent publications of interest.

NOTED

Attachments: 1 Internal Audit Status Report
2 Internal Audit Update Report

KEY POINTS / ISSUES

RSD Audit has provided a status update of the Internal Audit Program and Risk Management project that has been undertaken outside of the strategic audit plan.

A summary of recent reports and publications by government agencies and other sources that may impact on public sector agencies has also been provided.

The Internal Audit Status Report and Update Report are attached.

DISCUSSION

- The Committee noted that Procurement and ICT controls Audits remained outstanding. Director Corporate and Organisational Performance noted that management comments outstanding with procurement audit management comments prepared, will be with RSD very soon; ICT and security audit was underway at time of A/Manager Business Transformation resignation took effect. Management comments to be reviewed by someone with technical experience, etc MIT due to commence 18 September
- Commenced Building Maintenance and Human Resources – entry report with field work scheduled.

7.6 INTERNAL AUDIT - DRAFT SCOPE GOVERNANCE AUDIT

Author's Title: Governance Officer

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To provide Audit and Risk Committee with the draft scope of the Governance Audit to be undertaken by RSD Audit, for consideration and approval.

MOTION:

That the Audit and Risk Committee approve the scope for the Governance Audit.

MOVED: BERNARD YOUNG

SECONDED: DEAN SLEIGH

CARRIED.

Attachments: 1 Internal Audit - Draft Scope - Governance Audit

KEY POINTS / ISSUES

At the September 2022 Audit and Risk Committee meeting, the Audit and Risk Committee agreed on the Strategic Internal Audit Plan. This plan has been substituted in to this strategy.

Following the Commission of Inquiry into Greater Geelong City Council, a Good Governance Framework was developed. The framework outlines 8 key areas for good Governance. This audit will assess Councils current Governance Framework against the Good Governance Framework and identify key risk areas for Council. It will also review against legislative requirement of the *Local Government Act 2020* in relation to governance matters.

The timing of this audit and the final report is yet to be confirmed.

The draft scope for the audit has been attached for consideration and approval.

DISCUSSION

- 8 key areas brought forward by commission of enquiry into Geelong City Council
- the performance will be analysed by look at what path the information takes as to the required response.

7.7 VAGO INTERIM MANAGEMENT LETTER**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:** FM/02/09**PURPOSE**

To make the Audit and Risk Committee aware of the contents of the Interim Management Letter.

RECOMMENDATION

That the Audit and Risk Committee note the attached Interim Management Letter for the year ending 30 June 2023 from Crowe, on behalf of VAGO.

NOTED**Attachments:** 1 Interim Management Letter issued 20 June 2023**KEY POINTS / ISSUES**

The purpose of this report is for the Audit and Risk Committee to be aware of the contents of the interim management letter from Crowe, on behalf of VAGO issued on 20 June 2023, providing a summary of audit findings from the interim phase of their audit.

DISCUSSION

No matters raised as a result of this phase of the audit with no findings likely to be made.

7.8 DRAFT EXTERNAL AUDIT CLOSING REPORT

Author's Title: Manager Financial Strategy

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

Victorian Auditor General's Office appointed auditor to provide report to Committee on audit findings.

MOTION:

That the Audit and Risk Committee Meeting endorse:

1. The draft external audit closing report 2022/23

MOVED: BERNARD YOUNG

SECONDED: DEAN SLEIGH

CARRIED.

Attachments: Nil

KEY POINTS / ISSUES

Martin Thompson of Crowe will be in attendance to present this draft report to Committee.

The attachment for this report will be provided separately on Monday 11th September 2023.

DISCUSSION

- Key aspects are that subject to the resolution of the outstanding matters will be recommending unmodified opinion on financial and performance statements – since drafting have received all documentation required for testing of performance statements – don't anticipate any material changes
- Reviewed the roads revaluation process and comfortable with where this has landed. Revaluation is an ongoing activity due to volatility within the market – getting accurate condition data across the entire basis requires consistent effort.
- Risk in government grants is timing of receipt v. recognition which presents some complexity on how these are treated through the Statements.
- Valuation of employee provisions reviewed and comfortable with judgments made in relation to that by management.
- Inherent risk in all councils that is mitigated with appropriate management oversight of controls. Auditors are comfortable processes in place at Buloke
- Performance statement reflects non-financial indicators, and Auditors are broadly comfortable with how information has been collated. The risk is non-financial systems

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being used to capture data; additional rigor required but nothing noted as concern regarding existing controls.

- Minor changes associated with presentation of reports and Auditors comfortable with the extent of controls tested and that these are operating.
- A question was raised in relation to the IT general controls in the audit plan, to which the Auditor advised that it was not identified as a significant risk area but an area of audit focus, with IT general controls looking at the context of the environment where financial management sits. The Auditor is comfortable from a financial reporting perspective as Buloke is a low complexity entity in terms of financial management systems. Testing focused on user management and broader access controls (physical and logical) which raised no issues of note. Cannot form opinion on broader ICT environment.

7.9 DRAFT FINANCIAL STATEMENTS 2022/23**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:** FM/19/01**Relevance to Council Plan 2021 - 2025****Strategic Objective:** Our Council and Community Leadership**PURPOSE**

To present to the Audit & Risk Committee the draft financial statements for the year ending 30 June 2023.

SUMMARY

The year-end surplus in the draft financial statements for 2022/23 is \$9M, mainly resulting from the receipt of significant operating grants relating to the October 2022 flood event (\$10.2M). The surplus represents a \$5.3M increase compared to budget (\$3.7M).

Council's total revenue increased by \$5.6M compared to the 2021/22 financial year. In addition to the abovementioned flood recovery grants, 100% of the Financial Assistance Grants allocation for 2023/24 was also paid in 2022/23 resulting in an increase to revenue.

Council's total expenditure increased by \$5.7M mainly relating to an increase in materials and services expenditure by \$4.3M as a result of the October 2022 flood event. Council saw an increase in employee costs compared to 2021/22 as well as depreciation expenditure.

Further discussion around key items in the financial statements is outlined in the report below.

Also including in this report is the proposed carry forward list to 2023/24 for capital projects. Also detailed in the attached report is the forecast completion for each project.

A summary of the recent revaluation of road assets is also attached to this report.

MOTION:

That the Audit & Risk Committee:

1. receives and notes the Draft Annual Financial Statements for the year ended 30 June 2023.
2. receives and notes the proposed carry forward capital projects list to 2023/24.

MOVED: BERNARD YOUNG**SECONDED:** DEAN SLEIGH**CARRIED.**

- Attachments:**
- 1 Draft Annual Financial Statements 2022/23 - Buloke Shire Council
 - 2 Capital Works Statement YTD June 2023

3 Road asset revaluation summary 2023

DISCUSSION

Under s 98 of the *Local Government Act 2020* a council must in respect of each financial year, prepare an Annual Report that includes audited Statements for the financial year. These Statements must be prepared in the prescribed manner and form and be certified by the Auditor General.

This year the Victorian Auditor General's Office agents Crowe acted as Council's auditors.

The Statements are a report back to the community on Council's performance against the adopted 2022/23 Annual Budget, along with performance against measures and targets for Key Strategic Activities specified in the 2022/23 Annual Budget.

Council is required to approve, in principle, the Statements prior to receiving certification from the Auditor General. The Audit and Risk Committee must endorse the Statements prior to presentation to the Council for adoption.

Report title	Report explanation	Year to date (YTD) performance to budget commentary
Income Statement	<i>The Income Statement provides a summary of the total income and total expenditure relating to Council's annual operations for the reporting period. Capital grant income is included in this statement, but any related expenditure is not reflected as this is reported as increased assets on the Balance Sheet. To exclude potential distortion of underlying operations in the Income Statement, capital income is reported separately to identify the Operating Net Surplus/(Deficit).</i>	<p>Grants – operating Actual revenue was \$22.0M (\$14.8M positive variance to budget), mainly due to the receipt of additional non-recurrent grants in relating to the October 2022 flood event. 100% of the Financial Assistance Grants allocation for 2023/24 was paid in full in the 2022/23 financial year which was unexpected.</p> <p>Grants – capital Actual revenue was \$4.7M (\$8.3M negative variance to budget), mainly due to due to the delayed delivery of various capital projects resulting from the October 2022 flood event, which subsequently delays the revenue recognition.</p> <p>Other income Actual revenue is \$1.5M (\$1.2M positive variance to budget). This mainly relates to an increase in interest on investments for the financial year as a result of interest rate rises.</p> <p>Other increases in this area relates mainly to WorkCover reimbursements which traditionally are not budgeted for.</p> <p>Employee costs Actual expenditure is \$11.1M (\$0.6M positive variance to budget). This mainly relates to delays in the EBA negotiations and backpay.</p> <p>There was a \$0.9M increase in actual expenditure for 2022/23 compared to 2021/22. This mainly relates to additional</p>

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Income Statement (Continued)		<p>wages paid for short term flood recovery positions, as well at overtime for the initial flood event response.</p> <p>Other factors which have caused the increase relates to increased superannuation (\$70K increase) and a reduction in capitalised labour (\$322K decrease) due to delayed capital projects, which therefore results in an increase to operational employee costs.</p> <p>Materials and services Actual expenditure is \$13.4M (\$2.9M negative variance to budget). This mainly relates to non-recurrent grant expenditure (October 2022 flood event) offsetting the increase in operating grants.</p> <p>Other increases in this area relates to IT service provision and consulting, contractor backfill for vacant positions, recruitment costs and asset valuation services to meet VAGO audit requirements.</p> <p>Depreciation Council saw a negative increase (\$0.5M) in this area mostly relating to computer equipment and plant & machinery purchased throughout the financial year. Part of this variance is a result of an underestimation of depreciation during the budget setting process.</p> <p>Amortisation – right of use assets Council saw a negative increase in this area resulting from the delivery of several vehicles which had seen long delays in delivery times. Vehicle manufacturing and delivery times are expected to stabilise in the short term.</p> <p>Bad and doubtful debts Council saw a positive variance in this area, mainly resulting from the successful collection of previous doubtful rates debts.</p> <p>Other expenses Actual expenditure is \$0.8M (\$44K negative variance to budget). This relates mainly the late payment of 2021/22 Recreational Reserve payments to Wycheproof and Sea Lake committees.</p>
Balance Sheet	<p><i>The Balance Sheet summarises the value of Assets (what Council owns) and our Liabilities (what Council owes), and the difference between assets and</i></p>	<p>Cash and cash equivalents Cash balances (excl. investments with a maturity of greater than 90 days) were</p>

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<p>Balance Sheet (Continued)</p>	<p><i>liabilities (Net Assets or Equity) reflects Council's net worth as at the end of the month reported.</i></p>	<p>\$17.3M at 30 June 2023. This represents a \$9.8M decrease compared to 30 June 2022.</p> <p>Other financial assets This relates to term deposit investments with maturities greater than 90 days, which totals \$23M. This represents a \$18.2M increase compared to 30 June 2022 and can explain the decrease in cash and cash equivalents.</p> <p>Trade and other receivables \$4.3M relates to grants receivable, mainly LRCI phase 3 which is expected to be received in Q1 of 2023/24. Roads to Recovery funding of \$1.4M was also accrued in 2022/23 (which Council has now received).</p> <p>\$1.1M relates to rates debtors. This continues has decreased substantially due to the successful collection of previously doubtful rates debts.</p> <p>Property, infrastructure, plant and equipment As a result of the road asset revaluation, the carrying amount of related assets increased by \$23.3M. Refer to separate attachment summarising the affected road asset classes. This revaluation amount takes into account a \$4.2M impairment of road assets which partially offset prior year revaluation increments, therefore not required to be reported in the profit and loss statement.</p> <p>The road asset revaluation report provided by Peter Moloney is expected to be reviewed following secondary condition assessments in the 2023/24 financial year. If material movements are identified, this will be reflected in revaluation movements for a second consecutive year.</p> <p>Right-of-use assets These assets increased by \$0.8M resulting from the delivery of several vehicles which had seen long delays in delivery times.</p> <p>Provisions The former Sea Lake landfill rehabilitation provision increased by \$0.9M due to the further review of a consultant produced assessment in June 2022. The new provision amount reflects a more accurate high level estimate of the cost to rehabilitate the site.</p>
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		<p>Lease liabilities</p> <p>This has increased by \$0.6M in line with the increase to the associated right-of-use assets.</p> <p>Equity</p> <p>Council has created the Waste reserve to capture the surplus or deficit from waste related income/expenditure. These funds will be held in a reserve and will be used in conjunction with the 'waste reserve model' tool. This will assist with determining future waste rates charge increases to fund future waste related costs.</p>
Capital Works Statement	<i>The Capital Works Statement lists the expenditure for each project incurred to date.</i>	<p>The total capital works program for 2022/23, including carry forwards from prior years, was \$20.2M, excluding operational components. The total delivery as at 30 June 2023 was \$9.5M, representing 47% of the total program budget. Council achieved \$5.3M delivery in Q4, representing 56% of the full year capital works expenditure.</p> <p>Council officers have reviewed and prepared the attached proposed carry forward projects list, which equates to \$10.6M. Council's previous forecast carry forward capital works was \$6.7M during the 2023/24 annual budget preparation process.</p> <p>A forecast completion quarter has been listed for each project with a proposed carry forward budget.</p>

RELEVANT LAW

This report is consistent with the requirements of the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

The Council adopted its Annual Budget 2022-23 on 29 June 2022. The Council adopted its Annual Budget 2023-24 on 27 June 2023.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Council adopted its Annual Budget 2022/23 in June 2022. The Buloke Shire Council Plan 2021-25 outlines Council's commitment to providing clear and concise reporting on a quarterly basis to Council.

TRANSPARENCY OF COUNCIL DECISIONS

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

CONFLICTS OF INTEREST

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

DISCUSSION

- The Committee noted that there was not a lot of surplus cash that isn't accounted for, and were advised by Manager Financial Strategy who acknowledged that Council is heavily reliant on capital grants. Most 'surplus' cash already committed – restricted and unrestricted allocations provide higher level detail in relation to underlying position.
- The Committee noted no receivables greater than 365 days
- The Committee noted Roads to Recovery Program was \$200K less and queried if this was timing related or reflective of federal gov't. Manager Financial Strategy advised that officers looked at expenditure on projects which were claimable and did an accrual of revenue based on that amount; \$1.1M was received in August.

7.10 DRAFT PERFORMANCE STATEMENT 2022/23**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:** FM/02/09**PURPOSE**

To provide Audit and Risk Committee with the draft Performance Statement for the 2022/23 financial year.

MOTION:

That the Audit and Risk Committee Meeting note:

1. the draft Performance Statement for the 2022/23 Financial Year.

MOVED: DEAN SLEIGH**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** Nil**KEY POINTS / ISSUES**

Under s 98 of the *Local Government Act 2020* a council must in respect of each financial year, prepare an Annual Report that includes audited Statements for the financial year. These Statements also include the Performance Statement which must be prepared in the prescribed manner and form and be certified by the Auditor General.

Along with the Financial Statements, the Victorian Auditor General's Office agents Crowe acted as Council's auditors for the Performance Statement.

Council is required to approve, in principle, the Financial Statements and Performance Statement prior to receiving certification from the Auditor General. The Audit and Risk Committee must endorse the Statements prior to presentation to the Council for adoption.

The attachment for this report will be provided separately on Monday 11th September 2023.

DISCUSSION

- The Committee noted the higher level of workforce turnover and queried if this just a Buloke issue or sector-wide? The CEO informed the Committee that a high level of turnover was being experienced within Local Government organisations, public sector, not-for-profit and private business across the region.

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- The Committee also noted forecast from last year to financial outcomes for this year has been reflective of previous discussion regarding year-end financial statements.
- The Committee remarked that the forecast adjusted underlying surplus deteriorates substantially in the absence of receipt of grants, noting Buloke was highly leveraged on receipt of grants to complete capital works in a rate cap environment.

7.11 VICTORIAN AUDITOR-GENERAL'S OFFICE STATUS REPORTS - MAY TO AUGUST 2023

Author's Title: Manager Financial Strategy

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To provide the Audit and Risk Committee with status reports from the Victorian Auditor-General's Office for the months of May to August 2023.

RECOMMENDATION

That the Audit and Risk Committee note the Victorian Auditor-General's Office Status Reports for the months of May to August 2023.

NOTED

- Attachments:**
- 1 VAGO - LG status report - May 2023
 - 2 VAGO - LG status report - June 2023
 - 3 VAGO - LG status report - July 2023
 - 4 VAGO - LG status report - August 2023

DISCUSSION

The Victorian Auditor-General's Office has provided the May to August 2023 Monthly Status Reports that contains information relating to VAGO activities and matters specific to the local government sector, both in Victoria and around Australia. The content of the attached May to August 2023 Status Report includes:

- VAGO news
- VAGO publications
- VAGO Annual Plan
- Planned performance audit engagements
- Ongoing performance audit engagements
- Financial audit
- Recently tabled Parliamentary reports
- Active governance matters
- Other integrity bodies

DISCUSSION

- Periodic report to communicate what's happening across LG sector in audit activities.
- The Committee commented on two of the reports being Swimming Pools and Local Government's role in compliance here, noting the challenges that were presented when responsibilities were pushed onto Local Government. Also noted Moorabool Shire Council's involvement in the *Cybersecurity: Cloud Computing Products* Audit.

****Martin Thompson left meeting 11.27pm**

7.12 INSURANCE SUMMARY

Author's Title: Governance Officer

Department: Corporate and Organisational Performance **File No:** FM/02/09

PURPOSE

To inform the Audit and Risk Committee on current insurance policies held by Council and claims history against the policies.

RECOMMENDATION

That the Audit and Risk Committee note the report on Council's insurance.

NOTED

Attachments: Nil

KEY POINTS / ISSUES

Jardine Lloyd Thompson (JLT) (a division of Marsh) is Council's current broker for insurance. Each year Council provides information in the form of questionnaires to JLT to enable them to go to market and obtain competitive quotes for insurance. Whilst completing these questionnaires are somewhat time consuming to Council, they do provide sufficient information to enable JLT to assess the level of cover required and the risk controls that are in place for them to negotiate and place insurance. When analysed against Council's risk register, the questionnaires also provide an opportunity for Council to assess some risks and identify gaps in controls.

Insurance Type	Policy Coverage
Cyber Liability	<ul style="list-style-type: none"> Incident Response Business Interruption Data Systems Recovery Cyber Extortion
JMAPP Discretionary Trust (Assets)	<ul style="list-style-type: none"> Based on declared value of assets Covers buildings, unregistered plant, artworks, play equipment etc.
Councillor and Officer liability	<ul style="list-style-type: none"> Employment Practices Liability Councillor Statutory Liability Defamation, Libel, and Slander <p>Limits of liability per policy schedule</p>
Motor Vehicles	<p>Covers Registered fleet and plant (note: unregistered plant is covered under JMAPP)</p> <ul style="list-style-type: none"> 124 units <ul style="list-style-type: none"> 46 light fleet 53 Mobile Plant, Heavy Fleet 25 specialty trailers and trailers > 2 tonne

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Community Liability	Public Liability for Hire of Council-owned/controlled facilities where hirer does not have public liability insurance (limited number of instances)
Hangarkeeper / Airport	<ul style="list-style-type: none"> Covers Councils registered and unregistered airports/aerodromes
Personal Accident	<ul style="list-style-type: none"> Councillors Members of Council Committees Volunteers Limits of liability as per policy schedule
Travel	<ul style="list-style-type: none"> All employees, whilst on Council business Councillors, whilst on Council business Limits of liability as per policy schedule
LCIS – Public and Product Liability	<ul style="list-style-type: none"> Senior Citizens Clubs
MAV LMI – PPL	<ul style="list-style-type: none"> Public Liability Professional Indemnity
MAV Commercial Crime	<ul style="list-style-type: none"> Fraud, theft of cash etc.
Brokerage Fee	JLT Fee

The insurance market is stabilising seeing minimal increases to premiums on last year. It is also important to note that the significant jump in 2021-22 for assets was largely contributed by an asset revaluation that was undertaken during 2020/21 which resulted in an increase to the insurance value of Council assets, consisting mainly of buildings and non-road infrastructure.

As in past years, claims against the Motor Vehicle policy has the highest rate of claims. In 2022-23 a significant increase in the number of claims was made. It is the first time in 6 years where animal impact claims, was not the sole leading cause of claims.

Claims made

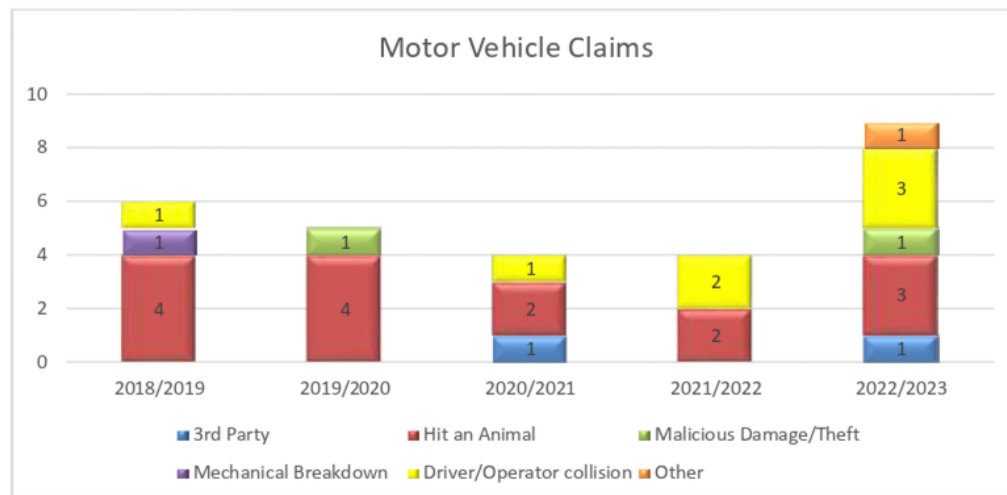
(excludes workcover, public and professional liability and commercial crime)

(Data as at 30 June 2023)

Insurance Class	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18
Motor Vehicle	9	4	4	5	5	6
Property	2	1	1	2	1	1
Cyber	0	1	0	0	0	0
Other	0	0	0	1	0	2
Total	11	6	5	8	6	8

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Motor Vehicle Claims by cause**DISCUSSION**

The Committee noted the report

7.13 INVESTMENT POLICY - DRAFT**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:****PURPOSE**

For the Audit and Risk Committee (Committee) to consider the draft Investment Policy.

SUMMARY

The Investment Policy is to provide guidance for managing, investing and redeeming funds for Council and to maximise returns, whilst managing risk and complying with the *Local Government Act 2020 (Vic)*.

This policy has been developed to suit Buloke Shire Council, however several other Council investment policies have been reviewed during the development process.

The policy provides guidance for investments with regard to the type of investment, allowed risk for the portfolio as a whole and for the individual institution, and the maturity duration.

The approvals required for the different events are set out in this policy which aims to balance the need for oversight as well as practicality, timeliness of decisions and efficiency.

MOTION:

That the Audit and Risk Committee:

1. endorse the draft Investment Policy.

MOVED: DEAN SLEIGH**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** 1 Draft Investment Policy**COMMUNITY ENGAGEMENT**

No community engagement was required for this policy development.

CONFLICTS OF INTEREST

No conflicts of interest were identified.

DISCUSSION

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- The Committee queried that where everything else is equal, is a weighting given to those banks which have a presence within Buloke? The Manager Financial Strategy indicated that this was not currently factored in but may be looked at through social impact or environmental impact.
- The proposed policy does not allow investment to be made in banks below a BBB rating, of which Bendigo Bank is an example.
- The Committee clarified when getting quotes for rates, is there much difference? The Manager Financial Strategy informed the committee that rates have been fluctuating over recent months due to interest rate rises – dependent on banks' need for cash on that particular day and can see fluctuation of between 0.3-1% in some instances.

7.14 FINANCIAL RESERVES POLICY - DRAFT**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:****PURPOSE**

For the Audit and Risk Committee (Committee) to consider the draft Financial Reserves Policy.

SUMMARY

During the 2022/23 Annual Budget preparation process, Officers identified the need for and recommended the creation of several internally restricted reserves to assist with long-term financial management. Internally restricted reserves are an allocation of accumulated surplus kept aside for meeting contingencies, commitments and community objectives not recognised as liabilities under Australian Accounting Standards as at balance date.

During this policy review the scope has been expanded to also include externally restricted reserves, such as unspent grants and waste reserve.

The attached draft policy has been prepared to define the types, purpose, and operation of general reserves categories to be considered by Council.

MOTION:

That the Audit and Risk Committee:

1. endorse the draft Financial Reserves Policy.

MOVED: DEAN SLEIGH**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** 1 DRAFT Financial Reserves Policy**DISCUSSION**

The draft policy covers the reserves identified through the 2022/23 Annual Budget process which are now included in the 2021/22 Financial Statements and 2022/23 draft Financial Statements. Several unspent grants were identified as at 30 June 2022 to be kept aside for future service delivery, as agreed with funders, outside of AASB 15 and AASB 1058 liability recognition. The Sustainability Fund reserve has also been previously reinstated from a Council resolution.

Other reserves were created in the 2021/22 financial year, in response to Community requests for a more agile approach to unbudgeted grants opportunities during the financial year to support capital works; by setting aside matching Council funds as well as an allocation for prompt project preparation to "shovel ready" status when called upon.

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One reserve was created in the 2022/23 financial year, that being the Waste Reserve, which is used to account for any over or underspends of annual kerbside collection and waste rates charges and fees that are not spent in the year of recognition.

The policy allows for further reserve categories to be considered by Council in the future based on a review of those engaged by other Local Government Authorities. Reserve accounting backed by liquid assets (i.e. cash backed) is implemented regularly in Victorian Councils and in previous financial years Buloke Shire Council has set aside \$1M in case of a call on the LGA Defined Benefit Superannuation Scheme with a flagged term deposit for funding.

Officers have prepared this policy to set out good financial management guidelines to ensure a conservative approach when identifying and meeting Council's future obligations.

COMMUNITY ENGAGEMENT

No community engagement was required for this policy development.

CONFLICTS OF INTEREST

No conflicts of interest were identified.

DISCUSSION

- VBI noted as 104% (defined benefits superannuation)
- The Committee sought clarification regarding cost recovery for waste as it had been understood that it has always been on a full cost recovery basis only, so why would a reserve be required? The Manager Financial Strategy informed the Committee that waste charges have the opportunity to collect amounts for future known waste activities. A waste charges model is used to plan and collect contributions for these future works across multiple years. Further clarification was sought from the Committee regarding the source of the cash. The Committee was informed that the model allows to the Shire to plan potential increases to waste charges to cover additional expenditure in the future with these extra funds kept in reserve for the purpose of funding large waste projects in future. Councillors queried if this meant we will have an increase in waste charges in next year's budget, to which the Director Corporate & Organisational Performance informed that the Reserve Policy was only to govern how Council obtains Reserve funds and how those funds could then be used; any increase in waste charges would still form part of any budget development discussions.

7.15 COUNCILLOR AND CEO REIMBURSEMENTS

Author's Title: Manager Financial Strategy

Department: Corporate and Organisational Performance **File No:**

PURPOSE

To note the report on the reimbursement of Councillor expenses in accord with section 40(2) of the *Local Government Act 2020* and reimbursements to the Chief Executive Officer for the period 1 April 2023 to 30 June 2023.

RECOMMENDATION

That the Audit and Risk Committee note the report of the reimbursement of Councillor and CEO expenses for the period 1 April 2023 to 30 June 2023.

NOTED

Attachments: 1 CEO Expense reimbursement 01.04.2023 - 30.06.2023
2 Councillor reimbursement 01.04.2023 - 30.06.2023

DISCUSSION

Section 40 of the *Local Government Act 2020* requires Council to reimburse Councillors or members of a delegated committee for out-of-pocket expenses, and to provide details of all reimbursements under this section to the Audit and Risk Committee.

Council has adopted a Councillor Expenses Policy that provides information on what expenses can be reimbursed, and the conditions of the reimbursement:

- Must be a bona fide expense.
- Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

The attached reports itemise all reimbursements to Councillors and the Chief Executive Officer during the period from 1 April 2023 to 30 June 2023.

DISCUSSION

The Committee noted the report

7.16 QUARTERLY INVESTMENT REPORT AS AT 30 JUNE 2023**Author's Title:** Manager Financial Strategy**Department:** Corporate and Organisational Performance **File No:** FM/02/09**PURPOSE**

The purpose of this report is to provide the Audit and Risk Committee with the quarterly investment report as at 30 June 2023.

RECOMMENDATION

That the Audit and Risk Committee notes the quarterly investment report as at 30 June 2023 presented as an attachment to this report.

NOTED**Attachments:** 1 Quarterly investment report (2023-04-01 until 2023-06-30)**DISCUSSION**

This report has been extracted from Council's investment platform (Imperium) and provides information relating to:

- Portfolio valuation.
- Individual investment issuer (authorised deposit taking institutions, i.e. banks).
- Credit quality ratings.
- Interest rates.
- Purchase and maturity dates.
- Investment policy compliance relating to the spread of risk between banks. The proposed draft investment policy has outlined an individual limit of 40% allowed to be invested in each bank. Once the investment policy is endorsed by Council, the breach according to the system will be corrected.
- New trades in the reporting period.
- Matured trades in the reporting period.

The draft investment policy is being presented to the Audit and Risk Committee today and if endorsed, will then proceed to a subsequent Council meeting for review and adoption.

The quarterly investment report package is attached.

DISCUSSION

- The Committee noted that rates appeared good, around the 5% mark.
- Noted that Financial Assistance Grants were invested.
- The Proposed Investment Policy will inform this report ongoing, including the report on compliance against policy and any trades within the period.

7.17 AUDIT AND RISK COMMITTEE ANNUAL ASSESSMENT**Author's Title:** Governance Officer**Department:** Corporate and Organisational Performance **File No:** FM/02/09**PURPOSE**

The purpose of this report is to advise the Audit and Risk Committee of the proposed Annual Assessment Survey questions and the timing of the survey to be undertaken during October and November 2023.

MOTION:

That the Audit and Risk Committee endorse the questions and the proposed timing for the survey.

MOVED: CR ALAN GETLEY**SECONDED:** BERNARD YOUNG**CARRIED.****Attachments:** 1 Annual Assessment Survey Questions**KEY POINTS / ISSUES**

The Annual Assessment survey is conducted in accordance with s54(4)(a) of the *Local Government Act 2020* (Act) and the Audit and Risk Committee Charter. The Act provides that an Audit and Risk Committee must undertake an annual assessment of its performance against the Audit and Risk Committee Charter. The survey is an opportunity for the Audit and Risk Committee to provide feedback to Council in areas that can be improved.

Councillors and relevant officers will be provided with the option to respond to the survey.

The list of questions proposed for the survey is attached to this report. The questions follow the responsibilities of the Audit and Risk Committee as defined in the Charter.

An email will be sent to invite recipients to complete the survey. Councillors and officers will also receive an invite; however, it is optional for them to complete. The email containing the link to the survey will be sent during October 2023. The surveys need to be completed by the 12 November 2023 to enable the responses to be consolidated and a report prepared. The report will be tabled at the December Audit and Risk Committee meeting.

DISCUSSION

The committee endorsed the questions in the survey.

Buloke Shire Council Audit and Risk Committee Meeting Minutes

Tuesday, 12 September 2023

8. ANY OTHER BUSINESS

9. MEETING CLOSE

Meeting was closed at 11:53 am

8.2.4 ACTIVITIES OF BIRCHIP HOUSING COMMUNITY ASSET COMMITTEE

Author's Title: Chief Executive Officer

Department: Office of the CEO

File No:

PURPOSE

To inform Council of the activities of the Birchip Housing Community Asset Committee (Committee).

SUMMARY

An annual report to Council in relation to the activities and performance of the Committee is provided to Council in accord with Council's legislative requirements.

RECOMMENDATION

That Council notes the Annual Report of activities and performance of the Birchip Housing Community Asset Committee.

- Attachments:**
- 1 [Birchip Housing Community Asset Committee - AGM Minutes - July 2023](#)
 - 2 [Birchip Housing Community Asset Committee - AGM Financial Report - July 2023](#)
 - 3 [C7 Instrument of Delegation - Birchip Housing Community Asset Committee](#)

DISCUSSION

Council established the Committee under section 65 of the *Local Government Act 2020* (Act) on 12 August 2020. Under the authority of s5 Instrument of Delegation authorised by resolution of Council, the Chief Executive Officer has sub-delegated powers to the Committee in accordance with the attached C7 Instrument of Delegation as made on 25 October 2021.

The Act requires the Chief Executive Officer to submit an annual report to the Council in relation to the activities and performance of all Community Asset Committees. A copy of the Committee's Annual General Meeting minutes is attached for the information of the Council.

RELEVANT LAW

This report enables the Council to meet its requirements under the Act.

RELATED COUNCIL DECISIONS

Information in relation to the establishment of the Committee under the Act is set out in the Discussion section of this report.

OPTIONS

Not applicable to this report.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Not applicable to this report.

TRANSPARENCY OF COUNCIL DECISIONS

Information in relation to the Committee performance and activities is considered at a public Meeting of the Council.

CONFLICTS OF INTEREST

No Officer has a conflict of interest in relation to the annual report of operations of the Committee.

Committee of Management – Birchip Community Housing
 [Incorporating the George Gould Flats and Dorothy Jolly Units]

ANNUAL MEETING
Minutes of the meeting held at the Birchip P-12 School
on Wednesday 5 July 2022 at 08:00 p.m.

1. **Present:** Noel Fletcher Bryan Hogan Connely Ryan John Richmond
 Jenny Hogan Brooke Morris Sarah Barber
2. **Opening & Welcome:** Bryan welcomed all present.
 Bryan welcomed everyone to the Annual Meeting and thank everyone for their continued interest and work for the committee.
3. **Apologies:** Jim Fletcher
 That the apologies be accepted.

Connely Ryan / Jenny Hogan Carried.
4. **Confirmation of Minutes from previous Annual Meeting on Tuesday 5 April 2022**
 That the minutes of the previous meeting be accepted.

Connely Ryan / Jenny Hogan Carried.
5. **Business arising from previous meeting Tuesday 5 April 2022**
 Nil
6. **Correspondence**
Correspondence Out: Nil
Correspondence In: Nil
7. **Birchip Community Housing Meeting Finance Report**
That the treasurer's report (profit and loss statement) for the year ending 2023 be received.
See relevant reports attached.

Gross Income	\$79,852.50
Expenditure	\$42,944.46
Profit	\$36,908.04

Cheque account as at 05.07.2023 \$19,654.57

Term Deposit **\$50,000** 3 months @ 3.2% due 18/08/2323
 Term Deposit **\$50,000** 6 months @ 3.6% due 25/10/2323

Jenny Hogan / Noel Fletcher Carried.
8. **President's Report (Bryan Hogan)**

Bryan thanked members of the committee for supporting him as president.
 There has been some exciting times and others not so favourable especially when we missed out on funding to build more units.
 Bryan wished everyone all the best. He suggested he would continue to do anything needed if we reached out to him.
 Bryan indicated that he would be retiring from the committee.

JR moved a motion that we thank Bryan for his efforts on the committee and that we invite Peg and Bryan to a dinner meeting prior to Christmas 2023.

JR / Connely Carried.

9. Election of Office Bearers

Bryan was asked to take the chair for the election of office bearers.

President **Connely Ryan** nominated by Noel Fletcher.
As there were no further nominations, **Connely** was declared president for the ensuing year.

Snr Vice-President Noel Fletcher nominated by Connely Ryan.
As there were no further nominations, **Noel** was declared snr vice-president for the ensuing year.

Jnr Vice-President Brooke Morris nominated by Sarah Barber.
As there were no further nominations, **Brooke** was declared junior vice-president for the ensuing year.

Secretary Connely Ryan nominated **John Richmond** for the position of secretary.
As there were no further nominations, **John** was declared secretary for the ensuing year.

Treasurer Connely Ryan nominated **Jenny Hogan** for the position of treasurer.
As there were no further nominations, **Jenny** was declared treasurer for the ensuing year.

10. General Business

There was no further general business of an annual meeting variety and so the meeting moved on to the normal July 2023 general meeting.

11. Meeting Closed 8:33 p.m.

Profit and Loss

Birchip Community Housing For the year ended 30 June 2023

	2023
Trading Income	
Rental Income	79,852.50
Total Trading Income	79,852.50
Gross Profit	79,852.50
Operating Expenses	
Consulting & Accounting	1,623.00
Electricity	826.05
Gardening	6,609.45
Rates - Council	5,330.67
Rates - Water	10,242.96
Repairs and Maintenance	15,426.06
Replacement of Fixtures	2,885.67
Total Operating Expenses	42,944.46
Net Profit	36,908.04

Repairs and Maintenance Transactions

Birchip Community Housing

For the period 1 July 2022 to 30 June 2023

DATE	SOURCE	DESCRIPTION	REFERENCE	DEBIT	CREDIT	RUNNING BALANCE	GROSS	GST
Repairs and Maintenance								
31 Jul 2022	Spend Money	Mathew Norton - Tank cap unit 3		110.00	-	110.00	110.00	-
2 Aug 2022	Spend Money	YBS - Blower for garden		33.00	-	143.00	33.00	-
16 Aug 2022	Spend Money	All State Tree Works - Lopping of trees behind Dot Jolly units		900.00	-	1,043.00	900.00	-
31 Aug 2022	Spend Money	Birchip Hardware		45.50	-	1,088.50	45.50	-
13 Oct 2022	Spend Money	John Tarranto - Cleaning of spouts		400.00	-	1,488.50	400.00	-
1 Nov 2022	Spend Money	Birchip Hardware		42.30	-	1,530.80	42.30	-
30 Nov 2022	Spend Money	Birchip Hardware		13.80	-	1,544.60	13.80	-
30 Nov 2022	Spend Money	Jason Baker Electrical - Unit 6/3 Highpower point		141.05	-	1,685.65	141.05	-
30 Nov 2022	Spend Money	Jason Baker Electrical - Unit 6/3 Tastic replaced bathroom		436.48	-	2,122.13	436.48	-
15 Dec 2022	Spend Money	Jason Baker Electrical - Unit 1/4 roller door garage		95.00	-	2,217.13	95.00	-
15 Dec 2022	Spend Money	Dave Valentini - Generic maintenance		638.00	-	2,855.13	638.00	-
14 Jan 2023	Spend Money	Birchip Hardware		28.30	-	2,883.43	28.30	-
31 Jan 2023	Spend Money	Jason Baker Electrical - New safety switches/circuit breakers all units		1,040.86	-	3,924.29	1,040.86	-
26 Feb 2023	Spend Money	Mathew Norton - Leaking toilet unit 2/4		165.00	-	4,089.29	165.00	-
22 Feb 2023	Spend Money	Buloke Pest Control - External post/culder treatment		1,320.00	-	5,413.29	1,320.00	-
27 Feb 2023	Spend Money	Birchip Hardware		60.36	-	5,473.65	60.36	-
28 Apr 2023	Spend Money	Dave Valentini		533.50	-	6,007.15	533.50	-
8 May 2023	Spend Money	Birchip Hardware		50.40	-	6,057.55	50.40	-
21 May 2023	Spend Money	Brad Ryan Electrical - Moint of flat 7	*	2,904.43	-	8,961.98	2,904.43	-
21 May 2023	Spend Money	Roger Blencowe - Painting of flat 7	*	2,420.00	-	11,381.98	2,420.00	-
31 May 2023	Spend Money	Jason Baker Electrical - Annual Electrical check Unit 7/3, 1/4, 2/4, 3/4	*	753.08	-	12,135.06	753.08	-
31 May 2023	Spend Money	Dave Valentini - Flat 7	*	693.00	-	12,828.06	693.00	-
20 Jun 2023	Spend Money	Jason Baker Electrical - Annual Electrical check Unit 6/3	*	137.50	-	12,965.56	137.50	-

Account Transactions | Birchip Community Housing

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DATE	SOURCE	DESCRIPTION	REFERENCE	DEBIT	CREDIT	RUNNING BALANCE	GROSS	GST
20 Jun 2023	Spend Money	Jason Baker Electricals - Annual Electrical check Unit 2,3		137.50	-	13,103.06	137.50	-
20 Jun 2023	Spend Money	Jason Baker Electricals - Annual Electrical check Unit 3,7		137.50	-	13,240.56	137.50	-
20 Jun 2023	Spend Money	Jason Baker Electricals - Annual Electrical check Unit 3,7		137.50	-	13,378.06	137.50	-
20 Jun 2023	Spend Money	Jason Baker Electricals - Annual Electrical check Unit 2,3		137.50	-	13,515.56	137.50	-
20 Jun 2023	Spend Money	Jason Baker Electricals - Annual Electrical check Unit 4,7		137.50	-	13,653.06	137.50	-
21 Jun 2023	Spend Money	Roger Beckwith - Painting of flat 7		260.00	-	13,393.06	260.00	-
22 Jun 2023	Spend Money	Richard Kouffie - flat 7		484.00	-	12,909.06	484.00	-
28 Jun 2023	Spend Money	Brechia Hardware		124.85	-	12,784.21	124.85	-
28 Jun 2023	Spend Money	Jason Baker Electrical		146.65	-	12,637.56	146.65	-
29 Jun 2023	Spend Money	Dave Valentine		357.50	-	12,280.06	357.50	-
30 Jun 2023	Spend Money	Madlene Passalun - Deep clean flat 7		400.00	-	11,879.06	400.00	-
Total Repairs and Maintenance				15,426.06	-	15,426.06	15,426.06	-
Total				15,426.06	-	15,426.06	15,426.06	-

Account Transactions **Elitis Community Housing**

Balance Sheet

Birchip Community Housing As at 30 June 2023

	30 JUN 2023
Assets	
Bank	
CBA Cheque Account	119,654.57
Total Bank	119,654.57
Current Assets	
Bond Monies Received	3,230.00
Total Current Assets	3,230.00
Fixed Assets	
Land & Buildings	1,327,000.00
Total Fixed Assets	1,327,000.00
Total Assets	1,449,884.57
Net Assets	1,449,884.57
Equity	
Current Year Earnings	35,908.04
Retained Earnings	1,412,976.53
Total Equity	1,449,884.57

***C7 Instrument of Delegation
by CEO to Community Asset Committee***

Buloke Shire Council

Instrument of Delegation

by the Chief Executive Officer

to the Birchip Housing Community Asset Committee

In exercise of the power conferred by s 47(1)(b) of the *Local Government Act 2020 (Act)*, I, as Chief Executive Officer of Buloke Shire Council, by this Instrument of Sub-Delegation –

1. delegate to each person who is from time to time appointed as a member of the Community Asset Committee, established by resolution of Council passed on 12 August 2020 and known as "Birchip Housing Community Asset Committee" (**Community Asset Committee**), each power and/or function and/or duty set out in the Schedule;
2. declare that a delegate can only exercise the delegations contained in this Instrument of Sub-Delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee;
3. declare that this Instrument of Sub-Delegation –
 - 3.1 comes into force immediately upon its execution;
 - 3.2 remains into force until varied or revoked; and
 - 3.3 is subject to the conditions and limitations set out in paragraph 4 and 5, and in the Schedule;
4. declare that the delegate must comply with specified governance requirements to ensure appropriate standards of probity are met and monitor and report on the activities and performance of the Community Asset Committee;
5. declare that the delegate must not determine the issue, take action or do the act or thing 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 47 of the Act or otherwise.

This Instrument of Sub-Delegation is dated **25 October 2021** and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council
in the presence of:

Wayne O'Toole



Witness

SCHEDULE

Powers and Functions

To manage the following community asset: **George Gould Flats located at 3 Morrison Street, Birchip (George Gould Flats) and Dorothy Jolly Units located at 4 Morrison Street, Birchip (Dorothy Jolly Units).**

And for that purpose:

To assist the Council in the management of the community assets known as the George Gould Flats and Dorothy Jolly Units precinct efficiently, in compliance with legislative requirements and consistent with the community's expectations:

1. to oversee day to day operation of the George Gould Flats and Dorothy Jolly Units in accord with the agreement between the Director of Housing and Buloke Shire Council;
2. to enter into contracts, and to incur expenditure, not exceeding the value of \$30,000 (including GST) and for the specific purpose of maintaining the assets assigned to that Community Asset Committee;
3. by identifying current and potential issues affecting the viability and performance of the George Gould Flats and Dorothy Jolly Units and communicating same to Council;
4. to undertake maintenance and management duties in accord with Council's asset management maintenance requirements as amended from time to time;
5. through managing the usage of the George Gould Flats and Dorothy Jolly Units through the completion of residential tenancy agreements and communicating with Council on this usage, and ensuring all tenants maintain adequate public liability and contents insurance;
6. by advising on and reporting of hazards and/or risks associated with the George Gould Flats and Dorothy Jolly Units, including any incidents that may affect Council's insurance in a timely manner; and
7. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Requirements

The members of the Community Asset Committee must, when exercising the powers, functions and duties delegated to them:

8. comply with the following governance requirements:
 - 8.1. to regularly communicate community views to Council;
 - 8.2. to keep Council updated with the Chairperson's current contact details;
 - 8.3. to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Community Asset Committee;
 - 8.4. to meet bi-monthly or as agreed by the Community Asset Committee from time to time;
 - 8.5. that the Chairperson will chair all Community Asset Committee meetings;

- 8.6 that the Chairperson is the authorised spokesperson for the Community Asset Committee;
 - 8.7 to maintain a register of Community Asset Committee members, their date of appointment, reappointment, and official positions held as a Community Asset Committee member, including their eligibility for reappointment as relevant;
 - 8.8 ensure a quorum of the Community Asset Committee as half of the voting members plus one;
 - 8.9 that voting will be by a majority of votes by a show of hands, with only members in attendance entitled to vote. The Chairperson shall have the casting vote;
 - 8.10 that Sub Committees, if required by the Community Asset Committee, may meet between general meetings and as authorised by the full Community Asset Committee;
 - 8.11 ensure any policies developed regarding the use of the George Gould Flats and Dorothy Jolly Units is provided to Council for approval; and
 - 8.12 ensure that any expenditure of funds occurs in accord with Council's Procurement Policy.
9. monitor and report on its activities and performance at least in accordance with the following:
- 9.1 prepare and submit to Council a report of all meeting minutes within 14 days of each meeting;
 - 9.2 provide quarterly bank statements and summary of expenditure to the Council;
 - 9.3 provide any building upgrade plans annually;
 - 9.4 provide a list of small plant and equipment purchased annually; and
 - 9.5 where requested by the Chief Executive Officer, the Community Asset Committee must report its activities and performance to a meeting of the Council or to the Chief Executive Officer.

Exceptions, conditions and limitations

The Community Asset Committee is not authorised by this Instrument to:

- 10. appoint members to the Community Asset Committee unless membership is revised by the Council by resolution;
- 11. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget;
- 12. dispose of council assets; and
- 13. borrow money without a resolution of Council, in accord with Council's Loan Guarantee Policy.

8.3 FINANCIAL REPORTS

Nil

8.4 ORGANISATIONAL REPORTS

8.4.1 INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Author's Title: Director Corporate and Organisation Performance

Department: Corporate and Organisational Performance **File No:** PE/02/01

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To appoint Council officers as Authorised Officers for the purposes of the Planning and Environment Act 1987, and to revoke appointment

SUMMARY

Under the *Planning and Environment Act 1987* Council is not able to delegate the power to appoint authorised officers. The appointment of Authorised Officers under this act must be by resolution of Council. Where Council has appointed, by resolution, Authorised Officers under any act, can only be varied or revoked by Council resolution.

RECOMMENDATION

That Council In the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*:

1. Appoints Rodney Hotker and Roslyn Olle as Authorised Officers per the attached instruments of Appointment and Authorisation (the instruments)
2. The instruments come into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.
3. Revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Wayne O'Toole that was adopted by Council on 12 August 2020.

Attachments:

- 1 [S11A-Instrument of Appointment and Authorisation - Rodney Hotker](#)
- 2 [S11A-Instrument of Appointment and Authorisation - Roslyn Olle](#)

DISCUSSION

Officers involved with the planning functions of Council and enforcement of laws under the *Planning and Environment Act 1987* are required to be appointed as Authorised Officers to undertake the duties of their position.

An individual who is appointed as an Authorised Officer is appointed to a position and has the powers of that position. An authorised Officer can take specific actions under the Acts and regulations made under that Act for which they have been appointed.

Acts change from time to time and the Instruments are reviewed and updated as required to reflect changes in legislation. They are also reviewed to ensure they are still relevant for the Officers who have been appointed to undertake their role in Council.

RELEVANT LAW

Section 147(4) of the *Planning and Environment Act 1987* provides that an Authorised Officer is to be appointed by Council. Council is unable to delegate the power of appointment under the *Planning and Environment Act 1987*.

RELATED COUNCIL DECISIONS

Council has previously appointed Rodney Hotker, Roslyn Olle and Wayne O'Toole as Authorised Officers under the *Planning and Environment Act 1987* at its ordinary meeting held on 12 August 2020. At the same meeting, Council revoked the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* appointing Anthony Judd as an authorised officer.

OPTIONS

Council may consider not adopting the new instruments of appointments under the Planning and Environment Act 1987, in which case the instruments adopted on 12 August 2020 will remain in force, unless Council resolves to revoke them.

By adopting the new instruments, the officers appointed, will be able to make planning decisions and enforce the requirements under the *Planning and Environment Act 1987*, and to remove any legal uncertainty that may occur resulting from amendments to the *Planning and Environment Act 1987*, that have been made subsequent to the 12 August 2020.

If Council does not revoke the instrument adopted on 12 August 2020 appointing Wayne O'Toole as an Authorised Officer under the Planning and Environment Act, the Instrument will remain in force.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications

COMMUNITY ENGAGEMENT

Community engagement is not required on this matter

INNOVATION AND CONTINUOUS IMPROVEMENT

Reviewing and updating Instruments of Appointment and Authorisation, ensures that the appointments made are still required, and ensures that any changes made to relevant Acts are encompassed withing the appointment, ensuring Appointed Officers can undertake their duties as required.

COLLABORATION

Relevant directors and offices were consulted during the review of the Instruments of Appointment and Authorisation.

FINANCIAL VIABILITY

Not Applicable

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Not Applicable

TRANSPARENCY OF COUNCIL DECISIONS

A register of Authorised Officers and the Acts to which they are appointed is maintained, and is made available for public inspection, or where required, published on Council's website.

Decisions made by Authorised Officers under the are decisions made by the Officers, and are made in accordance with the *Planning and Environment Act 1987* and the Buloke Shire Planning Scheme. Where practicable and required under the *Planning and Environment Act 1987*, decisions are made available for inspection by the public, or in accordance with the Act.

CONFLICTS OF INTEREST

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

**S11A - Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Rodney Hotker

By this instrument of appointment and authorisation Buloke Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Buloke Shire Council on 13 December 2023

Signed By

.....

Wayne O'Toole – Chief Executive Officer

Date:.....

S11A - Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Roslyn Olle

By this instrument of appointment and authorisation Buloke Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Buloke Shire Council on 13 December 2023

Signed By

.....

Wayne O'Toole – Chief Executive Officer

Date:.....

8.5 REPORTS FROM COUNCILLORS

Nil

9. OTHER BUSINESS

9.1 NOTICES OF MOTION

Nil

9.2 QUESTIONS FROM COUNCILLORS

Nil

9.3 URGENT BUSINESS

Nil

9.4 ANY OTHER BUSINESS

9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

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:

- | | | |
|-------|--|---|
| 9.5.1 | AWARD CONTRACT NO. C121 2023/24
AGRN 1037 – REHABILITATION OF TWO
(2) FLOODWAYS ON YEUNGROON ROAD | <p>(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</p> <p>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)</p> |
| 9.5.2 | AWARD CONTRACT NO. C122 2023/24
DESIGN & CONSTRUCT CHANGING
PLACES AMENITIES BLOCK & CAR PARK
AT DONALD MEMORIAL PARK | <p>(g(i)) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets</p> <p>(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</p> <p>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)</p> |
| 9.5.3 | AWARD CONTRACT NO. C120 2022/23
BIRCHIP FOOTBALL OVAL LIGHTING
UPGRADE | <p>(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</p> <p>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)</p> |

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