



Minutes

Ordinary Council Meeting held at 12.30 PM on the Monday 2 December 2019 in the Council Chamber, St Arnaud Town Hall.

Present

Cr Murray Emerson (Mayor)
Cr Kevin Erwin
Cr Tony Driscoll
Cr Rob Haswell
Cr Jason Hosemans
Cr Karen Hyslop

Ms Liana Thompson, Chief Executive Officer
Mr Vaughan Williams, Director Corporate Services
Mr Trenton Fithall, Director Infrastructure
Mrs Naomi Goode, Director Communities

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 3 February 2020.

Table of Contents

1. Apologies	3
2. Confirmation of Minutes	3
3. Matters Arising from the Minutes	3
4. Presentations/Awards.....	3
5. Presentation of Petitions and Joint Letters.....	3
6. Disclosures of Interest and Declarations of Conflict of Interest	4
7. Assemblies of Councillors.....	5
8. Items Brought Forward	5
9. Consideration of Reports of Officers	6
9.1. North Park Project	6
9.2. Market Square Final Plan Adoption	9
9.3. St Arnaud Aerodrome Lease	12
9.4. Appointment of St Arnaud Recreation Advisory Group.....	15
9.5. Appointment of Stawell Recreation Advisory Group	22
9.6. Appointment of Council Committee Delegates/Representatives 2020	29
9.7. Council Meeting Schedule 2020.....	36
9.8. Mayoral and Councillor Allowances.....	39
9.9. Delegation Update	41
10. Notices of Motion or Rescission.....	106
11. Reports from Councillors/Committees.....	106
12. Urgent Business	109
13. Public Question Time.....	110
14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989.....	112
14.1. C9 2019/20 - Provision of Public Convenience & Facilities Cleaning	112
15. Close	112

1. Apologies

An apology was received from Cr Merrilee Reid

RESOLUTION

That the apology be received and leave of absence granted.

Moved: Cr Kevin Erwin

Seconded: Cr Karen Hyslop

Carried

2. Confirmation of Minutes

Ordinary Meeting held on Monday 11 November 2019

Statutory Council Meeting held on Monday 11 November 2019

RESOLUTION

That the minutes as listed, copies of which have been circulated, be confirmed and adopted.

Moved: Cr Rob Haswell

Seconded: Cr Karen Hyslop

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

Nil

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosures of Interest and Declarations of Conflict of Interest

A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.

- a. by either-**
 - i. advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or**
 - ii. advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and**
- b. classifying the type of interest that has given rise to the conflict as either-**
 - i. a direct interest; or**
 - ii. an indirect interest and specifying the particular kind of indirect interest under:
section 78 - close association
section 78A - financial interest
section 78B - conflicting duties
section 78C - receipt of an applicable gift
section 78D - consequence of becoming an interested party
section 78E - impact on residential amenity; and**
- c. describing the nature of the interest; and**
- d. if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.**

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Nil

7. Assemblies of Councillors

[Liana Thompson, Chief Executive Officer]

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and 1 member of Council staff which considers matters that are intended or likely to be: - the subject of a decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee [s 76AA]; but does not include a meeting of the Council, a special committee of the Council, an audit committee established under s 139, a club, association, peak body, political party or other organisation.

A matter means a matter with which a Council, special committee or a member of Council staff is concerned and that will require –

- a. a power to be exercised, or duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- b. a power to be exercised, or duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter.

Section 80A of the *Local Government Act 1989* requires that the written record of an Assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council Meeting.

The records for the period since the last ordinary Council meeting are listed below.

◆ Date	Meeting Description	◆ Matters Considered At The Assembly:	Conflict Of Interest Disclosures		
			Councillor/Officer	Item Number	Left Meeting?
18/11/2019	Economic Growth Briefing	8.1 Tourism Review 8.2 Presentation - Nick Humphries Superbold 8.3 Halls Gap Funding 8.4 Rates Arrears	Nil	Nil	Nil
28/10/2019	Organisational Effectiveness Briefing	8.1 Presentation - World Heritage Bid 8.2 Advocacy Trip Report 8.3 Presentation - Stephen Sasse Nectar Farms 8.4 Rate Modelling - Proposed 3% Reduction In Farm Rate Differential 8.5 Presentation - Nathan O'Neill Bendigo Stadium 8.6. Quarterly Finance Report 8.7 North Park Update 8.8 C5 2019/20 - Roadside Weeds & Pests Program - New Contract 8.9 Draft Meeting Procedure Local Law 8.10 Mayoral Election Agenda 8.11 Appointment of Council Committee Delegates/Representatives 2020 8.12 Delegation Update	Nil	Nil	Nil
11/11/2019	Lifestyles and Community Briefing	8.1 Market Square Proposed Final Plan 8.2 Appointment of Stawell Recreation Advisory Group 8.3 Appointment of St Arnaud Recreation Advisory Group 8.4 Confidential Item	Mary Scully	8.4	Yes

RESOLUTION

That the report on Assemblies of Councillors be approved.

Moved: Cr Tony Driscoll

Seconded: Cr Rob Haswell

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers
9.1. North Park Project

Author/Position: Vaughan Williams, Director Corporate Services

Summary

After extensive community consultation, the North Park Multipurpose facility is to be constructed over the next year.

Recommendation

That the 10-year capital plan is amended to incorporate the additional cost of construction costs associated with the North Park Multipurpose Facility.

RESOLUTION

That the 10-year capital plan is amended to incorporate the additional cost of construction costs associated with the North Park Multipurpose Facility.

Moved: Cr Karen Hyslop

Seconded: Cr Rob Haswell

Carried

Background/Rationale

This project is to construct a new multipurpose clubroom development at North Park, Stawell, in the area hugging the boundary of the sports oval, near the netball courts and athletics track. This site offers the opportunity for much better viewing over each of these sports areas than the current arrangement, whilst at the same time offering the benefits of a shared, purpose-built and multi-purpose community facility.

Tenders closed on 3 September 2019 and the contract was awarded to BLR Provincial Construction Pty Ltd at Council's Ordinary Meeting 11 November 2019.

All tenderers submitted prices were over the budget figure of \$3,300,000.

BLR Provincial Construction Pty Ltd is a small company which has completed similar projects of similar values.

Due to the awarded tender being over the budget amount Council is required to review the budget for the project.

Revised Budget for the project includes but not limited to:

- build price
- power connection
- drawing amendments
- Victorian Building Authority levy and
- contingencies.

The revised forecast figure for the entire project is \$4,244,600. The amendment to the 10 year financial plan is required in 2020-21 and not in the current financial year 2019-20.

Financial Years	Current Budget	Proposed Changes	Variation
2019-2020	1,700,000	1,700,000	0
2020-2021	1,600,000	2,544,600	944,600
Total Project	3,300,000	4,244,600	944,600

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21 - Improve Organisational Effectiveness

Options

Option 1

That the 10-year capital plan is amended to incorporate the additional cost of construction costs associated with the construction of the North Park Multipurpose Facility. **[recommended]**

Option 2

That the 10-year capital plan is not amended to incorporate the additional cost of construction associated with the construction of the North Park Multipurpose Facility. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Extensive consultation has been had with all clubs associated with North Park Multipurpose Facility.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Vaughan Williams, Director Corporate Services

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

Nil

9.2. Market Square Final Plan Adoption

Author/Position: Tony Dark, Coordinator Community Placemaking

Summary

Northern Grampians Shire Council supports the creation of a plan for the spaces of Market Square, St Arnaud. This project has been funded by the State Government in partnership with Council.

The Market Square Precinct Plan (the Plan) identifies the extensive engagement, consultation and positive community benefit of the spaces and the aspirations of the community in relation to their future use. The Plan identifies goals and directions by precinct, as well as by issue including paths and access, fit for purpose, presentation and interface with inclusive play facilities.

The Plan provides an overview of the spaces that will guide Council in future strategies to develop and manage the precinct for the best outcomes for the community.

Recommendation

That Council endorses the St Arnaud Market Square Precinct Plan 2019.

RESOLUTION

That Council endorses the St Arnaud Market Square Precinct Plan 2019.

Moved: Cr Tony Driscoll

Seconded: Cr Kevin Erwin

Carried

Background/Rationale

This project has received funding from the State Government, Regional Development Victoria and Northern Grampians Shire Council as a part of the wider St Arnaud Civic Precinct project.

Designed to focus on the spaces of Market Square, the project is aimed to engage the St Arnaud community including user groups in a process of:

- consultation and feedback to inform the existing and future needs of the community
- examination of existing infrastructure and operational requirements
- exploring how the reserves can support and be an integral component of local community life

Jeavons Landscape Architects was engaged to deliver a precinct plan that would incorporate consultation outcomes from the community and inform Council in strategic planning and future investment opportunities for the spaces.

The scope of the project provides documentation to support infrastructure investment to transform existing aged infrastructure into an integrated and well-coordinated community precinct, specifically through engaging the St Arnaud community, including existing and future user groups in a process of consultation and feedback to inform the following:

- existing and future needs of the community
- The potential impact of any future project on the local community
- examination of existing infrastructure and operational requirements
- exploring how the reserves can support and be an integral component of local community life
- scope potential funding sources
- identifying future expansion of the spaces
- identifying any challenges that could affect its capacity to realise its potential

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21 - Enhance Lifestyle and Community

Options

Option 1

That Council endorses the Market Square Precinct Plan 2019. **[recommended]**

Option 2

That Council rejects the Market Square Precinct Plan 2019. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Consultation through specific engagement with the community was a high priority for this project and four key questions were asked as part of every engagement intervention through survey opportunities to understand the spaces from a community perspective:

- 1. What activities do you currently enjoy at Market Square?
- 2. What do you value about the space?
- 3. How would you like to use these spaces in the future?
- 4. How could this public space be improved for future use?

Engagement actions were delivered as a result of the interactions with the community for the project engagement strategy specifically between September and December. The process included an outcome of 136 survey responses received as well as the following:

- social media
- school newsletters, North Central News
- workshops
- targeted walks
- community reference group formed to provide an extended series of local input into the creation of the final document

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Tony Dark, Coordinator Community Placemaking

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

Nil

9.3. St Arnaud Aerodrome Lease

Author/Position: **Kylie Allen, Risk & Lease Management Officer**

Summary

The purpose of this report is for Council to approve a formal lease with John Stanley Dods for use of Lot 3 St Arnaud Aerodrome commencing 1 July 2019 for a five-year term with options of two further five-year terms. The purpose of the lease is for aviation-based activity.

Recommendation

That Council:

- 1. enters into a lease agreement with the John Stanley Dods for use of Lot 3 St Arnaud Aerodrome, and**
- 2. authorises the Mayor and Chief Executive Officer to sign the relevant lease documents as agreed by all parties.**

RESOLUTION

That Council:

- 1. enters into a lease agreement with the John Stanley Dods for use of Lot 3 St Arnaud Aerodrome, and**
- 2. authorises the Mayor and Chief Executive Officer to sign the relevant lease documents as agreed by all parties.**

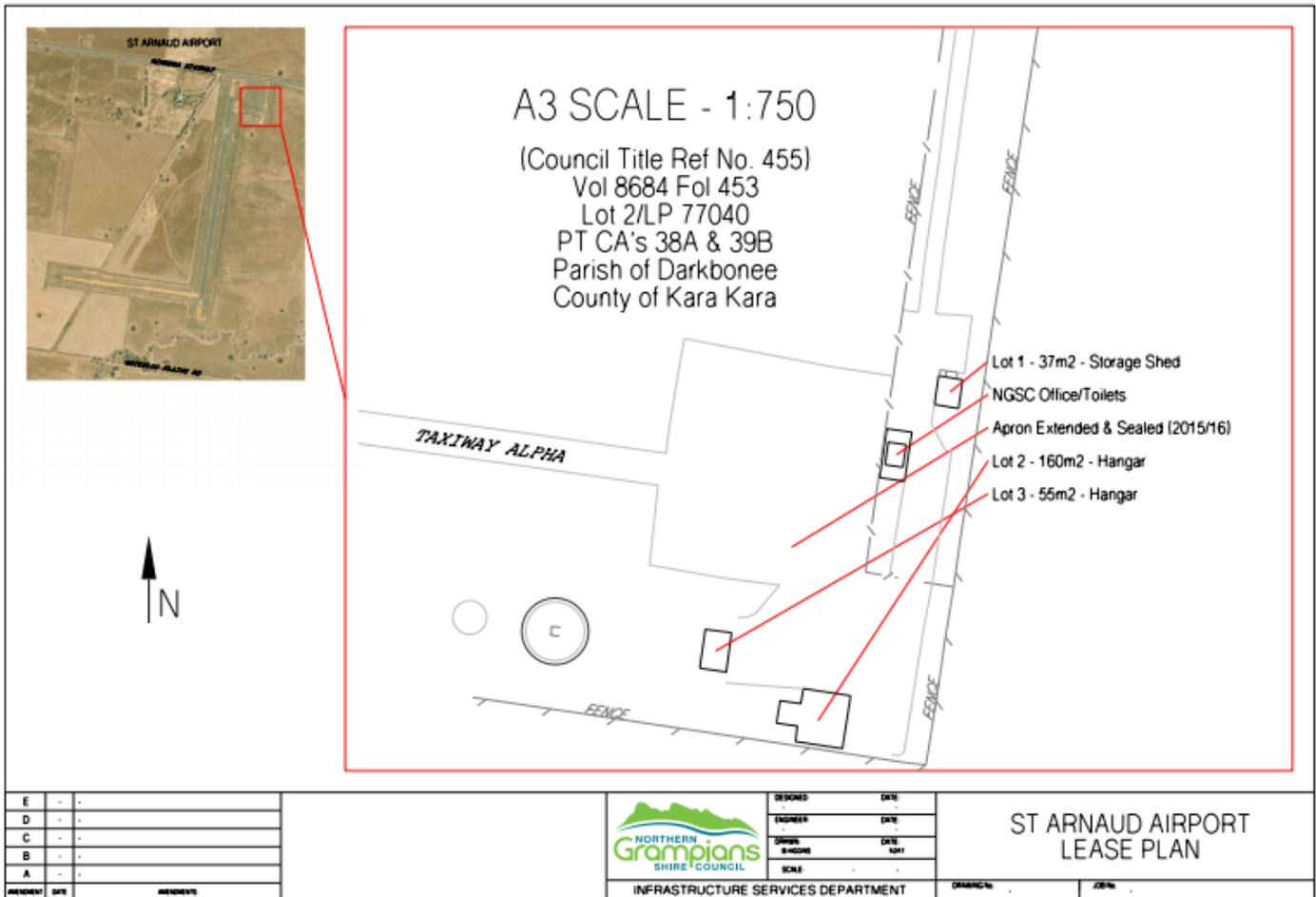
Moved: **Cr Tony Driscoll**

Seconded: **Cr Kevin Erwin**

Carried

Background/Rationale

The proposed lease area located at the St Arnaud Aerodrome is Council freehold land. Mr Dods is the current tenant of lot 3 and has been for several years. The one plane capacity hangar was built on the land in 1997 and is classified as a tenant improvement.



Council has implemented standardised lease agreements for users of the Stawell Airport and St Arnaud Aerodrome with common terms and conditions which include:

- rental calculated at \$15 per m² subsidised over the initial 5-year term for existing airport users
- rent subject to annual CPI increase but only after the initial 5-year term
- power and NBN extensions or ongoing usage costs to be borne by the lessee
- all service extensions, earthworks, other site works to be at the lessee's cost unless they can be included in a future grant application by Council
- all site building costs, including approvals, to be at the lessee's cost
- no transfer or sub-leases permitted unless prior approval of Council obtained
- only aviation-based activity to be approved for any site that has direct airside access
- all other normal commercial lease conditions for renewal, insurance and related matters.

Lot 3 currently does not have water, sewer or power services connected.

At its meeting on 14 October 2019, Council resolved to give public notice of its intention to enter into a lease with John Stanley Dods and invite submissions in accordance with section 223 of the *Local Government Act 1989*. Public notice was given in the North Central News on 23 October 2019 and on the Council website. No objections have been received by Council at the time of publication of this report; any objections received will be circulated to Councillors separately for consideration.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21 - Enhance Lifestyle and Community
Local Government Act 1989, Crown Land (Reserves) Act 1978

Options

Option 1

That Council approves entering into a lease with John Stanley Dods for use of Lot 3 St Arnaud Aerodrome and authorises the Mayor and the Chief Executive Officer to sign the relevant lease documents as agreed by both parties. **[recommended]**

Option 2

That Council does not enter into a lease with John Stanley Dods for use of Lot 3 St Arnaud Aerodrome. **[not recommended]**

Implications

This report has considered Social, Heritage/Cultural, Amenity, Human Rights/Privacy, Environmental, Economic and Marketing, Risk Management, Financial and Asset Management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Community consultation has occurred via the giving of public notice. Council is required to consider any submissions received prior to making a formal decision on the proposed lease.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Kylie Allen, Risk & Lease Management Officer

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

Nil

9.4. Appointment of St Arnaud Recreation Advisory Group

Author/Position: Tony Dark, Coordinator Community Placemaking

Summary

St Arnaud Recreation Advisory Group is to provide Council with advice and recommendations on the implementation of the Lord Nelson Park Precinct Plan and with consideration of other relevant council plans as required. Each appointed person shall be appointed to serve a 24-month term with an expiry of 31 October 2021. The Terms of Reference are reviewed every two years.

Recommendation

That Council

- 1. appoints the following people (or their proxy) to the St Arnaud Recreation Advisory Group:**
 - Sharlene Bertalli (St Arnaud Football Club)
 - Kim Birthisel (St Arnaud Football Club, Canteen Committee)
 - Nicole Amos (St Arnaud Netball Club Inc)
 - Bruce Hando (St Arnaud Cricket Club)
 - Kaye Boyd (St Arnaud Harness Racing Club)
 - Peter Knights (St Arnaud Agricultural Society)
 - Mark Mactaggart (Community)
 - Tara Lowe (Community)
- 2. approves the reviewed Terms of Reference.**

RESOLUTION

That Council

- 1. appoints the following people (or their proxy) to the St Arnaud Recreation Advisory Group:**
 - Sharlene Bertalli (St Arnaud Football Club)
 - Kim Birthisel (St Arnaud Football Club, Canteen Committee)
 - Nicole Amos (St Arnaud Netball Club Inc)
 - Bruce Hando (St Arnaud Cricket Club)
 - Kaye Boyd (St Arnaud Harness Racing Club)
 - Peter Knights (St Arnaud Agricultural Society)
 - Mark Mactaggart (Community)
 - Tara Lowe (Community)
- 2. approves the reviewed Terms of Reference.**

Moved: Cr Tony Driscoll
Seconded: Cr Karen Hyslop

Carried

Background/Rationale

At the August 2017 Council Meeting, Council formed the St Arnaud Recreation Advisory Group through a process of expressions of interest to join. The current members are representatives of the user groups at Lord Nelson Park providing an equitable and open approach to the requirements of the group and in compliance with the Terms of Reference. The Terms of Reference have been reviewed and no changes are proposed. Continuance of the existing membership allows for consistency in the ongoing development and implementation of the outcomes of the Lord Nelson Park Precinct Plan.

Legislation, Council Plan, Strategy and Policy Implications

- Council Plan 2017-21 - Enhance Lifestyle and Community
- Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-22
- Municipal Public Health and Wellbeing Plan 2017-21
- Lord Nelson Park Precinct Plan 2015-24

Options

Option 1

That Council appoints the members as listed and adopt the reviewed Terms of Reference. **[recommended]**

Option 2

That Council does not appoint the members as listed and adopt the reviewed Terms of Reference. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Lord Nelson Park user groups have been consulted during the process to appoint St Arnaud Recreation Advisory Group members.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Tony Dark, Coordinator Community Placemaking

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

1. Terms of Reference St Arnaud Recreation Advisory Group **[9.4.1 - 5 pages]**

Terms of Reference



St Arnaud Recreation Advisory group

Responsible director:

Responsible officer:

Adopted by Council:

Review date:

Expiry date:

Communities

Coordinator Community Placemaking

2 December 2019

31 October 2021

31 October 2021

Objective

Council would like to bring the community and relevant stakeholders together to provide input into the discussion and implementation of the requirements for recreation in St Arnaud. Particular focus will be on Lord Nelson Park and the relative precinct plan outcomes and recommendations.

The committee proposed is in the form of an advisory group with the capacity to investigate and to co-opt expertise as needed. The group will make recommendations to Council, which should be aligned with Council's long term policy for facility usage and development.

Background

Council appointed Active Recreation Boards of Management on 4 August 2005 (with a name change to Community Recreation Committees on 21 October 2013) as special committees subject to the provisions of sections 86(3) and 86(4) of the *Local Government Act 1989* (the Act). The St Arnaud Community Recreation Committee has delegated the responsibility for the active recreation reserves, namely King George's Park and Lord Nelson Park in St Arnaud.

In terms of the requirements of the Act, Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.

At the Council meeting on 7 August, 2017 Council reviewed the delegation to the committee and whether it is the most appropriate structure or format for recreation matters for Lord Nelson Park and King George's Park, St Arnaud. At this meeting a resolution was passed to:

- revoke the Instrument of Delegation to the St Arnaud Community Recreation Committee and form an advisory group for Lord Nelson Park, and
- seek expressions of interest to participate in an advisory group for Lord Nelson Park.

In accordance with these resolutions, an advisory group was formed with a title of St Arnaud Recreation Advisory Group ('the Group') and consists of representatives of the community and organisations relevant to a recreational focus.

Purpose

The Group is to provide Council with advice and recommendations on the implementation of the Lord Nelson Park Precinct Plan and with consideration of other relevant Council plans as required.

Membership

The Group will be comprised of the following members:

- One Councillor

- Up to nine community members as delegated representatives (or proxies) from Lord Nelson Park user groups
- One Council staff member (who will be the minute taker and have no voting rights) - Council officers will be determined by the Chief Executive Officer.

Council:

- will aim for a gender balance of representation
- will aim for one or more members aged under 25 years, and
- must consider applications/nominations from all user groups.

The term of the Group is expected to be 24 months until 31 October 2021.

Community members will apply for selection and user groups can nominate representatives who can be appointed to the Group for the 24-month term of the Group.

Council will seek to appoint people with experience, knowledge and understanding of local issues with the capacity to provide recommendations to Council on the suitability of Lord Nelson Park as a recreational facility. Accordingly, the following criteria will be used to evaluate appointments to the Group:

1. Possess sound knowledge of the local area and recent involvement in the local community.
2. An ability to represent issues impacting on the local community in relation to the need for a recreational facility and to work in consultation with the Group to develop strategies to address this.
3. Demonstrate relevant experience in the management of recreational facilities.
4. Previous experience in working with committees or groups will be well regarded but is not essential.

The selection process will be as follows:

- Expressions of interest will be sought widely in the community including media.
- Should there be more applicants than required to fill vacancies, Council may seek further information from the applicants in determining their suitability for appointment to the Group.

Authority/roles and responsibilities

The Group has no powers conferred to it by Council. The committee is to operate in line with the purpose and terms of reference.

The Group will provide recommendations based on the following key areas and in terms of the precinct plan:

- Ongoing sustainability of Lord Nelson Park as a recreation facility and how it will continue to meet the needs of the community.
- Infrastructure – Prioritised needs and costs associated with relevant development if recommended, to include ongoing operational costs and responsible parties
- Maintenance - Prioritised needs with relevant recommendations for precinct requirements
- Stakeholder or key organisational support - Provide relative evidence from user groups, peak sporting bodies and community groups that support recommended project activities
- Limitations of the site in sustaining use associated with recreational activities
- Accessibility considerations for people with disabilities, gender equality and diversity
- Risks – Assessment, review and management strategies
- Cultural heritage values to be considered.

Scope and deliverables

The *Lord Nelson Park Precinct Plan 2015-2024* project key objectives as outlined in the project brief were to:

- Undertake a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps and opportunities relevant to the community, and in particular the users of Lord Nelson Park.

- Having regard to recent past consultation, consult with the St Arnaud community including existing and future user groups to inform the development of the Lord Nelson Park Precinct Plan.
- Develop documentation and evidence to support the consultation that has already taken place to enable Lord Nelson Park to be developed to reach its full potential for the current and future needs of the community.
- Deliver the required documentation to support infrastructure investment to transform existing aged infrastructure into an integrated and well-coordinated community precinct ensuring that Lord Nelson Park community infrastructure:
 - Is suitably and strategically located
 - Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, future-proofing and relationship to nearby facilities
 - Provides a plan for delivery in a well-coordinated and sequenced manner
 - Provides the best value for money and community outcomes for potential funding partners.
 - Addresses the interface and connection between land use
 - Leverages required funding from appropriate public and private sources.

The Lord Nelson Park Future Precinct vision is:

Lord Nelson Park is a sensational, modern, well used and safe sport, recreation and community hub in the region.

The Lord Nelson Park Precinct Plan has been established under the *Northern Grampians Shire Council Open Space, Sport and Recreation Strategy 2013 - 2022* key principles and key strategy framework as follows.

- a. Principles:
 - Increased opportunities and participation for all
 - A diverse range of open space, sport and recreation choices
 - Great places for people to recreate
 - Building the health and wellbeing of the Northern Grampians Shire community
 - Responsive to identified open space, sport and recreation needs of the community
 - Inspiring and empowering people to recreate
 - Delivering economic outcomes for the NGSC community through sport and recreation.
- b. Strategy Framework:
 - Facilities: What we will do to provide safe, liveable, sustainable and usable assets to improve the quality of life for residents, considering community opportunities and needs.
 - Programs: What we will do to provide safe, accessible and usable programs to improve the quality of life for residents.
 - Services: What we will do to provide safe, accessible and usable services to improve the quality of life for residents.

The purpose of the Group is to review the plan and work towards the delivery of the recommendations and strategies to achieve the best outcomes for the community.

Resources and constraints

The Group will:

- work with Council to prioritise capital works projects and submit budget recommendations to Council, and in conjunction with Council, apply for funding to support the capital development of the reserves, and
- work with Council on an annual basis to make recommendations to Council for maintenance works allocated through Council budget.

Meetings

A Councillor will chair the Group meetings to ensure that advice provided by the Group is presented directly to the level of authority in Council where decisions are made.

- The Councillor has voting rights.
- Council officers do not have voting rights.
- General community members elected to the Group will have voting rights.
- Invited members from Government and Non-Government agencies will not have voting rights.
- Conflict of Interest of any member of the Group must be declared.
- From time to time the Group may decide that it would be beneficial for Council officers from other programs to also attend to address specific areas of interest. These officers will not have voting rights.

Council will provide assistance and support to the Group with the resources available to it in order to enable the Group to effectively undertake its role. In order to assist members of the Group, Council undertakes to provide the following support:

- Secretariat services to the Group such as minute taking and agenda distribution, and
- meeting agenda and information papers for agenda items will be provided prior to the meeting.

Meetings will be held at least six-monthly.

Quorum: to allow for vacancies that occur during the term of the group, a quorum will be half of the operational membership plus 1 (6).

Proxies:

1. A group member may appoint another person as his or her proxy to vote and speak on his or her behalf at a general meeting.
2. The appointment of a proxy must be in writing and signed by the group member making the appointment.
3. The group member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise, the proxy may vote on behalf of the member in any matter as he or she sees fit.

If required, the Group can agree to meetings out of the schedule to respond to a particular issue or task. A schedule of meeting dates and times for the forthcoming 12 months will be decided at the first meeting.

Reporting responsibilities and communication

Meeting minutes will be recorded and provided to members of the Group. Copies of the minutes will also be provided to Councillors for information purposes.

Any recommendations to Council will be submitted through Council meeting schedules and protocols.

Timeframes and review

The term of the Group is expected to be 24 months. An interim review of the Group operations and Terms of Reference will be done at 12 months.

Council Plan objective/strategy

The Terms of Reference are aligned with Council's Council Plan goals, objectives and strategies through Enhanced Lifestyle and Community, Provide Sustainable Infrastructure and Improved Organisational Effectiveness.

Legislation and Standards

Council Plan 2017-2021

Lord Nelson Park Precinct Plan 2015-2024

Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-2022

Municipal Public Health and Wellbeing Plan 2017-2021

Stakeholders

Councillors, Council's Community Strengthening staff and members are directly affected by the Terms of Reference and must be consulted during development or revision of the Terms of Reference.

Definitions

- Terms of Reference**
- *describe the purpose and structure of a project, committee, sub-committee, group, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal; and*
 - *they provide a documented basis for making future decisions and for developing a common understanding of the scope among stakeholders.*
 - *The terms of reference are often referred to as the **charter**, eg committee charter.*

Communication and implementation

The Council's Terms of Reference template was used to create this document.

The Terms of Reference will be communicated to stakeholders through reporting to the St Arnaud Recreation Advisory Group and inclusion in meeting minutes.

Review history

Date	Review Details	Action
4 December 2017	Draft	Present to Council for approval
2 December 2019	Draft	Present to Council for adoption

9.5. Appointment of Stawell Recreation Advisory Group

Author/Position: Tony Dark, Coordinator Community Placemaking

Summary

Stawell Recreation Advisory Group is to provide Council with advice and recommendations on the implementation of relevant master plans and recreation strategic plans giving consideration of other relevant Council plans as required. Each appointed person shall be appointed to serve a 24-month term until 31 October 2021. The Terms of Reference are reviewed every two years.

Recommendation

That Council

1. appoints the following people (or their proxy) to the Stawell Recreation Advisory Group:
 - Reg Smith (Stawell CFA)
 - Ian O'Donnell (CKS Swifts Football Netball Club Inc.)
 - Lynne Jenkinson (Stawell Football Netball Club Inc.)
 - Robert Lembo (Stawell Pioneers Soccer Club)
 - Kay Dalton (Stawell Interchurch Netball Association)
 - Scotney Hayter (Stawell Athletic Club and Grampians Cricket Association)
 - Jess Cass (Stawell Amateur Athletic Club and Community)
 - John Griffiths (Community)
2. approves the reviewed Terms of Reference.

RESOLUTION

That Council

1. appoints the following people (or their proxy) to the Stawell Recreation Advisory Group:
 - Reg Smith (Stawell CFA)
 - Ian O'Donnell (CKS Swifts Football Netball Club Inc.)
 - Lynne Jenkinson (Stawell Football Netball Club Inc.)
 - Robert Lembo (Stawell Pioneers Soccer Club)
 - Kay Dalton (Stawell Interchurch Netball Association)
 - Scotney Hayter (Stawell Athletic Club and Grampians Cricket Association)
 - Jess Cass (Stawell Amateur Athletic Club and Community)
 - John Griffiths (Community)
2. approves the reviewed Terms of Reference.

Moved: Cr Jason Hosemans

Seconded: Cr Karen Hyslop

Carried

Background/Rationale

At the August 2017 Council Meeting, Council formed the Stawell Recreation Advisory Group through a process of expressions of interest to join. The current members are representatives of the user groups at Central Park and North Park Stawell providing an equitable and open approach to the requirements of the group and in compliance with the Terms of reference. The Terms of Reference have been reviewed and no changes are proposed. Continuance of the existing membership allows for consistency in the ongoing development and implementation of the outcomes of the Stawell Parks Precinct Plan and North Park Multipurpose Precinct Plan.

Legislation, Council Plan, Strategy and Policy Implications

- Council Plan 2017-21 - Enhance Lifestyles and Community
- Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013-22
- Municipal Public Health and Wellbeing Plan 2017-21

Options

Option 1

That Council appoints the members as listed and adopt the reviewed Terms of Reference. **[recommended]**

Option 2

That Council does not appoint the members as listed and adopt the reviewed Terms of Reference. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Central Park and North Park user groups have been consulted during the process to appoint Stawell Recreation Advisory Group members.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Tony Dark, Coordinator Community Placemaking

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

1. Terms of Reference Stawell Recreation Advisory Group **[9.5.1 - 5 pages]**

Terms of Reference



Stawell Recreation Advisory Group

Responsible director:

Responsible officer:

Adopted by Council:

Review date:

Expiry date:

Communities

Coordinator Community Placemaking

2 December 2019

31 October 2021

31 October 2021

Objective

Council would like to bring the community and relevant stakeholders together to provide input into the discussion and implementation of the requirements for recreation in Stawell. Particular focus will be on Central Park and North Park and the relative precinct plan outcomes and recommendations for each of the reserves.

The committee proposed is in the form of an advisory group with the capacity to investigate and to co-opt expertise as needed. The group will make recommendations to Council, which should be aligned with Council's long term policy for facility usage and development.

Background

Council appointed Active Recreation Boards of Management on 4 August 2005 (with a name change to Community Recreation Committees on 21 October 2013) as special committees subject to the provisions of sections 86(3) and 86(4) of the *Local Government Act 1989* (the Act). The Stawell Community Recreation Committee has delegated the responsibility for the active recreation reserves, namely Central Park and North Park in Stawell.

In terms of the requirements of the Act, Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.

At the Council meeting on 7 August, 2017 Council reviewed the delegation to the committee and whether it is the most appropriate structure or format for recreation matters for Central Park and North Park. At this meeting a resolution was passed to:

- revoke the Instrument of Delegation to the Stawell Community Recreation Committee and form an advisory group for Central Park and North Park, and
- seek expressions of interest to participate in an advisory group for Central Park and North Park.

In accordance with this resolution, an advisory group was formed with a title of Stawell Recreation Advisory Group ('the Group') and consists of representatives of the community and organisations relevant to a recreational focus.

Purpose

The Group is to provide Council with advice and recommendations on the implementation of relevant master plans and recreation strategic plans giving consideration of other relevant Council plans as required.

Membership

The Group will be comprised of the following members:

- One Councillor
- Up to nine community members
- One Council staff member (who will be the minute taker and have no voting rights)
- Council officers will be determined by the Chief Executive Officer

Council:

- will aim for a gender balance of representation
- will aim for one or more members aged under 25 years, and
- must consider applications/nominations from all user groups.

The term of the Group is expected to be 24 months until 31 October 2021.

Community members will apply for selection and user groups can nominate representatives who can be appointed to the Group for the 24-month term of the Group.

Council will seek to appoint people with experience, knowledge and understanding of local issues with the capacity to provide recommendations to Council on the suitability of Central Park and North Park as recreational facilities. Accordingly, the following criteria will be used to evaluate appointments to the Group:

1. Possess sound knowledge of the local area and have recent involvement in the local community.
2. An ability to represent issues impacting on the local community in relation to the need for a recreational facility and to work in consultation with the Group to develop strategies to address this.
3. Demonstrate relevant experience in the management of recreational facilities.
4. Previous experience in working with committees or groups will be well regarded but is not essential.

The selection process will be as follows:

- Expressions of interest will be sought widely in the community including media.
- Should there be more applicants than required to fill vacancies, Council may seek further information from the applicants in determining their suitability for appointment to the Group.

Authority/roles and responsibilities

The Group has no powers conferred to it by Council and will operate in line with the purpose and Terms of Reference.

The Group will provide recommendations based on the following key areas and in terms of relevant master plans:

- Ongoing sustainability of Central Park and North Park as a recreation facility and how it will continue to meet the needs of the community
- Infrastructure – Prioritised needs and costs associated with relevant development if recommended, to include ongoing operational costs and responsible parties
- Maintenance - Prioritised needs with relevant recommendations for precinct requirements
- Stakeholder or key organisational support - Provide relative evidence from user groups, peak sporting bodies and community groups that support recommended project activities
- Limitations of the site in sustaining use associated with recreational activities
- Accessibility considerations for people with disabilities, gender equality and diversity
- Risks – Assessment, review and management strategies
- Cultural heritage values to be considered.

Scope and deliverables

The *Northern Grampians Shire Council Open Space, Sport and Recreation Strategy 2013-2022* provides key principles and a key strategy framework as follows.

a. Principles:

- Increased opportunities and participation for all
- A diverse range of open space, sport and recreation choices
- Great places for people to recreate
- Building the health and wellbeing of the Northern Grampians Shire community
- Responsive to identified open space, sport and recreation needs of the community
- Inspiring and empowering people to recreate
- Delivering economic outcomes for the NGSC community through sport and recreation.

b. Strategy Framework:

- Facilities: What we will do to provide safe, liveable, sustainable and usable assets to improve the quality of life for residents, considering community opportunities and needs.
- Programs: What we will do to provide safe, accessible and usable programs to improve the quality of life for residents.
- Services: What we will do to provide safe, accessible and usable services to improve the quality of life for residents.

The purpose of the Group is to review the relevant master plans and work towards the delivery of the recommendations and strategies to achieve the best outcomes for the community by:

- Undertaking a review of recent and past consultation, engagement and planning activities and documentation to form an understanding of current issues, gaps and opportunities relevant to the community, and in particular the users of Central Park and North Park.
- Developing documentation and evidence to support the consultation that has already taken place to enable Central Park and North Park to be developed to reach their full potential for the current and future needs of the community.
- Delivering the required documentation to support infrastructure investment to transform existing aged infrastructure into integrated and well-coordinated community precincts ensuring that Central Park and North Park community infrastructure:
 - Is suitably and strategically located
 - Meets existing and future community needs including increased access to participation and programming opportunities, innovative design, function, universal design, environmental sustainability, future-proofing and relationship to nearby facilities
 - Provides a plan for delivery in a well-coordinated and sequenced manner
 - Provides the best value for money and community outcomes for potential funding partners
 - Addresses the interface and connection between land use
 - Leverages required funding from appropriate public and private sources

Resources and constraints

The Group will:

- work with Council to prioritise capital works projects and submit budget recommendations to Council, and in conjunction with Council, apply for funding to support the capital development of the reserves, and
- work with Council on an annual basis to make recommendations to Council for maintenance works allocated through Council budget.

Meetings

A Councillor will chair the Group meetings to ensure that advice provided by the Group is presented directly to the level of authority in Council where decisions are made.

- The Councillor has voting rights.

- Council officers do not have voting rights.
- General community members elected to the Group will have voting rights.
- Invited members from Government and Non-Government agencies will not have voting rights.
- Conflict of Interest of any member of the Group must be declared.
- From time to time the Group may decide that it would be beneficial for Council officers from other programs to also attend to address specific areas of interest. These officers will not have voting rights.

Council will provide assistance and support to the Group with the resources available to it in order to enable the Group to effectively undertake its role. In order to assist members of the Group, Council undertakes to provide the following support:

- Secretariat services to the Group such as minute taking and agenda distribution, and
- meeting agenda and information papers for agenda items will be provided prior to the meeting.

Meetings will be held at least six-monthly.

Quorum: to allow for vacancies that occur during the term of the Group, a quorum will be half of the operational membership plus one (6).

Proxies:

1. A group member may appoint another person as his or her proxy to vote and speak on his or her behalf at a general meeting.
2. The appointment of a proxy must be in writing and signed by the Group member making the appointment.
3. The Group member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise, the proxy may vote on behalf of the member in any matter as he or she sees fit.

If required, the Group can agree to meetings out of the schedule to respond to a particular issue or task. A schedule of meeting dates and times for the forthcoming 12 months will be decided at the first meeting.

Reporting responsibilities and communication

Meeting minutes will be recorded and provided to members of the Group. Copies of the minutes will also be provided to Councillors for information purposes.

Any recommendations to Council will be submitted through Council meeting schedules and protocols.

Timeframes and review

The term of the Group is expected to be 24 months. An interim review of the Group operations and Terms of Reference will be done at 12 months.

Council Plan objective/strategy

The Terms of Reference are aligned with Council's Council Plan goals, objectives and strategies through Enhanced Lifestyle and Community, Provide Sustainable Infrastructure and Improved Organisational Effectiveness.

Legislation and Standards

Council Plan 2017-2021

Northern Grampians Shire Council Open Space Sport and Recreation Strategy 2013 - 2022

Municipal Public Health and Wellbeing Plan 2017-2021

Stakeholders

Councillors, Council's Community Strengthening staff and members of the Group are directly affected by the Terms of Reference and must be consulted during development or revision of the Terms of Reference.

Definitions

- Terms of Reference**
- *describe the purpose and structure of a project, committee, sub-committee, group, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal; and*
 - *they provide a documented basis for making future decisions and for developing a common understanding of the scope among stakeholders.*
 - *The terms of reference are often referred to as the **charter**, eg committee charter.*

Communication and implementation

The Council's Terms of Reference template was used to create this document.

The Terms of Reference will be communicated to stakeholders through reporting to the Stawell Recreation Advisory Group and inclusion in meeting minutes.

Review history

Date	Review Details	Action
4 December 2017	Draft	Present to Council for approval
2 December 2019	Draft	Present to Council for adoption

9.6. Appointment of Council Committee Delegates/Representatives 2020

Author/Position: Mary Scully, Manager Governance & Civic Support

Summary

The purpose of the report is to appoint Councillor and officer delegates for the next twelve months as detailed in the attachment.

Recommendation

That Council appoints Councillor and officer delegates for the next twelve months as detailed in the attachment.

RESOLUTION

That Council appoints Councillor and officer delegates for the next twelve months as detailed in the attachment.

Moved: Cr Kevin Erwin
Seconded: Cr Jason Hosemans

Carried

Background/Rationale

In addition to formal Council meetings, Councillors and officers commit to representing Council through involvement with a number of special and advisory committees, organisations and support groups. This involvement includes, but is not limited to, attending meetings, providing advocacy, and acting as the conduit through which the group's ideas and plans are communicated to Council.

The committees, organisations and groups are established for a variety of purposes including providing advice to Council, making particular types of Council decisions such as planning decisions, those established that have been delegated a power or duty by the Council, those required by legislation, and others established in order to provide a regional focus on a particular issue. Councillors will have an opportunity to be involved with numerous local groups and those detailed in the attachment are those that Council may be directly involved with or have been asked to be part of.

Councillors have had an opportunity to consider the various delegations to the committees, organisations and groups as detailed in the attachment.

Financial - Council provides for the cost of memberships and meeting attendances in its annual budget.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21 - Improved Organisational Effectiveness

Options

Council has the option to appoint the various Councillor and officer delegates or take no further action.

Implications

This report has considered Social, Heritage/Cultural, Amenity, Human Rights/Privacy, Environmental, Economic and Marketing, Risk Management, Financial and Asset Management implications where applicable. Any identified implications have been addressed in this report.

Consultation

There has been no specific community consultation in the preparation of this report.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

In providing this advice as the author and responsible manager, I have no disclosable interests in this report.

Attachments

1. Council Committees Representatives Delegates List Template [9.6.1 - 5 pages]

2020				
Committee	Purpose	Delegates	Council contact	External contact
Audit Committee	The audit committee has the responsibility for advising the Council on: <ul style="list-style-type: none"> • seeking resolution on any disagreements between management and the external auditors on financial reporting • reviewing all auditing, planning and outcomes • seeking any information it requires from Councillors, and Council staff via the Chief Executive Officer and external parties • formally meeting with Council staff, internal and external auditors as necessary. 	Cr Erwin Cr Hyslop Director Corporate Services	Vaughan Williams 5358 8733 0429 851 103	Peter Knights (Chair) 0427 340 166
CEO Performance Review Committee		All Councillors	Vaughan Williams 5358 8733 0429 851 103	
Municipal Management Committee Emergency Planning	<i>Emergency Management Act 1986</i>	Mayor of the Day Cr Kevin Erwin Director Infrastructure	Warren Groves 5358 8790 0417 131 862	
Municipal Management Committee Fire Planning	<i>Emergency Management Act 1986</i>	Cr Emerson Cr Erwin Director Infrastructure	Warren Groves 5358 8790 0417 131 862	
NCLLEN St Arnaud Community Education Partnership Project	LLENs are led by a volunteer Board of Management and support children and young people to actively participate in education, training, employment and the community	Cr Driscoll		03 5491 1144
Queen Mary Gardens Committee (s86)	Established to care and manage QMG and Pioneer Park	Cr Reid Director Operations Parks & Gardens Officer	Jason Abbott 0418 121 513	
St Arnaud Recreation Advisory Group	To provide advice regarding Lord Nelson Park, King George Park and Goldfields Reservoir	Cr Reid	Tony Dark 5358 0501 0400 640 828	

Committee	Purpose	Delegates	Council contact	External contact
Stawell Aerodrome Advisory Committee	To research and act as a consulting and advising body to the Council to support and guide the strategic management and development of the Stawell Aerodrome and its surrounds.	Cr Erwin Cr Emerson Director Infrastructure	Allan Ralph 5358 8771	
Stawell Recreation Advisory Group	To provide advice regarding North Park and Central Park	Cr Emerson	Tony Dark 5358 0501 0400 640 828	
Stawell Harness Racing Club Community Grants Panel	Panel for community grants program	Cr Haswell		
Sunraysia Highway Improvement Committee	Six member councils – to pursue improvement and upgrading of Sunraysia Highway	Cr Driscoll Director Infrastructure	Trenton Fithall 0408 478 851	
Walkers Lake Advisory Group	Formed to investigate and advise Council on the establishment of Walkers Lake as a recreational lake	Cr Erwin Cr Driscoll	Tony Dark 5358 0501 0400 640 828	Trevor Baldock, Michelle Clark, Colin Coates, Wayne Robbins, Prue McAllister (Landcare), Tony Hand, Rob Loats, Graeme Clark, Chad Frost, Steve Jesse, Austin Freeman
Memberships	Purpose	Delegates	Council contact	External contact
Central Highlands Mayors & CEOs Forum	8 member councils – primary responsibility is to maintain a strategic oversight of the priorities and issues of the region incl review, ongoing development & implementation of the Regional Strategic Plan (RSP)	Mayor of the Day CEO	Liana Thompson 5358 8711	Joanna Stevens Premier PR 0408 288 740
Grampians Central West Waste & Resource Recovery Group Board	Formally constituted by the Minister	Cr Erwin (State Government appointment) Director Infrastructure	Warren Groves 5358 8790 0417 131 862	

Memberships	Purpose	Delegates	Council contact	External contact
Grampians Tourism Board	Peak industry body which delivers a coordinated approach to marketing, product development, infrastructure investment and industry development for the Grampians Region.	CEO	Liana Thompson 5358 8711	Marc Sleeman CEO ceo@grampianstourism.com.au Mobile: 0437 530 148
MAV	Incorporated by Act of Parliament	Cr Emerson Cr Kevin Erwin (substitute)	Liana Thompson 5358 8711	Kerry Thompson (CEO) 9667 5555
North West Municipalities Association	The Association comprises the municipalities of Buloke, Gannawarra, Hindmarsh, Horsham, Mildura, Northern Grampians, Swan Hill, West Wimmera and Yarriambiack	Cr Emerson Cr Reid CEO	Liana Thompson 5358 8711	Cr Reid Mather Dean Miller (Secretary) 5391 4444
Rail Freight Alliance	24 rural and regional Councils advocating for rail standardisation and upgrading of all key rail lines in Victoria to world class transport standards, a competitive, independent and non-discriminatory Open Access rail freight system and seamless freight logistics that will facilitate the movement of bulk freight by rail, rather than by road	Cr Erwin Cr Driscoll	Trenton Fithall 0408 478 851	Reid Mather RFA - Executive Officer Ph: 0428 772 264 info@railfreightalliance.com www.railfreightalliance.com
Rural Councils Victoria Inc Executive Committee	RCV is an alliance representing the 38 rural Victorian councils, supporting and promoting sustainable, liveable, prosperous rural communities. The Executive Committee meets monthly to provide direction, identify priorities and guide the implementation of RCV's program.	Nil	Liana Thompson 5358 8711	Juliana Phelps Secretariat RCV Tel: 6071 5100 Chairperson- Cr Rob Gersch rgersch@hindmarsh.vic.gov.au
Western Highway Action Committee	Group working to gain improvements for the Western Highway	Cr Erwin Director Infrastructure	Trenton Fithall 0408 478 851	Danielle Fowler Executive Assistant 5382 9724 Email- danielle.fowler@hrcc.vic.gov.au

Memberships	Purpose	Delegates	Council contact	External contact
Wimmera Southern Mallee Regional Transport Group	Group of six councils (and VicRoads) focusing of regional road transport projects	Cr Emerson Cr Erwin Director Infrastructure	Trenton Fithall 0408 478 851	Danielle Fowler Executive Assistant 5382 9724 Email- danielle.fowler@hrcc.vic.gov.au
Wimmera Regional Library Corporation	Group of six member councils responsible for library service	Cr Haswell Director Corporate Services	Vaughan Williams 5358 8733 0429 851 103	Ann Twyford Chief Executive Officer 5382 1777
Wimmera Development Association (WDA) Advisory Board	The peak economic development organisation for the Wimmera Southern-Mallee region which supports existing local businesses and promotes economic development opportunities to investors within and outside the region	Cr Erwin (Council) Cr Emerson (Community) CEO (ex officio)	Liana Thompson 5358 8711	Ralph Kenyon Executive Director 5381 6501 Email- rkenyon@wda.org.au
Supported Groups	Purpose	Delegates	Council contact	External contact
East Grampians Rural Pipeline Project Customer Consultative Committee	Committee provides input into the development of detailed designs for the EGRP project and advise on potential customer views and issues that could arise from the development of a water-supply scheme	Cr Hosemans Cr Hyslop (substitute)		Andrew Rose, Executive Manager Stakeholders & Governance 04 5381 9827
Friends of the Heatherlie Trail Committee	Committee established to manage Heatherlie Rail Trail.	Cr Emerson		John Pye Secretary/Treasurer Mobile: 0432 867 387
Grampians Peak Trail PCG	Project Control Group established to coordinate development of the Peak Trail	CEO	Liana Thompson 5358 8711	
Great Western Futures Committee	Local Progress Association	Cr Hosemans	Naomi Goode 0400 251 806	
Halls Gap Residents Association	Local Residents Association	Cr Hosemans	Liana Thompson 5358 8711	
Halls Gap Tourism Association	Local Tourism Association	Cr Hosemans	Liana Thompson 5358 8711	
Halls Gap Tourist Resort Town Project Control Group	Project Control Group established to look at the concept of Halls Gap as a Tourist Resort Town	Cr Hosemans	Liana Thompson 5358 8711	

Supported Groups	Purpose	Delegates	Council contact	External contact
Halls Gap Caravan Park & Recreation Reserves Committee of Management		Cr Hosemans		
Lake Fyans Foreshore Committee of Management		Cr Hosemans	Tony Dark 5358 0501 0400 640 828	
St Arnaud Community Access Network (SCAN)		Cr Driscoll		
Stawell Athletic Club Planning Committee		Cr Emerson	Liana Thompson 5358 8711	
StawellBIZ	Local business group	Cr Hyslop	Naomi Goode 0400 251 806	

9.7. Council Meeting Schedule 2020

Author/Position: Lauren Homden, Coordinator Governance

Summary

The purpose of this report is to set Council meeting dates for 2020. During 2019 Council held its Ordinary meetings at 12.30pm on the first Monday of each month alternating between Stawell and St Arnaud.

Recommendation

That Council adopts the proposed meeting schedule for 2020, as listed in the report.

RESOLUTION

That Council adopts the proposed meeting schedule for 2020, as listed in the report.

Moved: Cr Kevin Erwin
Seconded: Cr Karen Hyslop

Carried

Background/Rationale

This report allows Council the opportunity to consider the location and starting time of its meetings. If Council agrees to continue its current practice, a proposed meeting timetable is provided for consideration.

Date	Meeting	Location
Monday 3 February	Ordinary	Stawell
Monday 2 March	Ordinary	St Arnaud
Monday 6 April	Ordinary	Stawell
Monday 4 May	Ordinary	St Arnaud
Monday 1 June	Ordinary	Stawell
Monday 22 June (budget adoption)	Ordinary	St Arnaud
Monday 6 July	Ordinary	Stawell
Monday 3 August	Ordinary	St Arnaud
Monday 7 September	Ordinary	Stawell
Monday 5 October	Ordinary	St Arnaud
Monday 9 November (due to Melbourne Cup)	Ordinary	Stawell
Monday 7 December	Ordinary	St Arnaud

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21 - Improve Organisational Effectiveness

Options

Option 1

That Council adopts the proposed meeting schedule as listed. **[recommended]**

Option 2

That Council amends the proposed meeting schedule. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

No consultation is proposed to be undertaken in setting the meeting schedule.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Lauren Homden, Coordinator Governance

In providing this advice as the author, I have no disclosable interests in this report.

Attachments
Nil

9.8. Mayoral and Councillor Allowances

Author/Position: Mary Scully, Manager Governance & Civic Support

Summary

To note the increase in the current Mayoral and Councillor allowances by 2.0% following the review of allowances by the Minister for Local Government.

Recommendation

That Council notes the Mayoral and Councillor allowances will be increased by 2.0% from 1 December 2019.

RESOLUTION

That Council notes the Mayoral and Councillor allowances will be increased by 2.0% from 1 December 2019.

Moved: Cr Tony Driscoll

Seconded: Cr Rob Haswell

Carried

Background/Rationale

The Minister for Local Government, the Hon Adem Somyurek MP, has reviewed the limits and ranges of the current mayoral and councillor allowances and has determined under section 73B of the *Local Government Act 1989* (the Act) that these allowances be increased by an adjustment factor of **2.0%** from **1 December 2019**. Councils must, therefore, increase their current mayoral and councillor allowances by 2.0% from 1 December 2019, in accordance with this determination.

This adjustment, including the adjusted ranges and limits for each of the three council categories, was gazetted on 13 November 2019. Council is a Category 1 Council and the ranges and limits are Councillors \$19,834 pa and Mayors up to \$59,257 pa.

The following also applies to allowances:

- The amount equivalent to the superannuation guarantee under Commonwealth taxation legislation (currently 9.5 per cent) is payable in addition to these amounts.
- Allowance payments must not exceed more than one month in advance.
- Mayors and councillors are entitled to receive a 'remote area travel allowance' of \$40 per day in certain circumstances, up to a maximum of \$5,000 per annum.

It should be noted that councils have no discretion in applying this adjustment to allowances. Also, a council cannot subsequently decide to apply only part of the increased adjusted amount or set new amounts all together.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Options

The only option available is that the allowances be increased by 2.0% from 1 December 2019 as this is a Ministerial determination.

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

Not applicable.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

In providing this advice as the author and responsible manager, I have no disclosable interests in this report.

Attachments

Nil

9.9. Delegation Update

Author/Position: Lauren Homden, Coordinator Governance

This item was deferred from the Ordinary Council meeting held on 11 November 2019.

Summary

To consider delegation of powers in the S6 Instrument of Delegation from Council to Members of Council Staff due to a position changes.

Recommendation

S6 Instrument of Delegation from Council to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:

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, 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 the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

RESOLUTION

S6 Instrument of Delegation from Council to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:

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, 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 the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Karen Hyslop

Seconded: Cr Jason Hosemans

Carried

Background/Rationale

Council is required to keep all delegations and authorisations up to date. S6 Instrument of Delegation from Council to Members of Council Staff needs to be reviewed and updated by Council to approve the following changes:

- Executive Manager Operations powers, duties and functions be delegated to Director Infrastructure as the Executive Manager Operations position no longer exists,
- the position of Coordinator Civil Works is removed from the Delegation as it no longer exists, and
- a new position Manager Operations is included in the Delegation.

As soon as a position title changes, delegations must be amended, as the position no longer has delegated authority and the person in the position will be unable to exercise any powers or functions.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Council Plan 2017 - 21 - Improve Organisational Effectiveness

Options

Option 1

That Council agrees to the delegation of powers and signs and seals the instrument. **[recommended]**

Option 2

That Council rejects the recommendation and seeks additional information. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

There has been consultation with internal staff affected by the position change.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Lauren Homden, Coordinator Governance

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

1. S 6 Instrument of Delegation Council to members of staff June 2019 **[9.9.1 - 63 pages]**

Northern Grampians Shire Council

Instrument of Delegation

to

Members of Council Staff

(Pursuant to 80B & 80C of the Local Government Act 1989)

A member of Council staff who has a conflict of interest (Direct or Indirect) in a matter in which they have a delegated power, duty or function of the Council under section 98 or under another Act, must:

(a) not exercise the power or discharge the duty or function,

(b) promptly disclose the type of interest and nature of interest in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest.

This applies to verbal and written advice (reports) and extends also to consultants and contractors.

In the instance of the CEO having an interest, the CEO must disclose the type and nature of the interest in writing to:-

i) the Mayor, in writing, as soon as he or she becomes aware of the conflict of interest in the matter; and

ii) the Council by no later than the next ordinary meeting of the Council

Disclosure is required when providing advice to and before consideration by Council or a special committee.

Instrument of Delegation

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that references in the Schedule are as follows :

"BI" means	: Building Inspector
"EHO" means	: Environmental Health Officer
"DI" means	: Director Infrastructure
"GE" means	: Graduate Engineer
"HPD" means	: Head of Planning & Development
"MBS" means	: Municipal Building Surveyor
"MECS" means	: Manager Environment & Community Safety
"MG&CS" means	: Manager Governance & Civic Support
"MI" means	: Manager Infrastructure
"MO" means	: Manager Operations
"P" means	: Strategic Planner and Statutory Planning Officer
"TLPS" means	: Team Leader Permit Support
"CE&CS" means	: Coordinator Environment & Community Safety
"CES" means	: Coordinator Engineering Services
"CDS" means	: Coordinator Development Services

3. declares that:

3.1 this Instrument of Delegation is authorised by "**a resolution**" of Council passed on 2 December 2019; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

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

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The Common Seal of the Northern)
Grampians Shire Council was)
hereunto affixed this 2nd day of)
December, 2019, in the presence of)

.....

Mayor/Councillor

.....

Chief Executive Officer/Senior Officer

INDEX

[CEMETERIES AND CREMATORIA ACT 2003](#)

[DOMESTIC ANIMALS ACT 1994](#)

[ENVIRONMENT PROTECTION ACT 1970](#)

[FOOD ACT 1984](#)

[HERITAGE ACT 2017](#)

[LOCAL GOVERNMENT ACT 1989](#)

[PLANNING AND ENVIRONMENT ACT 1987](#)

[RAIL SAFETY \(LOCAL OPERATIONS\) ACT 2006](#)

[RESIDENTIAL TENANCIES ACT 1997](#)

[ROAD MANAGEMENT ACT 2004](#)

[CEMETERIES AND CREMATORIA REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT \(FEES\) REGULATIONS 2016](#)

[RESIDENTIAL TENANCIES \(CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS\) REGULATIONS 2010](#)

[ROAD MANAGEMENT \(GENERAL\) REGULATIONS 2016](#)

[ROAD MANAGEMENT \(WORKS AND INFRASTRUCTURE\) REGULATIONS 2015](#)

SCHEDULE

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	MECS/DI	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	MECS/DI	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	MECS/DI	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	MECS/DI	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a)-(e) in exercising its functions	MECS/DI	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	MECS/DI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	MECS/DI	
s 15(1)&(2)	Power to delegate powers or functions other than those listed	MECS/DI	
s 15(4)	Duty to keep records of delegations	MECS/DI	
s 17(1)	Power to employ any persons necessary	MECS/DI	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	MECS/DI	
s 17(3)	Power to determine the terms and conditions of employment or engagement	MECS/DI	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	MECS/DI	

s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	MECS/DI	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	MECS/DI	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	MECS/DI	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	MECS/DI	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	MECS/DI	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	MECS/DI	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	MECS/DI	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	MECS/DI	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	MECS/DI	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	MECS/DI	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	MECS/DI	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	MECS/DI	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	MECS/DI	Where Council is a Class A cemetery trust

s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	MECS/DI	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	MECS/DI	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	MECS/DI	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	MECS/DI	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	MECS/DI	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	MECS/DI	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	MECS/DI	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	MECS/DI	
s 20(1)	Duty to set aside areas for the interment of human remains	MECS/DI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	MECS/DI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	MECS/DI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	MECS/DI	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	MECS/DI	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	MECS/DI	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	MECS/DI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	MECS/DI	Provided the street was constructed pursuant to the <i>Local Government Act 1989</i>

s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	MECS/DI	Report must contain the particulars listed in s.57(2)
s 59	Duty to keep records for each public cemetery	MECS/DI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	MECS/DI	
s 60(2)	Power to charge fees for providing information	MECS/DI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	MECS/DI	
s 64B(d)	Power to permit interments at a reopened cemetery	MECS/DI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	MECS/DI	The application must include the requirements listed in s.66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	MECS/DI	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	MECS/DI	
s 70(2)	Duty to make plans of existing place of interment available to the public	MECS/DI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	MECS/DI	
s 71(2)	Power to dispose of any memorial or other structure removed	MECS/DI	
s 72(2)	Duty to comply with request received under s72	MECS/DI	
s 73(1)	Power to grant a right of interment	MECS/DI	
s 73(2)	Power to impose conditions on the right of interment	MECS/DI	
s 75	Power to grant the rights of interment set out in s 75 (a) and (b)	MECS/DI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	MECS/DI	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	MECS/DI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	MECS/DI	

s 80(2)	Function of recording transfer of right of interment	MECS/DI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	MECS/DI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	MECS/DI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	MECS/DI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	MECS/DI	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	MECS/DI	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	MECS/DI	Does not apply where right of interment relates to remains of a deceased veteran
s 85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	MECS/DI	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86(1)	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	MECS/DI	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	MECS/DI	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	MECS/DI	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	MECS/DI	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	MECS/DI	

s 86(5)	Duty to provide notification before taking action under s 86(4)	MECS/DI	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	MECS/DI	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	MECS/DI	
s 88	Function to receive applications to carry out a lift and reposition procedure at a place of interment	MECS/DI	
s 91(1)	Power to cancel a right of interment in accordance with this section	MECS/DI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	MECS/DI	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	MECS/DI	
s 98(1)	Function of receiving application to establish or alter a memorial or place of interment	MECS/DI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	MECS/DI	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	MECS/DI	
s 100(1)	Power to require a person to remove memorials or places of interment	MECS/DI	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	MECS/DI	
s 100(3)	Power to recover costs of taking action under s 100(2)	MECS/DI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	MECS/DI	
s 102(1)	Power to approve or refuse (if satisfied of the matters in (b) and (c) an application under s 101	MECS/DI	

s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	MECS/DI	
s 103(1)	Power to require a person to remove a building for ceremonies	MECS/DI	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MECS/DI	
s 103(3)	Power to recover costs of taking action under s 103(2)	MECS/DI	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	MECS/DI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	MECS/DI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	MECS/DI	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	MECS/DI	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MECS/DI	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	MECS/DI	
s 108	Power to recover costs and expenses	MECS/DI	
s 109(1)(a)	Power to open, examine and repair a place of interment	MECS/DI	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	MECS/DI	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	MECS/DI	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	MECS/DI	

s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	MECS/DI	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	MECS/DI	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	MECS/DI	
s 112	Power to sell and supply memorials	MECS/DI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	MECS/DI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	MECS/DI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	MECS/DI	
s 119	Power to set terms and conditions for interment authorisations	MECS/DI	
s 131	Function of receiving an application for cremation authorisation	MECS/DI	
s 133 (1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	MECS/DI	Subject to s 133 (2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	REMAIN WITH CEO	
s 146	Power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary	REMAIN WITH CEO	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	MECS/DI	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	MECS/DI	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part II are met	MECS/DI	
s 151	Function of receiving an application to inter or cremate body parts	MECS/DI	
s 152 (2)	Power to impose terms and conditions on authorisation granted under s150	MECS/DI	

sch1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	MECS/DI	
sch 1 cl 8(8)	Power to regulate own proceedings	MECS/DI	Subject to clause 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	MECS/DI	Where council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	MECS/DI	Where council is a Class A cemetery trust subject to clause 8

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CE&CS	Council may delegate this power to a Council authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53M(3)	Power to require further information	CDS & EHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CDS & EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CDS & EHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CDS & EHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CDS & EHO	Refusal must be ratified by Council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, CDS, EHO	If s19(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	CDS & 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	CDS & 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	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s19 if satisfied that an order has been complied with	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, CDS, 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)	CEO, CDS, 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	CEO, CDS, 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
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	CEO, CDS, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CDS, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CDS & 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	CDS & EHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CDS & EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports ^o	CDS & 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	CDS & EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CDS & EHO	Except for an assessment required by a declaration under s 19C or an inspection under s38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CDS & 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	CDS & 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	CDS & EHO	Where Council is the registration authority
---	Power to register, renew or transfer registration	CDS & EHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt ^o	CDS & 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)	CDS & EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CDS & EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CDS & EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CDS & EHO	Where Council is the registration authority

s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CDS & 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	CDS & EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CDS & EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CDS & EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CDS & EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under ss (5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CDS & EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CDS & EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CDS & EHO	Where Council is the registration authority Only if satisfied of matters in s 39A (2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CDS & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CDS & EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CDS & EHO	Where Council is the registration authority
s 43(1)	Duty to maintain records of the prescribed particulars	CDS & 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, transferring or renewing registration of a component of a food business	CDS & EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CDS & EHO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CDS & EHO	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO TO RETAIN	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO ¹	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ²	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

² The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	P, HPD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	P, HPD	
s 4H	Duty to make amendment to the Victorian Planning Provisions available	P, HPD	
s 4I	Duty to keep Victoria Planning Provisions and other documents available	P, HPD	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	P, HPD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	P, HPD	
s 8A(5)	Function of receiving notice of the Minister's decision	P, HPD	
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	P, HPD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	P, HPD	
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	P, HPD	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)	P, HPD	

s 12B(1)	Duty to review planning scheme at least once in every three years after commencement of <i>Planning and Environment (General Amendment) Act 2004 No. 81</i>	P, HPD	
s 12B(2)	Duty to review planning scheme at direction of Minister	P, HPD	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	P, HPD	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	P, HPD	
s 17(1)	Duty of giving copy amendment to the planning scheme	P, HPD	
s 17(2)	Duty of giving copy s 173 agreement	P, HPD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	P, HPD	
s 18	Duty to make amendment etc. available	HPD, P, TLPS	
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 s19 to a planning scheme	P, HPD	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	P, HPD	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	P, HPD	
s 21(2)	Duty to make submissions available	HPD, P, TLPS	
s 21A(4)	Duty to publish notice in accordance with section	P, HPD	
s 22	Duty to consider all submissions	P, HPD	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	P, HPD	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	P, HPD	

s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	P, HPD	
s 26(1)	Power to make report available for inspection	P, HPD	
s 26(2)	Duty to keep report of panel available for inspection	HPD, P, TLPS	
s 27 (2)	Power to apply for exemption if panel's report not received	P, HPD	
s 28	Duty to notify the Minister if abandoning an amendment	MECS	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	P, HPD	
s 30(4)(b)	Duty to provide information in writing upon request	P, HPD	
s 32(2)	Duty to give more notice if required	P, HPD	
s 33(1)	Duty to give more notice of changes to an amendment	P, HPD	
s 33(2)	Duty to comply with request by Authority under s.33(1) for information or assistance	P, HPD	
s 34(1)	Function of consulting with Authority where exercising its powers likely to affect Council's functions	P, HPD	
s 36(2)	Duty to give notice of approval of amendment	P, HPD	
s 38(5)	Duty to give notice of revocation of an amendment	P, HPD	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	P, HPD	
s 40(1)	Function of lodging copy of approved amendment	P, HPD	
s 41	Duty to make approved amendment available	HPD, P, TLPS	
s 42	Duty to make copy of planning scheme available	HPD, P, TLPS	
s 46AW	Function of being consulted by the Minister	P, HPD	Where Council is 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	P, HPD	Where Council is 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	P, HPD	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	P, HPD	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	P, HPD	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	P, HPD	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	P, HPD	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	P, HPD	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	P, HPD	
s 46GP	Function of receiving a notice under s.46GO	P, HPD	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	P, HPD	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	P, HPD	

s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	P, HPD	
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	P, HPD	
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	P, HPD	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	P, HPD	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	P, HPD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	P, HPD	
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	P, HPD	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	P, HPD	Where Council is the collecting agency

	Power to specify the manner in which the payment is to be made		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	P, HPD	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)	P, HPD	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	P, HPD	
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	P, HPD	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	P, HPD	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	P, HPD	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	P, HPD	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	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	P, HPD	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	P, HPD	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 works, services or facilities	P, HPD	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 componen	P, HPD	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)	P, HPD	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	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	P, HPD	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	P, HPD	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	P, HPD	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> 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	P, HPD	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	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	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)	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZBI(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	P, HPD	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)	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in 46GZE(3)(a) and (b)	P, HPD	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	P, HPD	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)	P, HPD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)(a)	Function of receiving proceeds of sale	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	P, HPD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	P, HPD	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	P, HPD	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	P, HPD	
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	P, HPD	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	P, HPD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	P, HPD	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	P, HPD	
s 46Q(1)	Duty to keep proper accounts of levies paid	HPD, P, TLPS	

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	P, HPD	
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.	P, HPD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	P, HPD	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 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)	P, HPD	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	P, HPD	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	P, HPD	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	P, HPD	
s 46QD	Duty to prepare report and give a report to the Minister	P, HPD	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	P, HPD	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	P, HPD	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	HPD, P, TLPS	
s 49(2)	Duty to make register available for inspection	HPD, P, TLPS	
s 50(4)	Duty to amend application	P, HPD	
s 50(5)	Power to refuse to amend application	P, HPD	
s 50(6)	Duty to make note of amendment to application in register	HPD, TLPS	

s 50A(1)	Power to make amendment to application	P, HPD	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	P, HPD	
s 50A(4)	Duty to note amendment to application in register	HPD, P, TLPS	
s 51	Duty to make copy of application available for inspection	HPD, P, TLPS	
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	P, HPD	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	P, HPD	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	P, HPD	
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	P, HPD	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	P, HPD	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	P, HPD	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	P, HPD	
s 52(3)	Power to give any further notice of an application where appropriate	P, HPD	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	P, HPD	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	P, HPD	
s 54(1)	Power to require the applicant to provide more information	P, HPD	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	P, HPD	

s 54(1B)	Duty to specify the lapse date for an application	P, HPD	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	P, HPD	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	P, HPD	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	P, HPD	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	P, HPD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	P, HPD	
s 57(5)	Duty to make available for inspection copy of all objections	HPD, P, TLPS	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	HPD, P	
s 57A(5)	Power to refuse to amend application	HPD, P	
s 57A(6)	Duty to note amendments to application in register	HPD, P, TLPS	
s 57B(1)	Duty to determine whether and to whom notice should be given	P, HPD	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	P, HPD	
s 57C(1)	Duty to give copy of amended application to referral authority	P, HPD	
s 58	Duty to consider every application for a permit	P, HPD	
s 58A	Power to request advice from the Planning Application Committee	P, HPD	
s 60	Duty to consider certain matters	P, HPD	
s 60(1A)	Power to consider certain matters before deciding on application	P, HPD	

s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	P, HPD	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	P, HPD	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	P, HPD	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	P, HPD	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	P, HPD	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	P, HPD	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	P, HPD	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	P, HPD	
s 62(2)	Power to include other conditions	P, HPD	
s 62(4)	Duty to ensure conditions are consistent with sss (a),(b) and (c)	P, HPD	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	P, HPD	
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	P, HPD	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	P, HPD	
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)	P, HPD	

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)	P, HPD	
s 63	Duty to issue the permit where made a decision in favour of the application if objectors	P, HPD	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	P, HPD	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	P, HPD	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	P, HPD	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 decided to grant and a copy of any notice given under s 64 or 65	P, HPD	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	P, HPD	
s 69(1A)	Function of receiving application for extension of time to complete development	P, HPD	

s 69(2)	Power to extend time	P, HPD	
s 70	Duty to make copy permit available for inspection	HPD, P, TLPS	
s 71(1)	Power to correct certain mistakes	P, HPD	
s 71(2)	Duty to note corrections in register	HPD, P, TLPS	
s 73	Power to decide to grant amendment subject to conditions	P, HPD	
s 74	Duty to issue amended permit to applicant if no objectors	P, HPD	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	P, HPD	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	P, HPD	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	P, HPD	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	P, HPD	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 copy of any notice given under s 64 or 76	P, HPD	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	P, HPD	
s 83	Function of being respondent to an appeal	P, HPD	
s 83B	Duty to give or publish notice of application for review	P, HPD	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	P, HPD	
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	P, HPD	

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	P, HPD	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	P, HPD	
s 84AB	Power to agree to confining a review by the Tribunal	P, HPD	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	P, HPD	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	P, HPD	
s 87(4)	Power to make a minor amendment to a permit	P, HPD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	P, HPD	
s 91(2)	Duty to comply with the directions of the VCAT	P, HPD	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	P, HPD	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	P, HPD	
s 93(2)	Duty to give notice of VCAT order to stop development	P, HPD	
s 95(3)	Function of referring certain applications to the Minister	P, HPD	
s 95(4)	Duty to comply with an order or direction	P, HPD	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	P, HPD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	P, HPD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	P, HPD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	P, HPD	

s 96F	Duty to consider the panel's report under s 96E	P, HPD	
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 <i>Planning and Environment (Planning Schemes) Act 1996</i>)	P, HPD	
s 96H(3)	Power to give notice in compliance with Minister's direction	P, HPD	
s96j	Power to issue permit as directed by the Minister	P, HPD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	P, HPD	
s 96Z	Duty to keep levy certificates given to it under s 47 or 96A for no less than 5 years from receipt of the certificate	P, HPD	
s 97C	Power to request Minister to decide the application	P, HPD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	P, HPD	
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	P, HPD	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	HPD, P, TLPS	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	HPD, P, TLPS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	HPD, P	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	HPD, P	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	HPD, P	

s 97Q(4)	Duty to comply with directions of VCAT	HPD, P	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	HPD, P, TLPS	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	HPD, P	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	P, HPD	
s 101	Function of receiving claim for expenses in conjunction with claim	P, HPD	
s 103	Power to reject a claim for compensation in certain circumstances	P, HPD	
s 107(1)	Function of receiving claim for compensation	P, HPD	
s.107(3)	Power to agree to extend time for making claim	P, HPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	P, HPD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	P, HPD	
s120(1)	Power to apply for an interim enforcement order where s 114 application has been made	P, HPD	
s .123(1)	Power to carry out work required by enforcement order and recover costs	P, HPD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	P, HPD	Except Crown Land
s 129	Function of recovering penalties	P, HPD	
s 130(5)	Power to allow person served with an infringement notice further time	P, HPD	
s 149A(1)	Power to refer a matter to the VCAT for determination	P, HPD	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	P, HPD	
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	P, HPD	Where Council is the relevant planning authority

	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)		
s 171(2)(f)	Power to carry out studies and commission reports	P, HPD	
s 171(2)(g)	Power to grant and reserve easements	P, HPD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	
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	P, HPD	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 <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	P, HPD	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	P, HPD	

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	P, HPD	
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	P, HPD	
s 178A(1)	Function of receiving application to amend or end an agreement	P, HPD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s178A(1)	P, HPD	
s178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principal to the proposal	P, HPD	
s 178A(5)	Power to propose to amend or end an agreement	P, HPD	
s 178B(1)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
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	P, HPD	
s 178C(4)	Function of determining how to give notice under s 178C(2)	P, HPD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	P, HPD	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	If no objections are made under s 178. Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	P, HPD	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)	P, HPD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	P, HPD	
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	P, HPD	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	P, HPD	
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	P, HPD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown Land	P, HPD	
s 179(2)	Duty to make available for inspection copy agreement	HPD, P, TLPS	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	P, HPD	
s 181(1A)(a)	Power to apply to the Register of Titles to record the agreement	P, HPD	
s 181(1A)(b)	Duty to apply to the Register of Titles, without delay, to record the agreement	P, HPD	
s 182	Power to enforce an agreement	P, HPD	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	HPD, TLPS, P	

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	P, HPD	
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	P, HPD	
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	P, HPD	
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	P, HPD	
s 184G(2)	Duty to comply with a direction of the tribunal	P, HPD	
s 184G(3)	Duty to give notice as directed by the Tribunal	P, HPD	
s 198(1)	Function to receive application for planning certificate	HPD, P, TLPS	
s 199(1)	Duty to give planning certificate to applicant	P, HPD	
s 201(1)	Function of receiving application for declaration of underlying zoning	HPD, P, TLPS	
s 201(3)	Duty to make declaration	P, HPD	
---	Power to approve development plans under the planning scheme	P, HPD	Subject to Council resolution
---	Power to approve any plan required to be approved as a condition of a planning permit.	P, HPD	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	P, HPD	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under ss (1) as soon as possible	P, HPD	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 33	Duty to comply with a direction of the Safety Director under s 33	MO/DI	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section	MO/DI	Duty of Council as a road authority under the <i>Road Management Act 2004</i>
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	MO/DI	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	MO/DI	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	MO/DI	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	MO/DI	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	MO/DI	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	MO/DI	Where Council is the relevant road authority

s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	MO/DI	Where Council is the relevant road authority
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	MO/DI	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	MO/DI	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	MO/DI	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	MO/DI	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	MO/DI	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s34K (a)-(b)	MO/DI	Where Council is the relevant road authority

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142D	Function of receiving notice regarding an unregistered rooming house	CDS & EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CDS & EHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CDS & EHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CDS & EHO	
s 252	Power to give tenant a notice to vacate rented premises if s 252 (1) applies	CDS & EHO	
s 262(1)	Power to give tenant a notice to vacate rented premises	CDS & EHO	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CDS & EHO	Where Council is the landlord
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CDS & EHO	
s 522(1)	Power to give a compliance notice to a person	CDS & EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CDS & EHO	
s 525(4)	Duty to issue identity card to authorised officers	CDS & EHO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CDS & EHO	
s 526A(3)	Function of receiving report of inspection	CDS & EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CDS & EHO	Obtain prior Council approval.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MI/DI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	MI/DI	
s 11(9)(b)	Duty to advise Registrar	MG&CS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MI/DI	Clause subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MI/DI	where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DI	where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	MI/DI	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	MI	Duty of coordinating road authority where it is the discontinuing body Unless s.12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DI	Function of coordinating road authority where it is the discontinuing body Unless s 12 (11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DI	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	MI/DI	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	MI/DI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

s 14(4)	Function of receiving notice from VicRoads	DI	
s 14(7)	Power to appeal against decision of VicRoads	MI/DI	
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	MI/DI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MI/DI	
s 15(2)	Duty to include details of arrangement in public roads register	MI/DI	
s 16(7)	Power to enter into an arrangement under s15	MI/DI	
s 16(8)	Duty to enter details of determination in public roads register	MI/DI	
s 17(2)	Duty to register public road in public roads register	MI/DI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MI/DI	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	MI/DI	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	MI/DI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	MI/DI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MI/DI	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	MI/DI	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	MI/DI	
s 19(4)	Duty to specify details of discontinuance in public roads register	MI/DI	

s 19(5)	Duty to ensure public roads register is available for public inspection	MI/DI	
s 21	Function of replying to request for information or advice	MI/DI	Obtain consent in circumstances specified in s11(2)
s 22(2)	Function of commenting on proposed direction	MI/DI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	MI/DI	s 22(5) duty to give effect to a direction under this section. Where council is the road authority
s 40(1)	Duty to inspect, maintain and repair a public road.	MI/MO/DI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MI/MO/DI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MI/MO/DI	
s 42(1)	Power to declare a public road as a controlled access road	MI/DI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MI/DI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	MI/DI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MI/DI	Where Council is the of coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MI/MO/DI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing Guidelines under s.48M	MI/DI	
s 49	Power to develop and publish a road management plan	MI/DI	
s 51	Power to determine standards by incorporating the standards in a road management plan	MI/DI	

s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MI/DI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MI/DI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MI/DI	
s 54(6)	Power to amend road management plan	MI/DI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MI/DI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MI/DI	
s 63(1)	Power to consent to conduct of works on road	DI/MI/MO/CES /GE	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	MO/DI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch7	MO/DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DI/MI/MO/CES / GE	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	MI/DI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 68(2)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO TO RETAIN	
s 72	Duty to issue an identity card to each authorised officer	DI	
s 85	Function of receiving report from authorised officer	MI/MO/DI	
s 86	Duty to keep register re s85 matters	MI/MO/DI	
s 87(1)	Function of receiving complaints	MI/MO/DI	

s 87(2)	Power to investigate complaint and provide report	MI/MO/DI	
s 112(2)	Power to recover damages in court	MI/MO/DI	
s 116	Power to cause or carry out inspection	MI/MO/DI	
s 119(2)	Function of consulting with VicRoads	MI/MO/DI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	MO/DI	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s120(1)	MO/DI	
s 121(1)	Power to enter into an agreement in respect of works	MO/DI	
s122(1)	Power to charge and recover fees	MO/DI	
s 123(1)	Power to charge for any service	MO/DI	
sch 2 cl 2(1)	Duty to make a decision in respect of controlled access roads	MI/DI	
sch 2 cl 3(1)	Power to make policy about controlled access roads	MI/DI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MI/DI	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	MI/DI	
sch 2 cl 5	Duty to publish notice of declaration	MI/DI	
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	MI/MO/DI	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	MI/MO/DI	Where Council is the infrastructure manager or works manager
sch 7, cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of	MI/MO/DI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

	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	MI/MO/DI	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	MI/MO/DI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DI/MI/MO/CES //GE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	MO/DI	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)	MO/DI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MO/DI	Where Council is the coordinating road authority
sch7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1)	MO/DI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DI/MI/MO/CES /GE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DI/MI/MO/CES /GE	Where Council is the coordinating road authority

sch7 cl 16(8)	Power to include consents and conditions	DI/MI/MO/CES /GE	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	MI/MO/DI	Where Council is the coordinating road authority
sch7 cl 18(1)	Power to enter into an agreement	MI/MO/DI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MI/MO/DI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DI/MI//MO/CES /GE	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	MI/MO/DI	Where Council is the coordinating road authority
sch7A cl 2	Power to cause street lights to be installed on roads	MI/MO/DI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting – where road is not an arterial road	MO/DI	Where Council is the responsible road authority for the road
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	MO/DI	Where Council is the coordinating road authority
sch7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting for arterial roads in accordance with cl 3(2) and 4	MO/DI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##These provisions apply to a Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	MECS/DI	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	MECS/DI	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	MECS/DI	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	MECS/DI	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	MECS/DI	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	MECS/DI	
r 30(2)	Power to release cremated human remains to certain persons	MECS/DI	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	MECS/DI	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	MECS/DI	
r.31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	MECS/DI	

r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	MECS/DI	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	MECS/DI	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	MECS/DI	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	MECS/DI	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	MECS/DI	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	MECS/DI	
r 40	Power to approve a person to play sport within a public cemetery	MECS/DI	
r 41(1)	Power to approve fishing and bathing within a public cemetery	MECS/DI	
r 42(1)	Power to approve hunting within a public cemetery	MECS/DI	
r 43	Power to approve camping within a public cemetery	MECS/DI	
r 45(1)	Power to approve the removal of plants within a public cemetery	MECS/DI	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	MECS/DI	
r 47(3)	Power to approve the use of fire in a public cemetery	MECS/DI	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	MECS/DI	
Note: sch2 contains Model Rules - only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2, cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DI/MECS	See note above regarding model rules

sch 2, cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DI/MECS	See note above regarding model rules
sch 2, cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DI/MECS	See note above regarding model rules
sch 2, cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DI/MECS	See note above regarding model rules
sch2, cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DI/MECS	See note above regarding model rules
sch 2, cl 11(1)	Power to remove objects from a memorial or place of interment	DI/MECS	See note above regarding model rules
sch 2, cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DI/MECS	See note above regarding model rules
sch 2, cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DI/MECS	See note above regarding model rules
sch 2, cl 14	Power to approve an animal to enter into or remain in a cemetery	DI/MECS	See note above regarding model rules
sch2, cl 16(1)	Power to approve construction and building within a cemetery	DI/MECS	See note above regarding model rules
sch 2, cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DI/MECS	See note above regarding model rules
sch 2, cl 18(1)	Power to approve digging or planting within a cemetery	DI/MECS	See note above regarding model rules

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	P	Where Council is not the planning authority and the amendment affects land within its 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 s 54 of the Act	P	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	P	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	P	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 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	P	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	P	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	P	
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	P	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Function of entering into a written agreement with a caravan park owner	CDS & EHO	
r 11	Function of receiving applications for registration	CDS & EHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(4) & (5)	Duty to issue certificate of registration	CDS & EHO	
r 15(1)	Function of receiving notice of transfer of ownership	CDS & EHO	
r 15(3)	Power to determine whether notice of transfer is displayed	CDS & EHO	
r 16(1)	Power to transfer registration to new caravan park owner	CDS & EHO	
r 16(2)	Duty to issue certificate of transfer of registration	CDS & EHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CDS & EHO	
r 18	Duty to keep register of caravan parks	CDS & EHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CDS & EHO	
r 19(6)	Power to determine where certain information is displayed	CDS & EHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CDS & EHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CDS & EHO	
r 23(2)	Power to determine places in which caravan park owner must display a copy of emergency procedures	CDS & EHO	

r 24(1)	Power to determine places in which caravan park owner must display copy of public emergency warnings	CDS & EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CDS & EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CDS & EHO	
r 28(C)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CDS & EHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 40(4)	Function of receiving installation certificate	CDS & EHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CDS, & EHO & BI	
sch 3, cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CDS, & EHO & BI	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	MI/DI/MO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MI/DI/MO	
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)	MI/DI/MO	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	MI/DI/MO	
r 13(1)	Duty to publish notice of amendments to road management plan	MI/DI/MO	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	MI/DI/MO	
r 16(3)	Power to issue permit	MI/DI/MO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MI/DI/MO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MI/DI/MO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MI/DI/MO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	MI/DI/MO	Where Council is the coordinating road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with r.25(3))	MI/DI/MO	Where Council is the coordinating road authority
r 25(5)	Power to recover in the Magistrates' Court expenses from person responsible	MI/DI/MO	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from requirement under clause 13(1) of sch 7 of the Act to give notice as to the completion of those works	DI/MI/CES/GE/M O	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DI/MI/CES/GE/M O	Where council is the coordinating road authority

10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

11.1 20191110 Walkers Lake Advisory Group Minutes

Cr Driscoll spoke to the Walkers Lake Advisory Group meeting minutes and provided an update on the lake including water levels, blue-green algae outbreak, completion of a cultural heritage and due diligence report, access tracks gravelled, the second toilet has been ordered and due for construction early 2020, signage installed, toilet cleaning roster and monitoring in the lead up to Christmas the need for portable toilets.

Cr Hyslop provided a brief update on the StawellBiz Christmas parade and Christmas Carols events in Stawell.

Cr Erwin provided an update on his attendance at the National Roads Conference. There were speakers from England and New Zealand and topics included the thinking around road funding opportunities, use of solar-driven drones for telecommunications and electrical and driverless vehicles.

Cr Emerson provided an update on the McCallum House Christmas Party and the experience of being there.

RESOLUTION

That the reports be received.

Moved: Cr Kevin Erwin
Seconded: Cr Rob Haswell

Carried

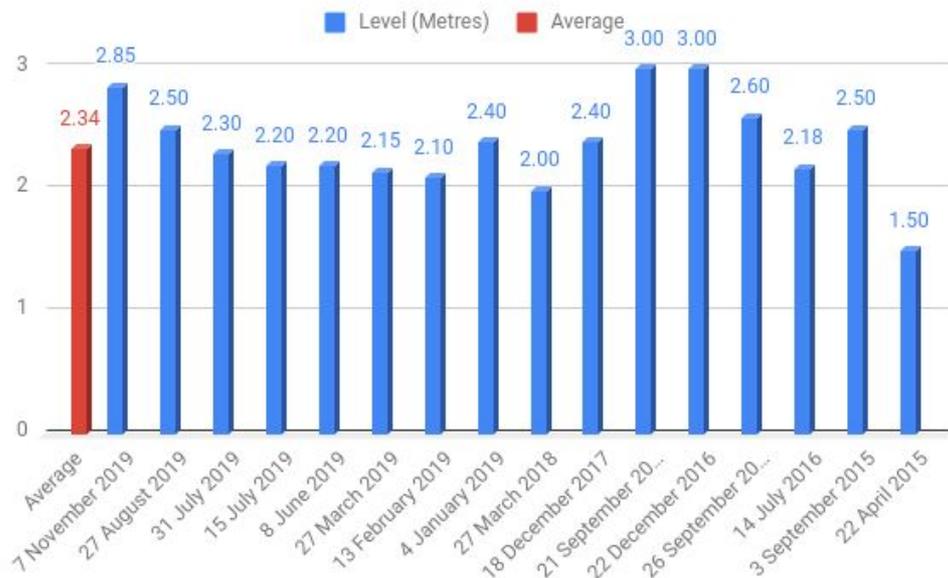
Northern Grampians Shire Council

Walkers Lake Advisory Group
Meeting held at 6pm on Wednesday 20 November 2019
at Walkers Lake

Minutes

1. **Present** - Cr Tony Driscoll, Prue McAllister, Colin Coates, Tony Dark.
2. **Apologies** – Chad Frost, Wayne Robbins, Michelle Clark, Cr Kevin Erwin, Austin Freeman, Trevor Baldock, Steve Jesse, Tony Hand, Rob Loats,
3. **Disclosures of Interest & Declarations of Conflict of Interest.** Nil
4. **Confirmation of Minutes from the previous meeting.** 27 March 2019
- 5 **Matters Arising from the Minutes.**
6. **General Business**
 1. **Water level and Algae**

Water level is at 2.8 metres following the top up of 200 megs delivered August/September. Prue expressed concern with the fluctuations and the health of the trees along the shoreline so we will need to monitor the levels as usual and the health of the trees. Details of levels as follows:



Blue Green Algae is present and it appears well spread throughout the lake water column and although the lake remains open, signs have been erected to warn visitors of the hazard. Media will be advised to make community aware.

2. Cultural Heritage report

Cultural Heritage Due Diligence Assessment has been completed (As per Tony Dark's email 5 September 2019) and a preliminary report has been submitted and we are awaiting a full report. To clarify, the assessment was required to provide professional advice in relation to future projects including fencing, track management, second toilet block, campfire structures etc to assist the approval process and guidance on suitability of sites.

There has been a change in staff at Dja Dja Wurrung and Tony Dark will be meeting with representative John Marshall on 12 December to update him on Walkers Lake.

3. Projects Update

Access Tracks - Gravel sheeting has been completed on a section of the track from the boat ramp to the southern part of the lake finishing at the old boat launching area to include repairing the erosion site.

Second Toilet - Toilet has been ordered and construction expected early 2020 following consent from all parties. Location will be beside the existing toilet.

Constructed Campfire Structures - Installation program is to be confirmed but at this stage will be planned for early 2020 following consent from all parties. This will be a staged project subject to budget and resourcing.

Signage and Education - Signage details to be finalised to include rules for the reserve and Advisory Group members are requested to provide input into what rules we need (see information sheet attached to minutes) and signs will be created. This will be a staged process depending on budget and resourcing and design will be completed by and industry professional with input from the Advisory Group. Signs will vary but will comprise of Rules, Recreation Values, Cultural Heritage and Biodiversity values etc.

Education and Awareness programs are to be determined.

The Advisory Group will be updated on all projects and will be included in providing recommendations for implementation.

4. **Toilet Cleaning** - Roster will be placed on hold at this stage as Tony Dark is working on having this included in Council's cleaning schedule. Updates will be provided as soon as possible. In the meantime can all members monitor toilets for cleanliness, toilet paper supplies - Key access code is 3478. Please Tony Dark on 53588700 of any needs.
5. **Advisory Group Review** - Current Advisory Group has been in place for 4 years and there is a major consensus from members to continue. Council will undertake a review.

Other Items

With christmas period coming up we need to monitor the need for portable toilets based on increased numbers that may be expected to visit the lake.

Would like to see a new toilet pan for existing toilet for ease of cleaning.

Need a contact telephone number located in the toilet to enable council to be advised of issues.

8. **Next Meeting** – Prior to Easter 2020 TBC
9. **Meeting Closed** - 6.45pm

12. Urgent Business

Cr Erwin asked that the matter of speed limits in Navarre township and surrounds be considered as Urgent Business.

RESOLUTION

That the matter of speed limits in Navarre township and surrounds be accepted as Urgent Business.

Moved: Cr Kevin Erwin
Seconded: Cr Karen Hyslop Carried

RESOLUTION

That Council writes a letter to the relevant Minister in support of the proposed changes to speed limits in Navarre township and immediate surrounds.

Moved: Cr Kevin Erwin
Seconded: Cr Tony Driscoll Carried

13. Public Question Time

Robyn McDonald, 740 St Arnaud-Wycheproof Road, Sutherland

1. When is the NGSC going to take action to make the chook farm comply?

Mr Evert Grobbelaar, Head of Planning and Development provided the following response:

The EMP and WMP were endorsed on 2 August 2019. To my knowledge Council has not received any complaints relating to these approved plans since their endorsement. Council has taken action (PIN issued) when there has been sufficient evidence to suggest a breach of planning conditions. It should however be noted that Council were not in a position to take any enforcement action on condition associated with these plans prior to endorsement.

All breaches relating to the EMP and WMP will be investigated by Council or passed on to the Environmental Protection Agency (EPA)

2. Why is the shire continuing to ignore and reward the extremely bad/illegal behaviour of this company?

Mr Evert Grobbelaar, Head of Planning and Development provided the following response:

I have previously commented on why it has taken this long to finalise the EMP, WMP and SMP. Council is not ignoring or rewarding bad behaviour and has issued a PIN where there has been clear evidence of a breach of a planning condition. Only the SMP is currently outstanding and Council has been actively working with the applicant, Water Technology and North Central Catchment Management Authority on a solution to keep runoff water from the bunded areas on site.

As an update, I can also advise that the revised SMP is currently with North Central Catchment Management for final approval prior to endorsement by Council.

It is with them at the moment for final comment. I was advised earlier in the week that we probably would receive something soon from the North Central Catchment Management Authority with their final comments. They have been part of the process so I am not envisaging significant comments from them, just a final endorsement at which time we can endorse the plan.

3. I would like to know now when you get the SMP is in place how long are they going to be given to implement the associated works that are going to be necessary?

Mr Evert Grobbelaar, Head of Planning and Development provided the following response:

In the plan, there should be some clear guidelines in terms of implementation. If not we will give them some clear guidance in terms of implementation. We still have to see the final plan. We can make that information available. So once we receive that final plan in conjunction with the North Central Catchment Management Authority we will give them a reasonable timeframe to implement those changes. At the moment, unfortunately, I cannot answer that. I can come back with further clarity on that but I have not seen the final version of the plan yet.

4. When are we going to see some action?

Mr Evert Grobbelaar, Head of Planning and Development provided the following response:

It has been very difficult for us as there was no planning permission in place originally and we had no specific conditions we could tie the chook farm to. That was essential for us to get that planning permission and conditions in place. That was why those plans were important as well. We did not envisage it would take this long but due to all the parties involved it has taken much longer than expected. It is not ideal but we

were focussed on having a robust plan in place in order to be able to in the future take some enforcement action where there were clear breaches and so I think we are now in a position with the EMP and the WMP that we could do that if there is clear evidence of breaches we could take that forward. There needs to be clear evidence as if we are challenged on those planning infringement notices and taken to VCAT we need to be able to defend that. If we cannot defend that then we will be wasting taxpayer money taking that to VCAT. Where there has been a clear infringement we have actually acknowledged that they contravened the planning permit conditions, we have served one, they have paid the money and we have moved on from that. If there are any breaches in the future we will serve an infringement notice on them.

A handwritten signature in black ink, appearing to read 'Murray Emerson', is written on a light-colored rectangular background.

CR MURRAY EMERSON
MAYOR

Date: 3 February 2020