



Mildura Rural City Council

AGENDA

Ordinary Meeting of Council

5:30pm Wednesday 22 April 2020

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

NEXT ORDINARY COUNCIL MEETING

5:30pm Wednesday 27 May 2020

Copies of Mildura Rural City Council's Agendas & Minutes
can be obtained online at www.mildura.vic.gov.au

Prayer

Almighty God,

We who are gathered together in Council,
pledge ourselves to work in harmony for
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,
help us to be fair in our judgement and
wise in our actions,
so that prosperity and happiness
shall be the lot of our people.

Amen.

Acknowledgement of Country

“I would like to acknowledge the traditional custodians of
the land on which we are meeting, and pay my respects to
Elders both past and present”.

Note to Councillors

Declaration of Interest

Councillors should note that in accordance with Section 77A of the *Local Government Act 1989*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

1. There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way;
2. There is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
3. There is a reasonable likelihood that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest if the person has:

1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" has a direct interest, or a member of the person's household has a direct interest in a matter;
2. An indirect financial interest in the matter;
3. A conflicting duty;
4. Received an "applicable" gift;
5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or
6. A residential amenity affect.

Disclosure of Interest

A Councillor must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

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SARAH PHILPOTT

CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

2 OPENING AND WELCOME

3 PRESENT

4 APOLOGIES

5 CONFIRMATION OF MINUTES

Special Confidential Council Meeting held on 18 March 2020

That Council confirm the minutes of the Special Confidential Council Meeting of 18 March 2020 as a correct record

Ordinary Council Meeting held on 25 March 2020

That Council confirm the minutes of the Ordinary Council Meeting of 25 March 2020 as a correct record

Confidential Council Meeting held on 25 March 2020

That Council confirm the minutes of the Confidential Council Meeting of 25 March 2020 as a correct record

6 CONFIRMATION OF ASSEMBLY OF COUNCILLORS

In accordance with Section 80A of *the Local Government Act 1989* (the Act), records of Assemblies of Councillors must be reported at the next practicable Council meeting and recorded in the minutes.

An Assembly of Councillors is defined in Section 76AA of the Act as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

The record is therefore presented for Council's noting.

Recommendation

That Council note the Assembly of Councillors records for the following meetings:

- **COVID-19 Briefing - 27 March 2020**
- **COVID-19 Briefing - 3 April 2020**
- **Council Forum - 8 April 2020**

RECORD OF ASSEMBLIES OF COUNCILLORS

Assembly Details	Councillor Attendees	All Other Attendees	Matters Discussed	Conflict of Interest Disclosures
COVID-19 Briefing 27 March 2020	Cr Clemence Cr Poole Cr Brown Cr Eckel Cr Healy Cr Milne Cr Modica Cr Sedgmen	Sarah Philpott, Chief Executive Officer Chris Parham, General Manager Corporate Mandy Whelan, General Manager Development Martin Hawson, General Manager Community Richard Sexton, Manager Corporate Administration	1. COVID-19 Update 2. Communications Update 3. Community Response 4. Staff Welfare and Industrial Relations Update	Nil
COVID-19 Briefing 3 April 2020	Cr Clemence Cr Poole Cr Brown Cr Cirillo Cr Eckel Cr Healy Cr Milne Cr Modica Cr Sedgmen	Sarah Philpott, Chief Executive Officer Chris Parham, General Manager Corporate Mandy Whelan, General Manager Development Martin Hawson, General Manager Community Richard Sexton, Manager Corporate Administration Mieka Symes, Marketing & Communications Coordinator	1. COVID-19 Update 2. Communications Plan Update 3. Community Response 4. Staffing Approach and Industrial Relations 5. Financial Matters 6. Airport	Cr Simon Clemence declared a Direct Conflict of Interest on item 6
Council Forum 8 April 2020	Cr Clemence Cr Poole Cr Brown Cr Eckel Cr Healy Cr Milne Cr Modica Cr Sedgmen	Sarah Philpott, Chief Executive Officer Chris Parham, General Manager Corporate Mandy Whelan, General Manager Development Martin Hawson, General Manager Community Richard Sexton, Manager Corporate Administration Ben Piscioneri, Public Relations Officer	1. Confidential Matter 2. Confidential Matter 3. Community Plan Support Fund Application 4. Mildura South Regional Sporting Precinct Update 5. Second Round Drought Communities Program Extension Grant 6. Monthly Management Report 7. Mildura City Heart – Memorandum of Understanding 8. Green Waste Gate Fees 9. Councillor Issues 10. CEO Update on COVID19	Cr Glenn Milne declared an Indirect Conflict of Interest by Close Association on item 2 Cr Jason Modica declared an Indirect Conflict of Interest by Close Association on item 7 Cr Gavin Sedgmen declared a Direct Conflict of Interest on item 8

7 NOTIFICATION OF ABSENCE

Nil

8 MAYORAL REPORT

8.1 MAYORAL REPORT MARCH 2020

File Number: 02/01/06

1. Summary

The following is an update on the activities and functions attended by the Mayor, Cr Simon Clemence during the month of March 2020.

2. Recommendation

That Council note the contents of this report.

3. Comments

- Mayoral invitation to attend MASP Board Meeting
- Murray River Group of Councils - Mayors & CEOs Meeting
- Mildura Legacy Club Annual Dinner
- Tourism Discussion with Regional Tourism Review
- Finance Advisory Committee Meeting
- Council Forum
- Councillors Budget Briefing
- Public Inquiry into Tackling Climate Change in Victorian Communities
- Meeting with Coordinator-General the Hon Shane L Stone AC QC - the National Drought and North Queensland Flood Response and Recovery Agency
- Part 1 of Special Audit & Risk Committee Meeting
- Part 2 of Special Audit & Risk Committee Meeting
- Photo and Interview with the Mildura Weekly - COVID-19
- Special Confidential Council Meeting
- Australian Citizenship Ceremony
- Radio interview – Hit99.5's Amy and Dave
- Ordinary Council Meeting
- Regional Cities Victoria – Mayors Meeting
- CEO and Councillors Briefing
- Meeting with Mildura Regional Development

9 COUNCILLOR REPORTS

9.1 COUNCILLOR REPORTS MARCH 2020

File Number: 02/01/06

1. Summary

The following is a report on the activities and functions attended by Councillors during the month of March 2020.

2. Recommendation

That Council note the contents of this report.

3. Comments

Cr Greg Brown

- Refer to table

Cr Anthony Cirillo

- Refer to table

Cr Mark Eckel

- Mildura Regional Development Meeting
- County Music Festival Discussion
- Tourism Discussion with Regional Tourism Review
- Chaffey Trail Reference Group
- Northern Mallee Leaders Meeting
- Meeting with Mildura Rural City Council's Manager Corporate Administration
- Meeting with Mildura Regional Development CEO

Cr Helen Healy

- Hands Up Mallee
- Media Interview - ABC South Australia
- Official opening of the Postcards Exhibition
- Presentation of Leadership Badges at Mildura West Primary School
- International Women's Day Photo
- The Wealth of Women - International al Women's Day Panel Discussion
- Food Next Door Project Steering Group Meeting
- CRC One Basin Webinar
- Mildura Hemp Association - Public Meeting

Cr Glenn Milne

- SuniTAFE Graduation & Awards 2019 Academic Year
- Vanuatu Church Service and Shared Dinner
- Road Safety Symposium

Cr Jason Modica

- Meeting preparation with Mildura Rural City Council staff - Public Inquiry into Tackling Climate Change in Victorian Communities
- Mildura Arts & Cultural Advisory Committee Member Applications Review
- Murray Darling Association Region 4 Meeting
- AIBG Board Meeting
- Murray Darling Association 2020 Strategic Workshop.

Cr Min Poole

- Part 1 of Special Audit & Risk Committee Meeting
- Part 2 of Special Audit & Risk Committee Meeting

Cr Gavin Sedgmen

- MEMPC General Meeting

This table represents attendances by two or more Councillors at the following functions, as advised by Councillor acceptances for such functions:

Function Attended	COUNCILLOR							
	Brown	Cirillo	Eckel	Healy	Milne	Modica	Poole	Sedgmen
Council Forum	✓	✓	✓	✓	✓	✓	✓	✓
Finance Advisory Committee		✓			✓			
Special Confidential Council Meeting	✓		✓	✓	✓	✓	✓	✓
Ordinary Council Meeting	✓	✓	✓		✓	✓	✓	✓
Councillors Meetings/CEO Briefings	✓		✓	✓	✓	✓	✓	✓
Councillors Budget Briefing	✓	✓	✓	✓	✓	✓	✓	✓
Public Inquiry into Tackling Climate Change in Victorian Communities				✓	✓	✓		
Northern Mallee Local Learning and Employment Network Annual General Meeting					✓			
Tomorrow Woman			✓	✓		✓		
Mildura Living Magazine - Birthday Launch			✓	✓				
Australian Consulate-General Chengdu Webinar			✓		✓			

Councillors may have attended some of the meetings listed in this report via teleconference/skype due to COVID-19.

Attachments

There are no attachments for this report.

10 RESPONSES TO COUNCILLOR QUESTIONS

Nil

11 QUESTIONS FROM COUNCILLORS

12 NOTICES OF MOTION

Nil

13 PETITIONS

Nil

14 MANAGEMENT REPORTS

14.1 SPECIAL AUDIT AND RISK COMMITTEE MEETING 5/2019-2020 - MINUTES SUMMARY - 18 MARCH 2020

File Number: 02/02/08
Officer: General Manager Corporate

1. Summary

In line with the requirements of the Audit and Risk Committee Charter, the purpose of this report is to present to Council, for noting, a summary of the minutes of Special Audit and Risk Committee Meeting No. 5/2019-2020. The confidential minutes of Special Audit and Risk Committee Meeting No. 5/2019-2020, including key outcomes and recommendations of the meeting, have been distributed to Council under separate cover.

2. Recommendation

That Council note the confidential minutes of Special Audit and Risk Committee Meeting 5/2019-2020 held on 18 March 2020.

3. Background

The Audit and Risk Committee is an advisory committee to Council whose role is to oversee and monitor the effectiveness of Council in carrying out its responsibilities for accountable financial management, good corporate governance, maintaining an effective system of internal control and risk management, and fostering an ethical environment. The Audit and Risk Committee consists of three independent members:

- Mr Frank Piscioneri (Chair)
- Mr Max Folie
- Ms Maria Carrazza
- Ms Mary Rydberg

and two Councillor members:

- Mayor Cr Simon Clemence
- Cr Min Poole.

The Audit and Risk Committee meets bi-monthly in accordance with the Audit and Risk Committee Charter. Special meetings are also convened as required.

The Audit and Risk Committee Charter requires a summary of the minutes of Audit Committee meetings to be presented to Council for noting.

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

At Special Audit Committee Meeting 5/2019-2020, the Committee:

- Met confidentially with the External Auditor prior to Management joining the meeting.
- Was briefed by the External Auditor in relation to the draft External Audit Strategy for 2019-2020.
- Received a presentation from the Corporate Planning & Reporting Officer explaining the purpose of the Local Government Performance Reporting Framework (LGPRF), reporting obligations for Mildura Rural City Council under the LGPRF and controls in place to ensure the integrity of the data reported.
- Reviewed and noted the Local Government Performance Reporting Framework Half-Yearly Report for December 2019.
- Reviewed and noted the Quarterly Financial Management Report for December 2019.
- Received a verbal update from the CEO on the implementation of the five recommendations in the Victorian Ombudsman's Report on the *Investigation into Improper Conduct by a Council Employee at the Mildura Cemetery Trust*.
- Received a verbal update from the CEO in relation to Mildura Rural City Council's actions to date to address the Covid-19 pandemic emergency from the perspective of business continuity planning.

6. Time Frame

There are no timeframe implications associated with this report.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.5 Organisational Management

Goal to be achieved:

- Effectively manage risk.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report complies with the Audit and Risk Committee Charter.

Legal/Statutory

There are no legal/statutory implications associated with this report.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.2 MILDURA CEMETERY TRUST GOVERNANCE STRUCTURE, STAFFING AND FINANCIAL RESOURCING

File Number: 12/09/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to enable Council to make a decision in regard to changing the current Mildura Cemetery Trust governance structure, staffing and financial resourcing following the Victorian Ombudsman's investigation report and recommendations to ensure an appropriate level of service is provided to the community on an ongoing basis.

2. Recommendation

That Council resolve, subject to agreement from the relevant state government Ministers and Departments, to:

- i) modify the current Cemetery Trust structure from three delegated portfolio Councillors to all nine Mildura Councillors as of the next General Election in October 2020;**
- ii) hold Cemetery Trust meetings at a minimum of once a quarter on an ongoing basis;**
- iii) operate the cemeteries as an internal Council function reporting through the Chief Executive Officer to Council;**
- iv) budget \$175,000 in the 2020–2021 Council operating budget to support initial property plant and equipment improvements, and an increase in staffing with an ongoing budget allocation to be determined and approved as needed in accordance with Council budgeting processes;**
- v) approve expenditure up to \$80,000 in the current financial year from Council to support cemetery staffing increases and improvements as a response to the Victorian Ombudsman's investigation; and**
- vi) provide for a contingent liability of up to \$135,000 for the suitable replacement of memorial chairs identified in the Victorian Ombudsman's Report where the chairs must be removed before the end of their reasonable useful life and replaced with a suitable memorial in accordance with Cemetery Trust Policy.**

3. Background

November 2019 saw the release of the Victorian Ombudsman's report *'Investigation into Improper Conduct by a Council Employee at the Mildura Cemetery Trust.'*

This report included five recommendations, which were adopted by the Mildura Cemetery Trust and Council.

This Council report is in relation to Recommendation 3 and Recommendation 4 that are in the process of being implemented. The actions required for Recommendations 1, 2 and 5 have been completed.

4. Consultation Proposed/Undertaken

This report is in response to the Victorian Ombudsman's investigation into the Mildura Cemetery Trust in November 2019 and an outcome of activities undertaken to date addressing the recommendations of the report.

Since the Ombudsman's report, Council staff have consulted with the Department of Health and Human Services and a number of other cemeteries across Victoria to seek advice, guidance and to explore governance and operational structure options.

The Cemetery Trust finances have been subjected to a high level review by an independent auditor who has provided ongoing financial sustainability advice that has been considered in the preparation of the recommendation in this report.

5. Discussion

Council was originally gazetted as the Trust for the Nichols Point Cemetery on 26 June 1891. As the Trust now also takes in the Murray Pines Cemetery, Council is the trust for both sites. Council then, via its portfolio system, delegates this to three Councillors.

Following the release of the Report, Council has provided additional fulltime but temporary administrative support and a grounds person as resources to assist the cemetery team to maintain day-to-day operations, as well as implement the required changes from the Ombudsman's Report. In addition, Council's General Manager Corporate Services is the Acting Trust Executive Officer.

The additional resourcing has seen an improvement in the amenity of the cemeteries and enabled the other staff to focus on process, procedure and policy improvements, along with the day-to-day workload of preparing for and completing interments, working with funeral directors, families, administrative matters and the complexities and time consuming historical research requests that have come through.

The proposed increased resourcing (at a minimum as identified at this point in time) is required on an ongoing basis to provide the required level of service to the community and meet legislative requirements in regard to reporting and occupational health and safety.

The Trust needs to allow for a contingent liability of up to \$135,000 should memorial chairs need to be removed and replaced with a suitable memorial in accordance with Mildura Cemetery Trust policy.

The Trust and Council are continuing to work with the Department of Health and Human Services and seeking the advice and experience of other councils and cemeteries.

A number of items of property, plant and equipment have been identified as needing replacement due to age and maintenance costs or requiring upgrading to ensure they are fit for purpose. This will occur over time and be considered as part of a future budget processes.

6. Time Frame

A decision is required prior to the finalisation of the Draft Council Budget 2020–2021.

7. Strategic Plan Links

There are no Strategic Plan Links associated with this report.

8. Asset Management Policy/Plan Alignment

There are no Asset Management Policy/Plan Alignment implications associated with this report.

9. Implications

Policy

There are no Policy implications associated with this report.

Legal/Statutory

Cemetery operations are subject to the *Cemeteries and Crematoria Act 2003* and associated regulations and the requirements of a Class B Cemetery Trust in the state of Victoria.

Financial

Adoption of this report will have a financial implication on the current financial year's budget and the proposed Council operating budget for 2020-2021 and ongoing budgets.

Environmental

There are no environmental implications associated with this report.

Social

Adoption of this report will enable Council to respond to community needs in regard to cemetery services on an ongoing basis.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Financial implications of suitable memorial replacement for memorial chairs per the Ombudsman's Report.	Will be provided for in ongoing budget should the risk eventuate	Medium

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.3 MILDURA RURAL CITY COUNCIL MEMORANDUM OF UNDERSTANDING WITH MILDURA CITY HEART INCORPORATED 2019 - 2024

File Number: 16/05/07
Officer: General Manager Corporate

1. Summary

Following Council's declaration of a Mildura City Heart (MCH) Special Rate at its 26 June 2019 Ordinary Council Meeting, a funding agreement/memorandum of understanding (MoU) has been re-developed to define the roles and responsibilities of both Mildura Rural City Council and MCH; the incorporated association being tasked with managing the special rate funds collected by Mildura Rural City Council.

This report seeks Council approval to adopt an updated MoU between Mildura Rural City Council and MCH.

2. Recommendation

That Council adopt the Mildura Rural City Council and Mildura City Heart Incorporated Memorandum of Understanding 2019 – 2024, as presented.

3. Background

Council, in keeping with good governance principles, will always require a MoU in place during the term of a MCH Special Rate. This updated MoU simply acknowledges Council's June 2019 decision and addresses the linkages between both Council and MCH Incorporated required as a result.

The MoU intentionally does not delve into the specific areas of economic development/downturn for business more broadly, nor the current impact of Covid-19 on all categories of ratepayer. Such matters will be addressed in future Council reports and deliberations.

4. Consultation Proposed/Undertaken

The MoU has been developed in conjunction with the MCH Board and was considered by Council at the April Forum. No further consultation is required in this process.

5. Discussion

The purpose of the MCH Special Rate is to defray the expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the MCH precinct on behalf of all eligible retail, commercial and professional properties as contained within the designated MCH area.

The MoU recognises the importance of maintaining a strong and vibrant Mildura City Heart Business precinct and the need for the retention of an independent incorporated association to coordinate these activities, subject to Council's good governance requirements.

6. Time Frame

The MoU recognises Council's decision on 26 June 2019 to raise a MCH Special Rate until 30 June 2024.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

3.1 Economic Development and Tourism

Goal to be achieved:

- A vibrant, diverse innovative and sustainable economy.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications associated with this report.

Legal/Statutory

There are no legal or statutory implications associated with this report.

Financial

There are no direct financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no significant economic impacts associated with this report. However, it is acknowledged that this report forms part of efforts to maintain a vibrant CBD.

10. Risk Assessment

There are no significant risks associated with the adoption of the recommendation, as the MoU is intended to provide Mildura Rural City Council and MCH with clear guidelines and good governance principles to ensure successful administration of the MCH Special Rate Scheme.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 Mildura Rural City Council Memorandum of Understanding with Mildura City Heart Incorporated 2019 - 2024



Mildura Rural City Council

Memorandum of Understanding

with

Mildura City Heart Incorporated

April 2020

MEMORANDUM OF UNDERSTANDING

This Agreement is made the day of 2020

BETWEEN

Mildura Rural City Council, 108 – 116 Madden Avenue, Mildura ("Council")

- and -

Mildura City Heart Incorporated, 63A Langtree Avenue, Mildura ("MCH")

RECITALS

1. On 26 June 2019, Council made a declaration of a Mildura City Heart Special Rate in the terms detailed in the Resolution annexed to this Agreement ('the Declaration' as contained in Schedule 1).
2. The Mildura City Heart Special Rate will remain in force between 1 July 2019 and 30 June 2024 and raise the amounts over the following period as specified:

1 July 2019 - 30 June 2020	\$610,000
1 July 2020 - 30 June 2021	\$625,000
1 July 2021 - 30 June 2022	\$640,000
1 July 2022 - 30 June 2023	\$655,000
1 July 2023 - 30 June 2024	\$670,000
3. The purpose of the Mildura City Heart Special Rate is to defray the expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Mildura City Heart precinct, on behalf of all eligible retail, commercial and professional properties as contained within the mapped area referred to within the notice of Schedule 2.
4. This Memorandum of Understanding recognises the importance of maintaining a strong and vibrant Mildura City Heart Business precinct and the need for the retention of an independent incorporated association to coordinate the advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Mildura City Heart precinct.
5. Council has agreed to pay all monies received from the Mildura City Heart Special Rate to MCH for the purposes outlined in Clause 4.
6. MCH has agreed to perform the activities described in Clause 4 and to use the money paid to it by Council (and referable to the Mildura City Heart Special Rate) to perform such activities.
7. The parties agree for their relationship to be specified in this agreement.

OBJECTIVES OF MILDURA CITY HEART

8. The objectives of MCH are specified in Item 1 of Schedule Three
9. Council acknowledges these objectives as being consistent with the Council's objectives (refer Item 2 of Schedule Three) in this area.

10. MCH, although it is a separate entity from the Council, acknowledges that it shares with the Council, the Council's general objectives in the area of Mildura CBD economic development.
11. MCH acknowledges that it must seek the approval of Council prior to making any significant variations to its objectives.

COUNCIL'S COMMITMENT TO CBD DEVELOPMENT

12. Subject to the *Local Government Act 1989*, or any successor Act, Council will in each year during which the Mildura City Heart Special Rate is in force, levy the Mildura City Heart Special Rate on those persons liable to pay it.
13. Council will provide to MCH on an annual basis, and in compliance with the *Information Privacy Act 2000*, a list of properties liable and a list of properties deemed exempt to pay the Mildura City Heart Special Rate.

PERIOD OF AGREEMENT

14. This agreement will commence on the date specified in item 3 of Schedule Three and continue as specified in item 4 of Schedule Three, subject to the terms of this agreement.

STRUCTURE OF MCH

15. MCH acknowledges that it is an Association registered pursuant to the *Associations Incorporation Act 1981* and that it will at all times comply with the provisions of the Act and its Regulations.
16. MCH acknowledges that it has an effective operational Board and that it is authorised to enter into this Agreement.
17. If MCH alters its Constitution, aims or objectives in any significant or consequential manner, it must first seek the approval of Council.
18. The parties acknowledge that MCH is a separate legal entity from the Council and that it will be responsible for its own organisation and conduct.

COUNCIL REPRESENTATION ON MCH

19. The Council will not have representation on the Board of MCH.
20. The Council may provide a Councillor or member of staff to attend Board meetings of MCH in an advisory capacity only to provide information and assistance to MCH and to liaise with the Council. Neither the Councillor nor member of staff will hold any office in MCH nor will he or she vote at any meeting of the Board of MCH.

ACCOMMODATION

21. MCH is to be accommodated in offices of its choosing.

SERVICES

22. MCH shall undertake such projects and provide such services as it assesses as being appropriate for advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Mildura City Heart precinct. Such activities will accord with the Mildura City Heart Strategic Plan.

23. MCH will by February 2020 update its Mildura City Heart Strategic Plan for the period of this agreement and Council must approve this Plan. The Plan must include a detailed description and analysis of the goals and strategies required to achieve MCH's objectives as specified in Schedule Three. By agreement, the Strategic Plan will be set in calendar years and remain subject to update, following periodic stakeholder review / input.
24. MCH will be responsible for the implementation and review of the Plan on an annual basis.

USE OF MILDURA MALL AND ROAD RESERVE WITHIN THE PRECINCT

25. MCH acknowledges that Council holds responsibility for the coordination and booking of all third party activities for road reserves within the precinct including the Mildura Mall area.
26. The Council acknowledges the vital role MCH holds in assisting Council in ensuring a coordinated approach to such third party activities as such will consult with and advise MCH before it approves any third party application to use Mildura Mall or other road reserve within the precinct.

STRATEGIC PLAN

27. Mildura City Heart will produce a Strategic Plan and Business Plan encompassing the duration of the funding agreement in consultation with key stakeholders; and delivered by an external facilitator. The Strategic Plan will be presented to Council for endorsement and acknowledged by both parties.

REPORTING AND REVIEWING PROCESSES

28. MCH will report to Council twice yearly in October and March
 - 28.1 The reports should be in sufficient detail to enable a proper review of the achievements by MCH of strategies, objectives and actions, attainment of its nominated outcomes; and financial performance against MCH Business Plan.
 - 28.2 The reports will be prepared in sufficient detail to enable the annual review to proceed in each year without delay.
 - 28.3 MCH will report to the Council any substantial variations in its proposed programs.
 - 28.4 The Council may request MCH to provide to the Council any further information or documents relative to MCH's performance as is reasonable, including an inspection of MCH's records, facilities, assets or operations as may be reasonable.
 - 28.5 The Council annually provide MCH with data / survey results / feedback from the public, pertaining to the MCH precinct, MCH operations and MCH events/activities as available and subject to relevant information privacy and data protection legislation.
29. The October report will include:
 - 29.1 An Annual Report which will contain both an assessment of performance against key targets established in the Business Plan; and
 - 29.2 Audited Annual Financial Statements.

be presented to Council Forum each year and include The outcomes of the report will be presented to Council for endorsement and acknowledged by both parties.

30. The March report will include:

- 30.1 a Half Yearly Report (July – December) against the Strategic Plan and Business Plan, which will contain an assessment of the achievement of agreed outcomes and key performance indicators in the current period, an assessment of MCH's performance in meeting its budget and financial targets in the current period; and benchmarked results for the current financial year.
- 30.2 The Business (Financial) Plan, which will contain the strategies and actions required to achieve the objectives of the Mildura City Heart Strategic Plan for the forthcoming financial year; the financial estimates (annual budget) of the operation of MCH, the resources, physical and human required to perform the services; and any other necessary and relevant matters.

The performance of MCH will be discussed and reviewed in a meeting by the parties including Council CEO, General Manager Corporate, Manager Corporate Administration, MCH; Chair and Management and the outcomes of the report will be presented to Council for endorsement and acknowledged by both parties.

AUDIT

- 31. The financial affairs of MCH will be fully and independently audited and a copy of the audited accounts provided to the Council as part of the requirements stipulated in Clause 29.

PAYMENT

- 32. All money collected by Council through the Mildura City Heart Special Rate will be paid to MCH by way of four (4) equal instalments. Timing of the instalments shall be quarterly and MCH is to provide Council with the appropriate tax invoices.

LIABILITY

- 33. MCH will not represent itself as belonging to Council nor will MCH represent its activities as being conducted on behalf of the Council. Further MCH will use its best endeavours to ensure that its staff and subcontractors do not represent themselves as belonging or acting on behalf of Council.
- 34. MCH acknowledges that the Council is not liable or responsible for the activities of MCH or for its debts, liabilities, expenses, losses or deficiencies.
- 35. MCH acknowledges that this agreement does not constitute a partnership agreement or a guarantee or indemnity of MCH or its activities by the Council.
- 36. MCH will ensure that it takes out appropriate insurance cover (including Public Liability insurance (minimum \$10 million), Director and Officer Liability insurance) for that of an incorporated association.

PROBITY

- 37. MCH will ensure that its Board members and staff comply with proper standards of probity including not improperly or unfairly obtaining any financial or other advantages from their position or information at their disposal and not misusing such information.

TERMINATION

38. This agreement may be terminated by way of written 90 day notice by the Council or MCH in its discretion if:
- 38.1 An administrator is appointed to any of the property of MCH;
 - 38.2 Any application is made or resolution is passed for the winding up of MCH;
 - 38.3 MCH is insolvent within the meaning of the Corporations Law;
 - 38.4 A meeting of MCH's creditors is called with a view to entering into an agreement or compromise with creditors;
 - 38.5 The objectives of MCH have been changed substantially without the approval of Council from those specified in Item 1 of Schedule Three;
 - 38.6 The structure of MCH has been changed substantially without the approval of Council; or
 - 38.7 MCH fails, for the want of a diligent effort to substantially achieve the outcomes specified.

DISPUTE RESOLUTION

39. Any dispute between the parties to the terms of this Agreement or the performance of the parties pursuant to the Agreement will be resolved as follows:
- 39.1 The parties will use their best endeavours to resolve the dispute by negotiations;
 - 39.2 If the negotiations are not successful either party may serve on the other a notice of dispute setting out the details of the dispute;
 - 39.3 The dispute will be arbitrated in accordance with the provisions of the *Local Government Act 1989* and the parties are authorised to utilise legal representations for such arbitration if they so choose.

NOTICES

40. Any notices, demands or other communications between the parties for the purposes of the Agreement must be in writing and be addressed to the party at that party's address specified in the Agreement or any other address which that party may have substituted by written notice to the other.
41. In addition to any other legal method of service, such notice may be delivered personally or be sent by email or by prepaid post. In the case of prepaid post, the notice shall be presumed to have been received and takes effect four (4) days after posting if sent by mail to an address within the same State of seven (7) days after posting if posted to an address in another State.
42. In the case of email transmission, notice shall be presumed to be received upon the creation of a transmission that the email was forwarded in its entirety to the email address of the other party.

AGREEMENT TO FUTURE MEMORANDUM OF UNDERSTANDING

43. Both parties acknowledge, at least 6 months prior to the expiry of this agreement, that they will jointly explore the process for developing a new Special Rate or funding model.

IN WITNESS Whereof the parties hereto have hereunto set their hands the day and year first hereinafter written.

THE COMMON SEAL of the Mildura Rural City Council was affixed hereto by authority of the Council in the presence of:

Mayor

Councillor

Chief Executive Officer

THE COMMON SEAL of Mildura City Heart Incorporated was hereunto affixed on the _____ day of _____ 2020

in the presence of:

Chairman

Board Member

Board Member

SCHEDULE ONE

2019/0001

Moved: Cr Mark Eckel
Seconded: Cr Helen Healy

That Council:

- (i) notes that is has completed all consultation processes in compliance with Section 223 of the *Local Government Act 1989*;
- (ii) having considered the submissions and analysis of the issues within them, is satisfied that these submission do not provide any substantive justification to reconsider the introduction of the Mildura City Heart Special Rate;
- (iii) communicates its consideration of submissions to the persons who made a submission to the proposed Mildura City Heart Special Rate Scheme;
- (iv) resolves to declare a Mildura City Heart Special Rate Scheme, for the purpose of deriving funds for marketing and business development of the Mildura City Heart area as defined in this report;
- (v) determines to exempt vacant land from the introduction of a Mildura City Heart Special Rate;
- (vi) resolves that the Mildura City Heart Special Rate Scheme be introduced effective for the period 1 July 2019 to 30 June 2024;
- (vii) resolves that the scheme apply to all rateable business properties within the defined area and derived by calculation proportionate to the capital improved value of each respective property affected; and
- (viii) resolves that such total funds derived from the Mildura City Heart Special Rate Scheme will be as follows:

a. 1 July 2019 – 30 June 2020	\$610,000
b. 1 July 2020 – 30 June 2021	\$625,000
c. 1 July 2021 – 30 June 2022	\$640,000
d. 1 July 2022 – 30 June 2023	\$655,000
e. 1 July 2023 – 30 June 2024	\$670,000

CARRIED

NOTICE OF INTENTION TO DECLARE A SPECIAL RATE

MILDURA CITY HEART

In accordance with a resolution of the Mildura Rural City Council (**Council**) made at its 27 February 2019 Ordinary Meeting, notice is given that at the 24 April 2019 Ordinary Meeting of Council, it is the intention of Council to declare the Mildura City Heart Special Rate (**Special Rate**) under section 163(1) of the *Local Government Act 1989 (the Act)* for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Mildura City Heart Incorporated (**MCH Inc.**) to be used by the MCH Inc., on an administrative basis only and subject to the approval, direction and control of Council, for the purposes of promotional, advertising, marketing, business development and other incidental expenses for the encouragement of commerce, retail and professional activity and employment in the Mildura City Heart Business Precinct (**Mildura City Heart** or **Scheme**). A plan of the Scheme area appears below.

The Special Rate will be based on geographic criteria, having regard to the location and the capital improved value of those rateable properties in Mildura City Heart that are used, or reasonably capable of being used, for commercial, retail or professional purposes, and further, the exemption (from the Scheme) of vacant land not associated with the operation of a business.

Council considers that each rateable property and each business included in the Scheme area that is required to pay the Special Rate will receive a special benefit because the viability of Mildura City Heart as a commercial, retail and professional area will be enhanced through increased economic activity.

In performing functions and exercising powers in relation to activities associated with the encouragement of commerce and retail activity in and around the area for which it is proposed the Special Rate will be declared, the Council intends to levy and spend an amount of \$610,000 in the first year of the Scheme, with an additional \$15,000 to be annually raised cumulatively over each of the subsequent (four) years remaining within the period of the Scheme.

The Special Rate is to be declared, and is to remain in force, for a period of five years, commencing on 1 July 2019 and ending on 30 June 2024

For the period of the Scheme, the Special Rate will be declared and assessed in accordance with the amounts set out alongside each property in the schedule forming a part of the proposed declaration of special rate, such amounts having respectively been assessed by multiplying the capital improved value of each property by the rate in the dollar required to collect the total required sum.

The Special Rate will be levied by the Council sending a notice of levy annually to the persons who are liable to pay the Special Rate, which will require that the Special Rate must be paid in the following manner –

- (a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
- (b) by four instalments, to be paid by the dates which are fixed by Council in the notice.

Council will consider cases of financial (or other) hardship and may reconsider other payment options for payment of the Special Rate. There will be no incentives given for payment of the Special Rate before the due dates for payment.

For the purposes of having determined the total amount of the Special Rate to be levied under the Scheme, the Council considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the proceeds of the expenditure of the Special Rate are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

Details of the proposed declaration of Special Rate and a detailed plan of the Scheme area are available for inspection for a period of at least 28 days after the publication of this notice, being until 5pm on Tuesday 9 April 2019 at the Council's Madden Avenue Service Centre, 108 Madden Avenue and any person requiring further information should contact Craig McErvale, Revenue Coordinator on 5018 8100.

Any person may make a written submission to the Council under sections 163A and 223 of the Act.

In addition, any person who will be required to pay the Special Rate to be imposed by the proposed declaration, whether an owner or an occupier of a property included in the Scheme, has a right to object to the proposed declaration and may also make a written objection to Council under section 163B of the Act. An occupier is entitled to exercise the right of objection if they submit documentary evidence with the objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the Special Rate.

Persons wishing to make a submission or lodge an objection must do so in writing and must be received by Council by 5pm on Tuesday 9 April 2019. Submissions and/or objections should be addressed to Mr Allan Bawden, Interim Chief Executive Officer, Mildura Rural City Council, PO Box 105, Mildura, Vic 3502 or delivered to the Madden Avenue Service Centre, 108 Madden Avenue, Mildura.

Any person who has made a written submission under section 223 of the Act and has requested to be heard in support of their written submission is entitled to appear in person or be represented by a person specified in the submission before a Committee appointed by Council to hear submissions under section 223 of the Act.

Any person making a written submission under section 223 of the Act is advised that the Council is required to make available for public inspection all submissions (including personal information) received in accordance with section 223 of the Act during the previous 12 months. Details of submissions may also be included with the official Council Agendas and Minutes which are public documents and which may also be made available on Council's website.

Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Allan Bawden
Interim Chief Executive Officer
Mildura Rural City Council
May 2019

The map displays a grid of city blocks. Streets are labeled as follows:

- Vertical Streets (from left to right):** AVENUE G, AVENUE FINE, AVENUE LIME, AVENUE LANGTREE, AVENUE MALL, AVENUE PINE, AVENUE SEVEN.
- Horizontal Streets (from top to bottom):** SEVENTH, EIGHTH, NINTH, TENTH, ELEVENTH.
- Other Labels:** STREET (multiple locations), QUAE, LANGTREE MALL, LANGTREE.

A blue outline delineates the **SPECIAL RATE BOUNDARY**. This boundary starts at the intersection of Seventh and Pine, runs north along Pine to Eighth, east along Eighth to Langtree, south along Langtree to Tenth, east along Tenth to Sevens, and north along Sevens back to Eighth.

CITY HEART SPECIAL RATE

G/Roads/Mildura/Langtree Mall/Mall Special Charge.Dwg

31-08-2015

Map of City Heart Precinct Boundary

SCHEDULE THREE**Item 1 Objectives of Mildura City Heart Incorporated**

The vision, purpose and priorities of the Association are:

OUR VISION: The Heart of Mildura's business and community.

OUR PURPOSE: Adding value to the Mildura City Heart trader and visitor experience.

OUR PRIORITIES:

Activation: We will engage in projects with our stakeholders that boost economic, social and cultural growth to stimulate visitation to Mildura's City Heart all year round.

Communication: Mildura City Heart's stakeholders will be kept informed and encouraged to participate through timely and engaging communications.

Advocacy: By listening to our stakeholders Mildura City Heart will be well placed to effectively advocate on their behalf.

Experiential: Mildura's City Heart will be a welcoming, fun, social and inclusive place with attractive, clean, green meeting spaces, and an evolving ambience.

Adding Value: By engaging in collective activities, we will add value for Mildura City Heart's traders and visitors making it a first-choice destination.

Item 2 Objectives of Mildura Rural City Council within this area of activity of the Council

Refer Council Plan – Key Result Area 3.1 Economic Development

Goals...

- a. A vibrant, diverse, innovative and sustainable economy
- b. Investment attraction and job creation
- c. Connectivity in the global marketplace
- d. Support quality tourism services and experiences

Refer Council Plan – Key Result Area 4.1 Leadership and Representation

Goals...

- a. Deliver results in line with community expectation
- b. Effectively respond to the interests of our community

Refer Council Plan – Key Result Area 4.4 Financial Sustainability

Goals...

- a. Financial sustainability
- b. Meet the community's needs in a financially responsible manner

Item 3 Date of Commencement of Agreement

1 July 2019

Item 4 Period of Agreement

5 years (to 30 June 2024)

Item 5 Annual Key Performance Indicators for Mildura City Heart Incorporated

ACTIVATION

An events strategy to stimulate visitation

Creative trader placemaking to add to the visitor experience

Short-term utilisation of vacant shops to promote vibrancy and attract new tenants.

COMMUNICATION

Effective communications with our stakeholders

Linkages and strong branding are attached to everything that we support.

Develop generic promotional materials for display in vacant shop windows New ways of sharing information will enhance stakeholder engagement..

ADVOCACY

Mildura City Heart will actively collaborate with stakeholders to build mutually beneficial relationships.

Enhance understanding and encourage positive action through stakeholder education

Support the curation of a balanced mix of traders to meet visitor needs.

EXPERIENTIAL

Visitors will be attracted to Mildura City Heart as a preferred meeting place.

An evolving ambience will encourage repeat visitation.

Connected traders will cross promote a 'village' atmosphere.

ADDING VALUE

Increased visitation and customer engagement.

Increased market reach and improved business success outcomes for traders

Financial and in-kind support gained for Mildura City Heart initiatives through external funding and partnerships.

14.4 COVID-19 EMERGENCY RESPONSE TO HARDSHIP PROVISIONS

File Number: 18/02/01
Officer: General Manager Corporate

1. Summary

Whilst Council's CP035 Hardship policy falls due for review in forthcoming months, the current unprecedented financial issues facing many within our community stemming from the impact of drought and COVID-19, require some immediate responses from Council.

The purpose of this report is therefore to seek Council's approval to introduce several key financial support initiatives that otherwise would fall outside of current policy provisions.

2. Recommendation

That Council:

- (i) endorse the response actions detailed within this report to address those within our community experiencing financial hardship as a result of the current emergency;
- (ii) note the following specific measures which have been undertaken in conjunction with its CP035 Hardship Policy namely:
 - (a) extending eligibility for applicants for hardship to include residential, business and farm rate categories on an ongoing basis
 - (b) providing flexible options for rate payment plans, including the ability to defer rate payments until 30 June this year
 - (c) waiving interest and not applying late fees on overdue rates for fourth quarter rates instalments through to 30 June this year
 - (d) offering flexible options for payment of leases, permits and other Council fees for those deemed experiencing hardship and as sought on a case by case basis
 - (e) providing options to defer animal registration payments for those deemed experiencing hardship and as sought on a case by case basis
- (iii) note that Government programs, relief packages and Ministerial/Chief Health Officer directives may require Council to respond in accordance with those directions, beyond the current scope of the CP035 Hardship Policy; and
- (iv) acknowledge the rapidly changing economic situation being experienced by all within our community and accordingly, and reviews this current strategic approach in dealing with such financial hardship before 30 June 2020.

3. Background

The Mildura Rural City Council community and indeed the entire nation is currently experiencing the impact of unprecedented economic disruption stemming from the Covid19 emergency. This Council continues to work closely with other agencies and State Government in advocating for financial, economic and social supports for our community. In terms of local measures, Council has softened its Hardship Policy and has developed a number of specific measures geared to provide some certainty and further support to those in our community most affected financially.

4. Consultation Proposed/Undertaken

This report and the recommendations contained within it have been prepared following extensive consultation with Council's Executive Team and Financial Services Team, Local Government Victoria, other Councils and peak bodies including Municipal Association of Victoria, Victorian Local Governance Association and Local Government Finance Professionals (FinPro).

The approach regarding hardship was also discussed at a recent Assembly of Councillors.

5. Discussion

The following immediate financial measures have been introduced to support Council's Hardship Policy and its current approach to supporting those within our community currently or imminently about to be exposed to financial hardship;

- Council's Financial Hardship Policy has been broadened and simplified to allow people with a genuine need due to COVID-19, to access it more easily
 - This includes direct registration with Council either on line or by phone contact
 - Recognises that hardship can be Business, Farm or Residentially related, or in some cases, a combination of these
- Availing flexible options for rate payment plans, including the ability to defer rate payments until 30 June this year if necessary
- Council will waive interest and not apply late fees on overdue rates for fourth quarter rates instalments through to 30 June this year
- Offering flexible options for payment of leases, permits and other Council fees for those experiencing hardship as sought on a case by case basis
- Providing options to defer animal registration payments

In addition Council continues to assess and respond to Government directions and relief programs, for instance, the recently announced “commercial tenancy relief scheme”. Some directions and programs may require Council to make changes to approach which are outside of the Policy, and therefore this report recommends that Council notes this requirement, recognising that specific Council resolutions may not be sought in order for us to align with these matters, where they are directives of the Chief Health Officer, Ministers or are enshrined in legislation or regulation.

6. Time Frame

Council’s current approach focusses on waivers and deferments until 30 June 2020 and looking at individual hardship circumstances on a case by case basis. Further considerations may be offered closer to this date given the uncertainties that the current Covid19 emergency presents to our community.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

3.1 Economic Development and Tourism

Goals to be achieved:

- A vibrant, diverse, innovative and sustainable economy; and
- Investment attraction and job creation.

4.4 Financial Sustainability

Goal to be achieved:

- Meet the community’s needs in a financially responsible manner.

8. Asset Management Policy/Plan Alignment

There are no direct asset Management Policy or Plan implications associated with this report.

9. Implications

Policy

This report and the recommendations contained within it should be considered in conjunction with Hardship Policy CP035 and form part of Council’s current financial hardship approach in dealing with those within the community unable to meet Council debt.

Legal/Statutory

This Report aligns with Section 186(5)(a) of the *Local Government Act 1989*.

Financial

There are some significant financial implications associated with the recommendations contained within this report, in particular:

- The waiving of interest until 30 June 2020 on overdue rates will equate to an estimated loss of \$30k in potential revenue.
- Should further extensions to the interest waiver be introduced in time, this would impact on further reduced interest revenue of approximately \$30k per month
- The effect of deferring rate obligations to 30 June 2020 could delay the receipt of up to \$3-4 million in rate revenue

Environmental

There are no environmental implications associated with the recommendations contained within this report.

Social

There are no direct social implications associated with this report however it is recognised that Council's softening of hardship provisions should assist the broader community in these difficult times and in doing so, enable some comfort and resilience to get through these unprecedented times.

Economic

Similarly, the recommendations within this report should provide positive economic implications to many in our broader community experiencing hardship.

10. Risk Assessment

By adopting the recommendations within this report, Council will not be exposed to any insurmountable risk. Council has fully investigated the financial risks and remains confident that it can provide support to its community whilst remaining sustainable in the delivery of future services.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.5 ADOPTION OF S6 INSTRUMENT OF DELEGATION

File Number: 18/02/05
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the updated S6 Instrument of Delegation and seek Council's resolution to adopt the schedule of delegated powers.

2. Recommendation

That Council:

- (i) **revoke the S6 Instrument of Delegation from Council to Staff authorised by resolution of Council passed on 22 January 2020;**
- (ii) **adopt the S6 Instrument of Delegation from Council to Staff as presented; and**
- (iii) **authorise all powers be delegated to members of Council staff holding, acting in or performing the duties of officers or positions referred to in the S6 Instrument of Delegation as presented, once adopted.**

3. Background

In accordance with Section 98(1) of the *Local Government Act 1989* (the Act), Council may, by instrument of delegation, delegate to a member of its staff, any power, duty or function of a Council under this Act or any other Act.

4. Consultation Proposed/Undertaken

Consultation was undertaken with Council's Strategic Management Team to ensure provisions are appropriately assigned to Council officers.

5. Discussion

Council's solicitors Maddocks have provided an update for the ongoing maintenance of Council's Delegation Manual. This update takes into account relevant changes to legislation that occurred between July 2019 and December 2019, and the new, changed and deleted provisions are presented in attachment one.

Attachment two presents the updated Instrument in its entirety.

6. Time Frame

It adopted by Council, the instrument of delegation comes into force once the Common Seal is affixed.

7. Strategic Plan Links

4.1 Leadership and Representation

Goal to be achieved:

- Deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with Section 98(1) and 98(6) of the *Local Government Act 1989*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 S6 Instrument of Delegation Updates - New, Changed & Deleted Provisions - April 2020
- 2 Draft S6 Instrument of Delegation - Council to Members of Staff - April 2020

S6 Instrument of Delegation - Members of Staff

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
42518	Residential Tenancies Act 1997	s 252	power Power to give tenant a notice to vacate rented premises if subsections 252(1) applies	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier	EHc, EHo , GMD, MDS, SEHo
42519	Residential Tenancies Act 1997	s 262(1)	power Power to give tenant a notice to vacate rented premises	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier	EHc, EHo , GMD, MDS, SEHo
42520	Residential Tenancies Act 1997	s 262(3)	power Power to publish its criteria for eligibility for the provision of housing by council Council	Where Council is a public statutory authority engaged in the provision of	EHc, EHo , GMD, MDS, SEHo

				housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier	
42540	Road Management Act 2004	s 14(4)	function <u>Function</u> of receiving notice from <u>theVicRoads</u> Head, <u>Transport for Victoria</u>		GMD, MAS <u>MWES</u>
42541	Road Management Act 2004	s 14(7)	power <u>Power</u> to appeal against decision of <u>theVicRoads</u> Head, <u>Transport for Victoria</u>		GMD, MWES <u>MAS</u>
42594	Road Management Act 2004	s 119(2)	function <u>Function</u> of consulting with <u>theVicRoads</u> Head, <u>Transport for Victoria</u>		EC, ERRC, GMD, MAS <u>MWES</u> , STO-ES
42595	Road Management Act 2004	s 120(1)	power <u>Power</u> to exercise road management functions on an arterial road (with the consent of <u>theVicRoads</u> Head, <u>Transport for Victoria</u>)		GMD, MWES <u>MWIS</u>
42596	Road Management Act 2004	s 120(2)	duty <u>Duty</u> to seek consent of <u>theVicRoads</u> Head, <u>Transport for Victoria</u> to exercise road management functions before exercising power in sections 120(1)		GMD, MWES <u>MWIS</u>
42603	Road Management Act 2004	sch 2 cl 4	function <u>Function</u> of receiving details of proposal from <u>theVicRoads</u> Head, <u>Transport for Victoria</u>		GMD, MAS <u>MWES</u>

NEW Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
334330	Residential Tenancies Act 1997	s 91ZU(1)	Power to give a renter a notice to vacate rented premises	Where Council is a public statutory authority engaged in the provision of housing. Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	GMD, MDS, EHC
334331	Residential Tenancies Act 1997	s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes. Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	GMD, MDS, EHC
334332	Residential Tenancies Act 1997	s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	Where Council is a public statutory authority engaged in the provision of	GMD, MDS, EHC

				housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	
334333	Residential Tenancies Act 1997	s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	GMD, MDS
334334	Residential Tenancies Act 1997	s 206AZA(2)	Function of receiving written notification	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	GMD, MDS, EHC
334335	Residential Tenancies Act 1997	s 207ZE(2)	Function of receiving written notification	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier	GMD, MDS, EHC

334336	Residential Tenancies Act 1997	s 311A(2)	Function of receiving written notification		GMD, MDS, EHC
334337	Residential Tenancies Act 1997	s 317ZDA(2)	Function of receiving written notification		GMD, MDS, EHC

DELETED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
42496	Rail Safety (Local Operations) Act 2006	s 33	Duty to comply with a direction of the Safety Director under s 33	Where Council is a utility under s 3	GMD, MAS, MWES
42497	Rail Safety (Local Operations) Act 2006	s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	Duty of Council as a road authority under the Road Management Act 2004	GMD, MAS, MWES
42498	Rail Safety (Local Operations) Act 2006	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)	Where Council is a utility under s 3	GMD, MAS, MWES

42499	Rail Safety (Local Operations) Act 2006	s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	Where Council is the relevant road authority	GMD, MAS, MWES
42500	Rail Safety (Local Operations) Act 2006	s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Where Council is the relevant road authority	GMD, MAS, MWES
42501	Rail Safety (Local Operations) Act 2006	s 34D(2)	Function of receiving written notice of opinion	Where Council is the relevant road authority	GMD
42502	Rail Safety (Local Operations) Act 2006	s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	Where Council is the relevant road authority	GMD
42503	Rail Safety (Local Operations) Act 2006	s 34E(1)(a)	Duty to identify and assess risks to safety	Where Council is the relevant road authority	GMD, MAS, MWES
42504	Rail Safety (Local Operations) Act 2006	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)	Where Council is the relevant road authority	GMD, MAS, MWES

42505	Rail Safety (Local Operations) Act 2006	s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	Where Council is the relevant road authority	GMD
42506	Rail Safety (Local Operations) Act 2006	s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	Where Council is the relevant road authority	GMD, MAS, MWES
42507	Rail Safety (Local Operations) Act 2006	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)	Where Council is the relevant road authority	GMD, MAS, MWES
42508	Rail Safety (Local Operations) Act 2006	s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	Where Council is the relevant road authority	GMD, MAS, MWES
42509	Rail Safety (Local Operations) Act 2006	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)	Where Council is the relevant road authority	GMD, MAS, MWES
42510	Rail Safety (Local Operations) Act 2006	s 34I	Function of entering into safety interface agreements	Where Council is the relevant road authority	GMD

42511	Rail Safety (Local Operations) Act 2006	s 34J(2)	Function of receiving notice from Safety Director	Where Council is the relevant road authority	GMD
42512	Rail Safety (Local Operations) Act 2006	s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	Where Council is the relevant road authority	GMD
42513	Rail Safety (Local Operations) Act 2006	s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	Where Council is the relevant road authority	GMD, MAS, MWES

S6. Instrument of Delegation – Members of Staff



Mildura Rural City Council

MILDURA RURAL CITY COUNCIL

Instrument of Delegation

to

Members of Council Staff

Document Control Page

Document Information

	Information
TRIM File Number	18/02/05
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Last Update	April 2020

Document History

Version	Issue Date	Changes
1.0	27 May 2010	Inclusion of Cemeteries & Crematoria Act 2003 Name change to Domestic Animals Act 1994 Additions to the Food Act 1984 Delegation of the Health Act 1958 Additions to the Planning & Environment Act 1987 Minor change to the Residential Tenancies Act 1997 Additions to the Road Management Act 2004 Inclusion of the Cemeteries & Crematoria Regulations 2005 Minor amendment to the Planning & Environment (Fees) Regulations 2000 Minor changes to the Residential Tenancies (Caravan Parks & Movable Dwellings Registration & Standards) Regulations 1999
2.0	22 July 2010	Changes to positions to reflect new organisational structure
3.0	25 Nov 2010	Inclusion of Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010. Tidying up of Food Act 1984 delegations Amendments to the Valuation of Land Act 1960 Amendments to the Cemeteries and Crematoria Act 2003 New sections of the Planning and Environment Act 1987 Insertions to Rail Safety Act 2006.
4.0	May 2011	Changes to various Acts & Regulations
5.0	February 2012	Changes to various Acts & Regulations
6.0	July 2012	Minor update to the Food Act 1984
7.0	January 2013	Changes to various Acts & Regulations
8.0	July 2013	Changes to various Acts & Regulations
9.0	February 2014	Maddocks Delegations & Authorisation Update – December 2013
10.0	November 2014	Maddocks Delegations & Authorisation Update – August 2014
11.0	February 2015	Maddocks Delegations & Authorisation Update – February 2015

Version	Issue Date	Changes
12.0	August 2015	Maddocks Delegations & Authorisation Update – June 2015
13.0	September 2016	Maddocks Delegations & Authorisation Update – June 2016
14.0	February 2017	Maddocks Delegations & Authorisation Update – December 2016
15.0	September 2017	Maddocks Delegations & Authorisation Update – June & August 2017
16.0	February 2018	Maddocks Delegations & Authorisation Update – December 2017
17.0	September 2018	Maddocks Delegations & Authorisation Update – June 2018
18.0	October 2018	Update to include Senior Statutory Planner – October 2018
19.0	December 2018	Update to include Engineering Surveyor and Technical Officer – Engineering Services
20.0	March 2019	Maddocks Delegations & Authorisation Update – December 2018
21.0	August 2019	Maddocks Delegations & Authorisation Update – June 2019
22.0	January 2020	Update to include Emergency Roads Recovery Coordinator
23.0	April 2020	Maddocks Delegations & Authorisation Update – January 2020

Instrument of Delegation

In the exercise of the power conferred by section 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 a reference in the Schedule to:

APS	means	Animal Pound Supervisor
APTL	means	Asset Preservation Team Leader
CCC	means	Civic Compliance Coordinator
CCO	means	Civic Compliance Officer
CEHO	means	Cadet Environmental Health Officer
CEO	means	Chief Executive Officer
CSP	means	Coordinator Strategic Planning
CTL	means	Cemetery Team Leader
CTP	means	Cadet Town Planner
DE	means	Drainage Engineer
EC	means	Engineering Coordinator
EDTL	means	Engineering Design Team Leader
EHC	means	Environmental Health Coordinator
EHO	means	Environmental Health Officer
EHTO	means	Environmental Health Technical Officer
ELT	means	Executive Leadership Team (which consists of CEO, GMCS, GMC & GMD)
EO	means	Enforcement Officer
ERRC	means	Emergency Roads Recovery Coordinator
ES	means	Engineering Surveyor
GMC	means	General Manager Community
GMCS	means	General Manager Corporate
GMD	means	General Manager Development
GRC	means	Governance & Risk Coordinator
IDO	means	Infrastructure Development Officer
IDTL	means	Infrastructure Development Team Leader
MAS	means	Manager Asset Services
MBS	means	Municipal Building Surveyor
MCA	means	Manager Corporate Administration
MCF	means	Manager Community Futures
MDS	means	Manager Development Services
MFS	means	Manager Financial Services
MWES	means	Manager Works & Engineering Services
N/A	means	Not Applicable
PSP	means	Principal Statutory Planner
RSO	means	Road Safety Officer
SASC	means	Strategic Asset Systems Coordinator
SCCO	means	Senior Civic Compliance Officer

SEHO	means	Senior Environmental Health Officer
SO	means	Subdivisions Officer
SPC	means	Statutory Planning Coordinator
SSP	means	Senior Statutory Planner
STE	means	Senior Traffic Engineer
STO-ES	means	Senior Technical Officer – Engineering Services
STP	means	Senior Town Planner
TLSPA	means	Team Leader Statutory Planning Administration
TP	means	Town Planner
TTE	means	Traffic & Transport Engineer

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on Wednesday 22 April 2020; 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 section 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 MILDURA RURAL CITY)
COUNCIL was affixed hereto by authority of the)
Council in the presence of:)
)

..... COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

DATE: 22 April 2020

SCHEDULE

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S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCS, GMD, MAS, MFS	Where Council is a Class B cemetery trust
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	GMCS, GMD, MAS, MFS	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	GMCS, GMD, MAS, MFS	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	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	N/A	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	GMCS, GMD, MAS, MFS	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCS, GMD, MAS, MFS	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	GMCS, GMD, MAS, MFS	
s 15(4)	Duty to keep records of delegations	GMCS, GMD, MFS	
s 17(1)	Power to employ any persons necessary	GMCS, GMD, MAS, MFS	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCS, GMD, MAS, MFS	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCS, GMD, MAS, MFS	Subject to any guidelines or directions of the Secretary

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to comply with a direction from the Secretary	CTL, GMCS, GMD, MAS, MFS	
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	N/A	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	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	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	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 Financial Management Act 1994	N/A	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	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	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	N/A	Where Council is a Class A cemetery trust

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
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))	N/A	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	N/A	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)	N/A	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	N/A	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	N/A	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	N/A	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	N/A	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	N/A	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	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	CTL, GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 20(1)	Duty to set aside areas for the interment of human remains	CTL, GMCS, GMD, MAS, MFS	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCS, GMD, MAS, MFS	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCS, GMD, MAS, MFS	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CTL, GMCS, GMD, MAS, MFS	
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	GMCS, GMD, MAS, MFS	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMCS, GMD, MAS, MFS	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCS, GMD, MAS, MFS	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCS, GMD, MAS, MFS	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCS, GMD, MAS, MFS	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	GMCS, GMD, MAS, MFS	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 60(2)	Power to charge fees for providing information	GMCS, GMD, MFS	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CTL, GMCS, GMD, MAS, MFS	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCS, GMD, MAS, MFS	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCS, GMD, MAS, MFS	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	GMCS, GMD, MAS, MFS	
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	CTL, GMCS, GMD, MAS, MFS	
s 70(2)	Duty to make plans of existing place of interment available to the public	CTL, GMCS, GMD, MAS, MFS	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CTL, GMCS, GMD, MAS, MFS	
s 71(2)	Power to dispose of any memorial or other structure removed	CTL, GMCS, GMD, MAS, MFS	
s 72(2)	Duty to comply with request received under s 72	GMCS, GMD, MAS, MFS	
s 73(1)	Power to grant a right of interment	GMCS, GMD, MAS, MFS	
s 73(2)	Power to impose conditions on the right of interment	GMCS, GMD, MAS, MFS	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CTL, GMCS, GMD, MAS, MFS	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CTL, GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	GMCS, GMD, MAS, MFS	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCS, MFS	
s 80(2)	Function of recording transfer of right of interment	GMCS, GMD, MAS, MFS	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCS, MFS	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCS, MFS	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS, GMD, MAS, MFS	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCS, GMD, MAS, MFS	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	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	GMCS, GMD, MAS, MFS	Does not apply where right of interment relates to remains of a deceased veteran.
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.	GMCS, GMD, MAS, MFS	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

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April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
			converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CTL, GMCS, GMD, MAS, MFS	
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	CTL, GMCS, GMD, MAS, MFS	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CTL, GMCS, GMD, MAS, MFS	
s 86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CTL, GMCS, GMD, MAS, MFS	
s 86(5)	duty to provide notification before taking action under s.86(4)	CTL, GMCS, GMD, MAS, MFS	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CTL, GMCS, GMD, MAS, MFS	
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	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCS, GMD, MAS, MFS	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCS, GMD, MAS, MFS	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCS, GMD, MAS, MFS	
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	GMCS, MFS	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCS, GMD, MAS, MFS	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	GMCS, GMD, MAS, MFS	
s 100(1)	Power to require a person to remove memorials or places of interment	GMCS, GMD, MAS, MFS	
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)	GMCS, GMD, MAS, MFS	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCS, MFS	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS, GMD, MAS, MFS	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCS, GMD, MAS, MFS	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCS, GMD, MAS, MFS	
s 103(1)	Power to require a person to remove a building for ceremonies	GMCS, GMD, MAS, MFS	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCS, GMD, MAS, MFS	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCS, MFS	
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	GMCS, GMD, MAS, MFS	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCS, GMD, MAS, MFS	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCS, GMD, MAS, MFS	
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	GMCS, GMD, MAS, MFS	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS, GMD, MAS, MFS	
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	GMCS, GMD, MAS, MFS	
s 108	Power to recover costs and expenses	GMCS, MFS	

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April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCS, GMD, MAS, MFS	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	GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	
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	CTL, GMCS, GMD, MAS, MFS	
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	GMCS, MFS	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCS, GMD, MAS, MFS	
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CTL, GMCS, GMD, MAS, MFS	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CTL, GMCS, GMD, MAS, MFS	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Act 2003			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 119	Power to set terms and conditions for interment authorisations	GMCS, GMD, MAS, MFS	
s 131	Function of receiving an application for cremation authorisation	N/A	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCS, GMD, MAS, MFS	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	CTL, GMCS, GMD, MAS, MFS	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCS, GMD, MAS, MFS	
s 151	Function of receiving applications to inter or cremate body parts	GMCS, GMD, MAS, MFS	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCS, GMD, MAS, MFS	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCS, GMD, MAS, MFS	
sch 1 cl 8(8)	Power to regulate own proceedings	GMCS, GMD, MAS, MFS	Subject to cl 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	N/A, SASC	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8

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Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CCC, GMD, MDS, SCCO	Council may delegate this power to a Council authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	EH, GMD, MDS	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	EH, GMD, MDS	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EH, EHO, GMD, MDS, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EH, EHO, GMD, MDS, SEHO	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)	EH, EHO, GMD, MDS, SEHO	Refusal must be ratified by Council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EH, EHO, GMD, MDS, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EH, EHO, GMD, MDS, SEHO	If s 19(1) applies

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Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
		GMD, MDS, SEHO	
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEHO, EHC, EHO, EHTO, GMD, MDS, SEHO	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	EHC, EHO, GMD, MDS, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CEHO, EHC, EHO, EHTO, GMD, MDS, SEHO	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	EHC, GMD, MDS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHC, GMD, MDS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEHO, EHC, EHO, GMD, MDS, SEHO	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	CEHO, EHC, EHO, GMD, MDS, SEHO	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	CEHO, EHC, EHO, GMD, MDS, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	EHC, GMD, MDS	Where Council is the registration authority

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Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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	EHQ, EHO, EHTO, GMD, MDS, SEHO	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)	EHQ, EHO, EHTO, GMD, MDS, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEHO, EHC, EHO, EHTO, GMD, MDS, SEHO	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	CEHO, EHC, EHO, GMD, MDS, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHC, EHO, EHTO, GMD, MDS, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHC, EHO, EHTO, GMD, MDS, SEHO	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	EHC, EHO, EHTO, GMD, MDS, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHC, EHO, EHTO, GMD, MDS, SEHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEHO, EHC, EHO, EHTO,	Where Council is the registration authority

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Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
		GMD, MDS, SEHO	
s 38E(2)	Power to register the food premises on a conditional basis	EHC, GMD, MDS	Where Council is the registration authority
			not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHC, GMD, MDS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEHO, EHC, EHO, EHTO, GMD, MDS, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHC, GMD, MDS	Where Council is the registration authority
			Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHC, GMD, MDS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHC, GMD, MDS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHC, GMD, MDS	Where Council is the registration authority

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Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	EHQ, EHO, EHTO, GMD, MDS, SEHO	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	EHQ, EHO, GMD, MDS, SEHO	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	EHQ, EHO, GMD, MDS, SEHO	Where Council is the registration authority
Heritage Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMC, GMCS, GMD	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	GMC, GMCS, MCF, MFS	
s 185L(4)	Power to declare and levy a cladding rectification charge	GMCS, MCA	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMC, GMD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMC, GMD	
s 4H	Duty to make amendment to Victoria Planning Provisions available	GMC, GMD, MCF, MDS	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	GMC, GMD, MCF, MDS	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	GMC, GMD, MCF, MDS	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMC, GMD, MCF, MDS	
s 8A(5)	Function of receiving notice of the Minister's decision	GMC, GMD, MCF, MDS	
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	GMC, GMD, MCF, MDS	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMC, GMD, MCF, MDS	
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	GMC, GMD, MCF, MDS	
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)	GMC, GMD	ELT to ratify
s 12B(1)	Duty to review planning scheme	GMC, GMD	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMC, GMD	
s 12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMC, GMD	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMC, GMD, MCF, MDS	
s 17(1)	Duty of giving copy amendment to the planning scheme	GMC, GMD, MCF, MDS	
s 17(2)	Duty of giving copy s 173 agreement	GMC, GMD, MCF, MDS, PSP, SO,	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
		SPC, SSP, STP, TLSPA, TP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSP, GMC, GMD, MCF, MDS	
s 18	Duty to make amendment etc. available	CSP, GMC, GMD, MCF, MDS	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	GMC, GMD, MCF, MDS	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSP, GMC, GMD, MCF, MDS	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	GMC, GMD, MCF, MDS	
s 21(2)	Duty to make submissions available	GMC, GMD, MCF, MDS	
s 21A(4)	Duty to publish notice	GMC, GMD, MCF, MDS	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 22	Duty to consider all submissions	GMC, GMD, MCF, MDS	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	CSP, GMC, GMD, MCF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, GMC, GMD, MCF, MDS	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, GMC, GMD, MCF, MDS	MDS, MCF, & CSP to refer matter to GMD when acting alone
s 26(1)	Power to make report available for inspection	CSP, GMC, GMD, MCF, MDS	
s 26(2)	Duty to keep report of panel available for inspection	CSP, GMC, GMD, MCF, MDS	
s 27(2)	Power to apply for exemption if panel's report not received	GMC, GMD	
s 28	Duty to notify the Minister if abandoning an amendment	CSP, GMC, GMD, MCF, MDS	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	CSP, GMC, GMD, MCF, MDS	
s 30(4)(b)	Duty to provide information in writing upon request	CSP, GMC, GMD, MCF, MDS	

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Planning and Environment Act 1987		
Provision	Item Delegated	Delegate
Conditions and Limitations		
s 32(2)	Duty to give more notice if required	GMC, GMD, MCF, MDS
s 33(1)	Duty to give more notice of changes to an amendment	GMC, GMD, MCF, MDS
s 36(2)	Duty to give notice of approval of amendment	GMC, GMD, MCF, MDS
s 38(5)	Duty to give notice of revocation of an amendment	GMC, GMD, MCF, MDS
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMC, GMD, MCF, MDS
s 40(1)	Function of lodging copy of approved amendment	GMC, GMD, MCF, MDS
s 41	Duty to make approved amendment available	CSP, GMC, GMD, MCF, MDS
s 42	Duty to make copy of planning scheme available	GMC, GMD, MCF, MDS
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Where Council is a responsible public entity and is a planning authority
		Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46AW	Function of being consulted by the Minister	GMC, GMCS, GMD	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	GMC, GMD	Where Council is a responsible public entity
s 46AZC(2)	Power to endorse the draft Statement of Planning Policy	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP	Where Council is a responsible public entity
s 46AZK	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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	Where Council is a responsible public entity
s 46GJ(1)	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	GMC, GMD, MCF, MDS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(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	GMC, GMD, MCF, MDS	Where Council is a collection agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	GMC, GMCS, GMD	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSP, GMC, MCF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CSP, GMC, MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CSP, GMC, MCF	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46GP	Function of receiving a notice under s 46GO	CSP, GMC, GMCS, GMD, MCF	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	CSP, GMC, GMCS, GMD, MCF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CSP, GMC, GMCS, GMD, MCF	
s 46GR(2)	Power to consider a late submission	CSP, GMC, GMCS, GMD, MCF	
s 46GS(1)	Duty to consider a late submission if directed to do so by the Minister	CSP, GMC, GMCS, GMD, MCF	
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	CSP, GMC, GMCS, GMD, MCF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CSP, GMC, GMCS, GMD, MCF	
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	CSP, GMC, GMCS, GMD, MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CSP, GMC, GMCS, GMD, MCF	
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	GMC, GMCS, GMD, MCF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	GMC, GMCS, GMD, MCF, MFS	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMC, GMCS, GMD	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)	GMC, GMCS, GMD	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMC, GMCS, GMD	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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
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	GMCS, GMD, MAS, MDS, MFS, MWES	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	GMC, GMCS, GMD	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	GMD, MAS, MWES	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	GMCS, GMD, MAS, MFS, MWES	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	GMCS, GMD, MAS, MFS, MWES	Where Council is the collecting agency

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

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			agency Where Council is a collection agency.
s 46GZ(2)(b)	Function of receiving the monetary component	GMC, GMCS, GMD, MFS	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)	GMC, GMCS, GMD, MFS	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	GMC, GMCS, GMD, MFS	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			<p>This provision does not apply where Council is also the relevant development agency</p> <p>Must be done in accordance with Local Government Act 1989.</p>
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	GMC, GMCS, GMD, MFS	Where Council is the development agency specified in the approved infrastructure contributions plan
			<p>This provision does not apply where Council is also the collecting agency</p>
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	GMC, GMCS, GMD, MFS	Where Council is the collecting agency under an approved infrastructure

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	GMC, GMCS, GMD, MFS	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	GMC, GMCS, GMD, MFS	Where Council is the development agency under an approved infrastructure contributions

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	GMC, GMCS, GMD, MFS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	GMC, GMCS, GMD, MFS	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)	GMCS, GMD, MFS	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	GMC, GMCS, GMD, MFS	If the VPA is the collecting agency under an approved

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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)	GMC, GMCS, GMD, MFS	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)	GMC, GMCS, GMD, MFS	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)	GMC, GMCS, GMD, MFS	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	GMC, GMCS, GMD, MFS	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	GMC, GMCS, GMD, MFS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	GMC, GMCS, GMD, MFS	Where Council is the collecting agency under an approved

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			infrastructure contributions plan
s 46GGZF(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	GMC, GMCS, GMD, MFS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GGZF(3)	Duty, if land is sold under s.46GGZF(2)(b), to follow the steps in s.46GGZF(3)(a) and (b)	GMC, GMCS, GMD, MFS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GGZF(3)	s 46GGZF(3)(a) function of receiving proceeds of sale	GMC, GMCS, GMD, MFS	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 46GGZF(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 46GGZF(5)	GMC, GMCS, GMD, MFS	Where Council is the collecting

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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)	GMC, GMCS, GMD, MFS	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	GMC, GMCS, GMD, MFS	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	GMC, GMCS, GMD, MCF	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	GMC, GMCS, GMD, MFS	Where Council is a collecting agency or

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46L B(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 46L B (2)	GMD, MAS, MWES	development agency
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMC, GMD, MCF, MDS	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMC, GMD, MCF, MDS	Requires consideration of requirements from MAS and Development Contributions Plan
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMC, GMD	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
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	GMC, GMD, MBS, MCF, MDS	Requires consideration of requirement from MAS, MDS, MCF and Development Contributions Plan
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMC, GMD	Requires consideration of

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMCS, GMD, MCF, MDS	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMCS, GMD	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, MFS	To be based on information supply by the Development Services Unit
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	GMCS, GMD, MAS, MCF, MDS, MWES	
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	GMCS, GMCS, GMD	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMC, GMD	Only applies when levy is paid to Council as a 'development agency'
			Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	GMC, GMD	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

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			Requires consideration of requirements from Development Contributions Plan
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	GMC, GMD, MCF, MDS	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	GMC, GMD	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	GMC, GMCS, GMD	
s 46QD	Duty to prepare report and give a report to the Minister	GMC, GMD, MDS	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	N/A	Where Council is a collection agency or development agency.

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A	
s 47	Power to decide that an application for a planning permit does not comply with that Act	GMC, GMD, MCF, MDS	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 49(2)	Duty to make register available for inspection	GMC, GMD, MCF, MDS	
s 50(4)	Duty to amend application	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 50(5)	Power to refuse to amend application	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 50(6)	Duty to make note of amendment to application in register	GMD, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 50A(1)	Power to make amendment to application	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 50A(4)	Duty to note amendment to application in register	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 51	Duty to make copy of application available for inspection	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 52(3)	Power to give any further notice of an application where appropriate	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 54(1)	Power to require the applicant to provide more information	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 54(1B)	Duty to specify the lapse date for an application	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	GMC, GMD, MCF, MDS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 57(5)	Duty to make available for inspection copy of all objections	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
		SPC, SSP, STP, TLSPA, TP	
s 57A(5)	Power to refuse to amend application	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 57A(6)	Duty to note amendments to application in register	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 57C(1)	Duty to give copy of amended application to referral authority	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 58	Duty to consider every application for a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 58A	Power to request advice from the Planning Application Committee	GMC, GMD, MCF, MDS, PSP, SPC, SSP	
s 60	Duty to consider certain matters	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 60(1A)	Duty to consider certain matters	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CTP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMC, GMD, MCF, MDS, SPC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 62(2)	Power to include other conditions	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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)	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
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)	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	This provision applies also to a decision to grant

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	GMD, MDS	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	GMD, MDS, PSP, SPC, SSP, STP	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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	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

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 69(1A)	Function of receiving application for extension of time to complete development	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 69(2)	Power to extend time	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 70	Duty to make copy permit available for inspection	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 71(1)	Power to correct certain mistakes	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 71(2)	Duty to note corrections in register	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 73	Power to decide to grant amendment subject to conditions	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 74	Duty to issue amended permit to applicant if no objectors	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	If the recommending referral authority did not object to the amendment of the permit or the

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 83	Function of being respondent to an appeal	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 83B	Duty to give or publish notice of application for review	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 84AB	Power to agree to confining a review by the Tribunal	GMD, MDS, SPC	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	GMD, MDS	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 91(2)	Duty to comply with the directions of VCAT	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, GMC, GMD, MCF, MDS, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 93(2)	Duty to give notice of VCAT order to stop development	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 95(3)	Function of referring certain applications to the Minister	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 95(4)	Duty to comply with an order or direction	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	GMD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMC, GMD, MCF, MDS, SPC	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 96F	Duty to consider the panel's report under s 96E	GMC, GMD, MCF, MDS, SPC	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	GMD	
s 96H(3)	Power to give notice in compliance with Minister's direction	GMC, GMD, MCF, MDS	
s 96J	Power to issue permit as directed by the Minister	GMD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	GMD	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	GMC, GMD, MCF, MDS	
s 97C	Power to request Minister to decide the application	GMC, GMD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
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	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	GMC, GMD, MCF, MDS, SPC, STP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMC, GMD	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 97Q(4)	Duty to comply with directions of VCAT	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	GMC, GMD	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	GMC, GMD	
s 101	Function of receiving claim for expenses in conjunction with claim	GMC, GMD, MCF, MDS	
s 103	Power to reject a claim for compensation in certain circumstances	GMC, GMD	
s 107(1)	function of receiving claim for compensation	GMC, GMD	
s 107(3)	Power to agree to extend time for making claim	GMD	
s 114(1)	Power to apply to the VCAT for an enforcement order	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CSP, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	EO, GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	GMD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	GMD	Except Crown Land
s 129	Function of recovering penalties	GMCS, MFS	
s 130(5)	Power to allow person served with an infringement notice further time	GMCS, GMD, MCF, MDS	
s 149A(1)	Power to refer a matter to the VCAT for determination	GMCS, GMD, MCF, MDS	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMCS, GMD, MCF, MDS, SPC	SPC in consultation with GMD and MDS
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	GMCS, GMD, MCF, MDS	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	GMCS, GMD, MCF, MDS	
s 171(2)(g)	Power to grant and reserve easements	GMCS, GMD, MCF, MDS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMCS, GMCS, GMD	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)	GMCS, GMCS, GMD	Where Council is a collecting agency specified in an approved infrastructure

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
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)	GMC, GMCS, GMD	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	GMC, GMCS, GMD	
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	GMC, GMCS, GMD	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	GMC, GMD, MCF, MDS	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	GMC, GMD, MCF, MDS	
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	GMC, GMD, MCF, MDS	
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	GMC, GMCS, GMD	
s 178A(1)	Function of receiving application to amend or end an agreement	GMD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	GMD, MDS, PSP, SPC, SSP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMD, MDS, PSP, SPC, SSP	
s 178A(5)	Power to propose to amend or end an agreement	GMD	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	GMD, MDS, PSP, SPC, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	GMD, MDS, PSP, SPC, SSP	
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	GMD, MDS, PSP, SPC, SSP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	GMD, MDS, PSP, SPC, SSP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	GMD, MDS, SPC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	GMD	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	GMD	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	GMD	If no objections are made under s 178D
			Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	GMD	After considering objections, submissions and

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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	GMD	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	GMD	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMD	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)	GMD, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	GMD, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
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	GMD, MDS	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	GMD	
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	GMD, MDS, PSP, SPC, SSP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMD, MDS, PSP, SPC, SSP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make available for inspection copy agreement	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 181 (1A)(a)	Power to apply to the Registrar of Titles to record the agreement	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 182	Power to enforce an agreement	EO, GMC, GMD, MCF, MDS, SPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	GMC, GMD, MDS, PSP, SPC, SSP, STP	
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	GMD	
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	GMD	
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	GMD, MDS, SPC	
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	GMD, MDS, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	EO, GMD, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	

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Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	GMD, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 198(1)	Function to receive application for planning certificate	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 199(1)	Duty to give planning certificate to applicant	GMC, GMD, MCF, MDS, PSP, SO, SPC, SSP, STP, TLSPA, TP	
s 201(1)	Function of receiving application for declaration of underlying zoning	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
s 201(3)	Duty to make declaration	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	GMC, GMD	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP	
	Power to give written authorisation in accordance with a provision of a planning scheme	GMC, GMD, MCF, MDS	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, GMC, GMD, MCF, MDS, SPC	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, GMC, GMD, MCF, MDS, SPC	

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Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	EHC, GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	EHC, GMD, MDS	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	EHC, GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this power

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Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
			is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CEHO, EHC, EHO, EHTO, GMD, MDS, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHC, EHO, EHTO, GMD, MDS, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHC, EHO, EHTO, GMD, MDS, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHC, EHO, EHTO, GMD, MDS, SEHO	

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Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 206AZA(2)	Function of receiving written notification	EHC, GMD, MDS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	EHC, GMD, MDS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	EHC, GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(1)	Power to give tenant a notice to vacate rented premises	EHC, GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this

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Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
			provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	EH, GMD, MDS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	EH, GMD, MDS	
s 317ZDA(2)	Function of receiving written notification	EH, GMD, MDS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EH, EHO, GMD, MDS, SEHO	
s 522(1)	Power to give a compliance notice to a person	EH, EHO, GMD, MDS, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	EH, GMD, MDS	
s 525(4)	Duty to issue identity card to authorised officers	GMCS, GRC, MCA	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EH, GMD, MBS, MDS	
s 526A(3)	Function of receiving report of inspection	EH, EHO, EHTO, GMD, MDS, SEHO	

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Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	EHC, GMD, MDS	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMD, MAS	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	GMCS, MCA, MFS	
s 11(9)(b)	Duty to advise Registrar	GMCS, GMD, MAS, MCA, MFS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMD, MAS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMD, MAS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMCS, GMD, MAS, MCA	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	GMCS, GMD, MAS, MCA	Power of coordinating road authority where it is the discontinuing body
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMD	Unless s 12(11) applies

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
			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	GMD	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	GMD	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	GMD, MAS	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMD, MAS	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMD, MWES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMD, MWES	
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	GMD, MAS	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMD, MAS	
s 15(2)	Duty to include details of arrangement in public roads register	GMD, MAS	
s 16(7)	Power to enter into an arrangement under s 15	GMD, MAS	
s 16(8)	Duty to enter details of determination in public roads register	GMD, MAS	
s 17(2)	Duty to register public road in public roads register	GMD, MAS	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMD, MAS	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	GMD, MAS	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	GMD, MAS	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMD, MAS	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMD, MAS	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	GMD, MAS	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	GMD, MAS	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMD, MAS	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMD, MAS	
s 21	Function of replying to request for information or advice	GMD, MAS	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMD, MAS	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCS	
s 22(5)	Duty to give effect to a direction under s 22	GMD	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMD, MAS, MWES	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMD, MAS, MWES	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMD, MAS, MWES	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 42(1)	Power to declare a public road as a controlled access road	GMD, MAS	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	GMD, MAS	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	GMD, MAS, MWES	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	GMD, MAS, MWES	Where Council is the coordinating road authority
			If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMD, MAS, MWES	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	GMD, MAS, MWES	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 49	Power to develop and publish a road management plan	GMD, MAS, MWES	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMD, MAS, MWES	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMD, MAS	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMD, MAS, MWES	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMD, MAS, MWES	
s 54(6)	Power to amend road management plan	GMD, MAS, MWES	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMD, MAS, MWES	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMD, MAS, MWES	
s 63(1)	Power to consent to conduct of works on road	APT, EC, EDTL, ERRC, GMD, IDTL, MAS, MWES, STE, STO-ES, TTE	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	APT, EC, EDTL, ERRC, GMD, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	EC, ERRC, GMD, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	EC, EDTL, ERRC, GMD, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	GMD, MAS, MWES	Where Council is the coordinating road authority
s 67(3)	Power to request information	GMD, IDTL, MAS, MWES, SASC, STE, TTE	Where Council is the coordinating road authority
s 68(2)	Power to request information	GMD, IDTL, MAS, MWES, SASC, STE, TTE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMD, IDTL, MAS, MWES, STE, TTE	
s 72	Duty to issue an identity card to each authorised officer	GMCS, GMD, MAS, MCA, MWES	
s 85	Function of receiving report from authorised officer	GMD, MAS, MWES	
s 86	Duty to keep register re s 85 matters	GMD, MAS, MWES	
s 87(1)	Function of receiving complaints	EC, ERRC, GMD, IDTL, MAS, MCA, MWES, STE, STO-ES, TTE	
s 87(2)	Duty to investigate complaint and provide report	GMD, MAS, MCA, MWES	
s 112(2)	Power to recover damages in court	GMCS, GMD, MAS, MFS, MWES	
s 116	Power to cause or carry out inspection	GMD, IDTL, MAS, MWES, STE, TTE	
s 119(2)	Function of consulting with the Head, Transport for Victoria	EC, ERRC, GMD, MWES, STO-ES	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMD, MWES	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMD, MWES	
s 121(1)	Power to enter into an agreement in respect of works	GMD, MAS, MWES	
s 122(1)	Power to charge and recover fees	GMCS, GMD, MAS, MFS, MWES	
s 123(1)	Power to charge for any service	GMCS, GMD, MFS, MWES	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMD, MAS, MWES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMD, MAS, MWES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMD, MAS, MWES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMD, MWES	
sch 2 cl 5	Duty to publish notice of declaration	GMD, MAS, MWES	
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	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	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	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the infrastructure manager or works manager responsible for

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
			non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	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	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	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	GMD, IDO, IDTL, MAS, MWES, STE, TTE	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMD, IDO, IDTL, MAS, MWES, STE, TTE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	APTL, EC, EDTL, ERRC, GMD, IDO, IDTL, MAS, MWES, STE, STO-ES, TTE	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMCS, GMD, MAS, MFS, MWES	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)	EC, ERRC, GMD, MAS, MWES	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

April 2020

Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	EC, ERRC, GMD, MAS, MWES	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	APTL, EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	APTL, EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	APTL, EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	APTL, EC, ERRC, GMD, MAS, MWES	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	APTL, EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	GMD, MAS, MWES	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	APTL, EC, ERRC, GMD, MAS, MWES	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	APTL, EC, ERRC, GMD, MAS, MWES	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

April 2020

Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
		MAS, MFS, MWES	
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	APT.L, DE, EC, ERRC, ES, GMD, IDO, IDTL, MAS, MWES, RSO, STO-ES, TTE	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	EC, ERRC, GMD, IDTL, MAS, MWES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMD, MAS, MWES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMD, MAS, MWES	Where Council is the responsible road authority
sch 7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMD, MAS, MWES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CTL, GMCS, GMD, MAS, MFS	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CTL, GMCS, GMD, MAS, MFS	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CTL, GMCS, GMD, MAS, MFS	
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	CTL, GMCS, GMD, MAS, MFS	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	CTL, GMCS, GMD, MAS, MFS	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	CTL, GMCS, GMD, MAS, MFS	
r 30(2)	Power to release cremated human remains to certain persons	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	CTL, GMCS, GMD, MAS, MFS	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCS, GMD, MAS, MFS	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	CTL, GMCS, GMD, MAS, MFS	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCS, GMD, MAS, MFS	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CTL, GMCS, GMD, MAS, MFS	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	CTL, GMCS, GMD, MAS, MFS	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	CTL, GMCS, GMD, MAS, MFS	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	GMCS, GMD, MAS, MFS	

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 40	Power to approve a person to play sport within a public cemetery	GMCS, GMD, MAS, MFS	
r 41(1)	Power to approve fishing and bathing within a public cemetery	GMCS, GMD, MAS, MFS	
r 42(1)	Power to approve hunting within a public cemetery	GMCS, GMD, MAS, MFS	
r 43	Power to approve camping within a public cemetery	GMCS, GMD, MAS, MFS	
r 45(1)	Power to approve the removal of plants within a public cemetery	CTL, GMCS, GMD, MAS, MFS	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CTL, GMCS, GMD, MAS, MFS	
r 47(3)	Power to approve the use of fire in a public cemetery	CTL, GMCS, GMD, MAS, MFS	
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	CTL, GMCS, GMD, MAS, MFS	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
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	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	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	GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules

S6 Instrument of Delegation Members of Staff

April 2020

Cemeteries and Crematoria Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
sch 2 cl 8	Power to approve certain mementos on a memorial	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	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	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	GMCS, GMD, MAS, MFS	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CTL, GMCS, GMD, MAS, MFS	See note above regarding model rules
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CSP, GMC, GMD, MCF, MDS	where Council is not the planning authority and the amendment affects land

S6 Instrument of Delegation Members of Staff

April 2020

Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
			within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMC, GMD, MCF, MDS, PSP, SPC, SSP, STP, TLSPA, TP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMC, GMD, MCF, MDS	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	GMC, GMD, MCF, MDS	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CSP, GMC, GMD, MCF, MDS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will

S6 Instrument of Delegation Members of Staff

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Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
			amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSP, GMCS, MCF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMD, MDS, SPC	
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	CSP, GMCS, GMD, MCF, MDS, SPC	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EH, EHO, GMD, MDS, SEHO	
r 11	Function of receiving application for registration	EH, EHO, EHTO, GMD, MDS, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EH, EHO, GMD, MDS, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EH, EHO, GMD, MDS, SEHO	
r 13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EH, EHO, GMD, MDS, SEHO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 13(4) & (5)	Duty to issue certificate of registration	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	EHC, EHO, GMD, MDS, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	N/A	Statutory set and ratified by Council resolution
r 18	Duty to keep register of caravan parks	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CEHO, EHC, EHO, GMD, MDS, SEHO	
r 19(6)	Power to determine where certain information is displayed	CEHO, EHC, EHO, GMD, MDS, SEHO	
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	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	EHC, EHO, GMD, MDS, SEHO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEHO, EHC, EHO, GMD, MDS, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEHO, EHC, EHO, GMD, MDS, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHC, EHO, GMD, MDS, SEHO	
r 26	Duty to have regard to any report of the relevant fire authority	EHC, EHO, GMD, MDS, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHC, EHO, GMD, MDS, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC, EHO, GMD, MDS, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC, EHO, GMD, MDS, SEHO	
r 40(4)	Function of receiving installation certificate	EHC, EHO, EHTO, GMD, MDS, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHC, EHO, GMD, MDS, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	APS, CCC, CCO, EHC, EHO, GMD, MDS, SCCO, SEHO	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMD, MAS, MWES	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMD, MWES	

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Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
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)	GMD, MWES, SASC	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	GMD, MAS, MWES	
r 13(1)	Duty to publish notice of amendments to road management plan	GMD, MAS, MWES, SASC	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	GMD, MAS	
r 16(3)	Power to issue permit	APTL, EC, ERRC, GMD, MAS, MWES, STO-ES	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	APTL, EC, ERRC, GMD, MAS, MWES, STO-ES	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	EC, ERRC, GMD, MWES	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	APTL, EC, ERRC, GMD, MWES, SASC, STO-ES	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	APTL, EC, ERRC, GMD, MWES, STO-ES	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMD	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMCS, GMD, MFS	

Road Management (Works and Infrastructure) Regulations 2015 Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMD, MAS, MWES	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	GMD, MAS, MWES	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

April 2020

14.6 ADOPTION OF COUNCIL AGENDA POLICY CP018

File Number: 18/02/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the Council Agenda Policy CP018 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Council Agenda Policy CP018 as presented.

3. Background

The purpose of this policy is establish the guidelines for the compilation, distribution and access to Council agendas.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Strategic Management Team.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed. Minor content & formatting changes have been made and these are presented in the attachment.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every three years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.1 Leadership and Representation

Goal to be achieved:

- Elected members engage effectively with the community.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the current Council Agenda Policy.

Legal/Statutory

This policy complies with all requirements under the *Local Government Act 1989*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 Council Agenda Policy CP018 DRAFT



Mildura Rural City Council

Council Agenda Policy**Policy - CP018**

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Corporate Administration	Executive Leadership Team	Council	23 June 2016	2016/0120
Trim File: 18/02/01			To be reviewed: June September 2022 April 2023	
Document Owner: Manager Corporate Administration General Manager Corporate			Review Frequency: Three years	

1. The purpose of this policy is:

To establish the guidelines for the compilation, distribution and access to Council agendas.

2. Policy Statement

The purpose of this policy is:

- to ensure Councillors have adequate time to familiarise themselves with the matters to be considered at a Council meeting;
- to ensure the media are kept informed of issues to be considered by Council;
- to ensure the media and members of the public who attend Council meetings can follow the proceedings;
- to enable interested parties to stay informed of Council's deliberations;
- to minimise the financial expense and environmental impact of conducting Council business;
- to maintain openness and transparency in Council's decision making process; and
- to ensure compliance with the requirements of the *Local Government Act 1989* and *Local Law No.1 (Conduct of Council Meetings)*.

3. Principles

- Council holds an Ordinary meeting on the ~~third~~^{fourth} ~~Thursday~~^{Wednesday} of each month, unless otherwise published. Special meetings are held at the written authorisation of the Mayor and Chief Executive Officer.
- Council will utilise information technology wherever possible to prepare and distribute Council agendas, and will keep the provision of hardcopy documents to a minimum. Council will actively promote the use of its website as the preferred source of access to these documents.

- The agenda ~~is to be~~ will be made electronically available to Councillors no later than 5:00pm the Fri ~~Thurs~~ day prior to the scheduled Council meeting.;
- The agenda will be made available to the public and media on Councils website at 9:00am on the Monday prior to the meeting.;
- Copies of the agenda will be made available to the public (~~upon request~~) and the media (~~upon request~~). ~~– A link to the agenda published to Council's website will be forwarded by email to the media on the Monday prior to the meeting (upon request).;~~
- Council will provide 10 hard copies of a reduced agenda for the public gallery. Council will use its discretion to remove certain attachments from the public gallery hard copies in an effort to reduce print wastage. The reduced agenda will display the following notation "Due to the size of this agenda, certain attachments have been removed. To view these documents, please visit www.mildura.vic.gov.au".;
- ~~Where matters of public interest are being considered, Ten copies of the agenda will be made available for the public gallery, with further additional hard copies of the agenda may be supplied to the public gallery being supplied at the discretion of the General Manager Corporate Service's discretion and with prior authorisation (upon request).;~~
- Agendas and ratified minutes will be posted on Council's website as soon as practicable.;
- ~~Hard copies of the Agendas and minutes are available (upon request) for purchase as per fees set within Mildura Rural City Council's Annual User Charges; and~~
- Details of Council meetings will be advertised in the local media.
- Submission and approval of reports within published timeframes for inclusion in the agenda will be the responsibility of the relevant General Manager.
- Late reports, i.e. those received after the published deadline, will only be admitted with the authorisation of the Chief Executive Officer.
- A meeting will be held to discuss and approve all Council reports by the Executive Leadership Team the week before the Council meeting.
- The Manager Corporate Administration has responsibility for ensuring:
 - that preparation of the agenda can commence by 12pm Thursday the week prior to the scheduled meeting; and
 - the timely preparation of the agenda and minute papers for distribution.
- The Manager Information Systems has the responsibility of retaining agendas and minutes as permanent records.

4. Who is responsible for implementing this policy?

General Manager Corporate

- ~~Submission and approval of reports within published timeframes for inclusion in the agenda will be the responsibility of the relevant Manager/ General Manager. It is the responsibility of the report writer to ensure the document is correctly checked into Council's electronic records~~

- ~~management system (Records Manager) ensuring the naming parameters and security are correct;~~
- ~~• Late reports, i.e. those received after the published deadline, will only be admitted with the authorisation of the Chief Executive Officer;~~
- ~~• A meeting will be held to discuss and approve all Council reports by the Executive Leadership Team the week before the Council meeting;~~
- ~~— The Manager Corporate Administration has responsibility to oversee:~~
 - ~~○ that preparation of the agenda can commence by Preparation of the Council meeting agenda by 2pm the Thursday before the scheduled meeting; will be the responsibility of the Manager Corporate Administration;~~
 - ~~○ Timely availability of the agenda for Councillors; will be the responsibility of the Manager Corporate Administration;~~
 - ~~the pProvision of the agenda,s and minutes will be the responsibility of the Manager Corporate Administration; and~~
- ~~— The Manager of Information Systems has the responsibility of retaining aAgendas and minutes will be retained as permanent records. (responsibility of the Manager Information Systems).~~

4.5. Definitions

Agenda	Means the business papers prepared for an official Mildura Rural City Council Meeting or Committee Meeting which is open to the public in accordance with Section 89 of the <i>Local Government Act 1989</i> .
Minutes	Minutes are the official record of Council meetings and Special Committees in accordance with Local Law No 1 and the <i>Local Government Act 1989</i> .

5.6. Legislation and other references**5.16.1 Legislation**

- ~~Local Government Act 1989; and~~
- ~~Local Law No. 1 (Conduct of Council Meetings).~~

5.26.2 Documents

This Policy is implemented in conjunction with the following documents:

- ~~Local Law No. 1 (Conduct of Council Meetings)~~
- ~~MRCC – Guide to Council Meetings~~

6.7. Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	✓
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability	✓	Public Image and Reputation	✓

14.7 ADOPTION OF CONFLICT OF INTEREST POLICY CP057

File Number: 18/02/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the Conflict of Interest Policy CP057 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Conflict of Interest Policy CP057 as presented.

3. Background

The purpose of this policy is to ensure Councillors and staff are aware of, and comply with the requirements of the *Local Government Act 1989* (the Act) in relation to Conflicts of Interest.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Strategic Management Team.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed. No changes have been made to this policy.

With the introduction of the *Local Government Act 2020*, changes will be made to the Conflict of Interest provisions, these changed provisions come into effect on 24 October 2020 to align to the new Council.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed prior to the changed Conflict of Interest provisions coming into effect from the *Local Government Act 2020*.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.5 Organisational Management

Goal to be achieved:

- Effectively manage risk.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the current Conflict of Interest policy.

Legal/Statutory

This policy complies with current requirements under the *Local Government Act 1989*, and will be updated to reflect changes in the *Local Government Act 2020* when that aspect of the Act comes into operation.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 Conflict of Interest Policy



Conflict of Interest Policy

Policy – CP057

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Corporate Administration	Executive Leadership Team	Council		
Trim File: 18/02/01			To be reviewed:	
Document Owner: Manager Corporate Administration			Review Frequency: Three yearly	

1. The purpose of this policy is

To ensure Councillors and staff are aware of, and comply with the requirements of the *Local Government Act 1989* (the Act) in relation to Conflicts of Interest.

2. Policy Statement

Conflict of Interest is about transparency, Councillors & staff hold positions of public trust and should work to serve the interests of the community, not themselves or someone else's private interests.

It is the responsibility of each Councillor or staff member to identify a Conflict of Interest and disclose this when necessary. Failure to disclose Conflicts of Interest is a breach of the Act in which penalties can apply.

The Chief Executive Officer and members of Council staff have increased responsibilities when discharging any delegated powers, duties or functions under the Act. These restrictions are set out in Section 80B of the Act.

Appendix one outlines Section 80B of the Act.

3. Principles

Types of Interests

The Act describes seven classes of interests. Those being direct interests and the following six indirect interests:

- Close association
- Indirect financial interest
- Conflicting duty
- Applicable gift
- Party to matter
- Residential amenity

Appendix two outlines detail from the Act for each category.

Recording requirements

In accordance with Section 79(8) of the Act, all disclosures of Conflicts of Interests made at Council or Committee meetings will be recorded in the minutes of that meeting.

Each Councillor or Committee member is required to complete a Conflict of Interest Declaration Form that must include the classification and nature of the Conflict. These forms are to be returned to the Governance & Risk Team for registering in Councils Records Management system.

Written disclosures will be kept in a secure place for three years after the date the Councillor or Committee member ceases to be a Councillor or Committee member.

In declaring a Conflict of Interest, Councillors or Committee members are required to make the following verbal declaration:

I wish to declare that I hold an *direct/indirect* Conflict of Interest *type of interest (if indirect)*. The nature of the interest is that *explain nature of interest*.

The following information must be recorded in the minutes of that meeting:

- The declaration of the Conflict of Interest; and
- The classification and nature of the interest

4. Who is responsible for implementing this policy?

Manager Corporate Administration

5. Definitions

Refer Appendix One.

6. Legislation and other references**6.1 Legislation**

For further information related to this policy see:

- *Local Government Act 1989*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Conflict of Interest Flowchart
- Conflict of Interest – A Guide for Councillors (October 2012) produced by the Department of Planning & Community Development
- Conflict of Interest – A Guide for Council Staff (October 2011) produced by the Department of Planning & Community Development

6.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	

APPENDIX ONE

Section 80B Members of Council staff to disclose conflicts of interest in respect of delegated functions

- (1) This section applies to -
 - (a) a member of Council staff who has been delegated a power, duty or function of the Council under section 98(1) or 98(3) or under another Act;
 - (b) the Chief Executive Officer who has been given a power, duty or function under this Act or another Act;
 - (c) any other member of Council staff who has been delegated a power, duty or function of the Chief Executive Officer under section 98(2).
- (2) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must -
 - (a) not exercise the power or discharge the duty or function; and
 - (b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest 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.
 - (c) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter.
- (3) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to -
 - (a) the adoption or amendment of a policy relating to Council staff generally;
 - (b) adoption of a code of conduct for Council staff under section 95AA;
 - (c) a decision to request the appointment of a probity auditor under Division 4.

APPENDIX TWO

Section 77B Direct interest

- (4) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (5) Without limiting subsection (1), a person has a direct interest in a matter if -
 - (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (6) A person who has a membership in a club or organisation that has a direct interest in a matter -
 - (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
 - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78Am 78B or 78C.
- (7) In subsection (2), **controlling interest** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.

Section 78 Indirect interest by close association

- (1) In this section -

daughter means a biological daughter, stepdaughter, adopted daughter, or female child for whom the person had custodial responsibilities;

direct relative means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

domestic partner of a person means -

 - (a) a person who is in a registered relationship with the person; or
 - (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person -
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means -

 - (a) a spouse or domestic partner of the person; or
 - (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

relative means -

 - (a) a direct relative of the person;
 - (b) a direct relative of a person who is the direct relative of the person;

son means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.
- (2) A person has an indirect interest by close association in a matter if -
 - (a) a family member or the person has direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter or;
 - (c) a member of the person's household has a direct interest in a matter
- (3) For the purpose of the definition of **domestic partner** in subsection (1) -
 - (a) **registered relationship** has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partner of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationship Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants.

Section 78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if –
 - (a) The person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) The person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and a family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.
- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purpose of determining the value of shares under this section, the share value is to be taken from –
 - (a) the close of business on the most recent of 30 June or 31 December; or
 - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

Section 78B Indirect interest because of conflicting duties

- (1) A person has an indirect interest in a matter because of conflicting duty if the person -
 - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
 - (c) is a trustee for a person who has a direct interest in a matter.
- (2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.
- (3) A person does not have an indirect interest because of a conflicting duty if -
 - (a) the person is, or has been, only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;
 - (b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;
 - (ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;
 - (c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
 - (ca) the person is only a member of a development assessment committee established under Part 4AA of the **Planning and Environment Act 1987**;
 - (d) the person only holds a position that has been prescribed for the purposes of this section.

Section 78C Indirect interest because of receipt of an applicable gift

- (1) In this section, **applicable gift** means one or more gifts with a total value of, or more than, the gift disclosure threshold, received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power, duty or function but does not include –
 - (a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or
 - (b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from –
 - (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.
- (3) For the purposes of determining when a person became a Councillor or member of a special committee under subsection (1)(b), if the person is re-elected or reappointed as a Councillor or a member of a special committee, on completion of his or her term of office, the previous term of office served by that person as a Councillor or member of a special committee must be counted as continuous service with any service completed by the person after the person's re-election or reappointment.

Section 78D Indirect interest as a consequence of becoming an interest party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

Section 78E Indirect interest because of impact on residential amenity

A person has an indirect interest in a matter if there is a reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way.

14.8 ADOPTION OF RELEASE OF CONFIDENTIAL INFORMATION POLICY CP030

File Number: 18/02/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the Release of Confidential Information Policy CP030 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Release of Confidential Information Policy CP030 as presented.

3. Background

The purpose of this policy is to provide guidelines for the release of information discussed by Council or a Special Committee in meetings closed to members of the public.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Strategic Management Team.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed.

The changes proposed are not material in nature and include:

- Information pertaining to confidential matters discussed at Councillor Briefing Sessions: and
- Clarification of statutory provisions pertaining to confidential information.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every three years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.1 Leadership and Representation

Goal to be achieved:

- Effectively respond to the interests of our community.

4.2 Communication and Engagement

Goal to be achieved:

- Engage effectively with the community.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the current Release of Confidential Information policy.

Legal/Statutory

This policy complies with all requirements under the *Local Government Act 1989*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 Release of Confidential Information Policy CP030 DRAFT



Release of Confidential Information Policy

Policy - CP030

Prepared	Reviewed	Approved	Date	Council Minute No.
GMCS Governance	ELT	Council	23 February 2017	2017/0040
Trim File: 18/02/01			To be reviewed: February-April 2023 0	
Document Owner: GMCS General Manager Corporate			Review Frequency: 3 Years	

1. The purpose of this policy is

To provide guidelines ~~on the appropriate timeframe~~ for the release of information discussed by Council or ~~its~~ Special Committees in ~~confidential sessions-meetings closed to members of the public.~~

2. Policy Statement

Mildura Rural City Council operates in an environment which requires compliance with good governance principles, including those of public accountability and ~~scrutiny~~transparency. Council seeks to ~~comprehensively~~ inform the public of issues under consideration and the nature of decisions made by Council and its Special Committees.

In order to contribute to the environment of open decision-making, Council ensures the number of matters considered by it or its committees in confidential sessions is kept to a minimum. It is necessary to balance the need for Council and its Special Committees to consider certain matters in confidential sessions against the fundamental principle of open decision-making.

3. Statutory Provisions

Councillors receive confidential information in accordance with section 77 and section 89(2) of the Local Government Act 1989 (the Act).

Section 77 states that a person who is, or has been, a Councillor or a member of a Special Committee, must not disclose information that the person knows, or should reasonably know, is confidential information.

Section 89(2) of the Act allows Council or a Special Committee to resolve that a meeting be closed to members of the public to discuss any of the following:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;

- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

If Council or a Special Committee resolves to close a meeting to members of the public the reason will be recorded in the minutes of the meeting, as required under section 89(3).

Documents and information considered during the closed parts of a meeting are confidential information for the purposes of this policy.

4. Councillor Briefing Sessions

Councillor briefing sessions, (including Council Forum):

- are informal meetings and are not bound by Local Law No 1 Conduct of Council Meetings;
- enable staff to present proposals and information to Councillors, some of which may never be presented to Council for a formal decision;
- allow Councillors and staff to have discussions and contribute freely; and
- assist Councillors in making informed decisions if and when the matters are presented to Council for a decision.

Any information or presentation provided at a Councillor Briefing Session that is confidential in nature will be clearly identified with the following statement:

"The following item and any information attached are confidential and are provided to you for the purpose of fulfilling your functions as a Councillor. This information is not to be further distributed and its content is not to be discussed with, or disclosed to anyone other than your fellow Councillors and members of Council staff who are directly involved in its preparation and distribution.

The information has been designated as confidential by the Chief Executive Officer in accordance with section 77(2)(c) of the Local Government Act 1989 (the Act) on the grounds that it relates to <insert details> as defined under section 89 of the Act."

5. Confidential Information

In accordance with section 77(2) of the Act, information is confidential information if:

- The information was provided to the Council or Special Committee in relation to a matter considered by the Council or Special Committee at a meeting closed to members of the public, and the Council or Special Committee has not passed a resolution that the information is not confidential.

- The information has been designated as confidential information by a resolution of the Council or Special Committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or Special Committee has not passed a resolution that the information is not confidential.
- The information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential. Confidential information of this type will contain the following statement:

"In accordance with section 77 of the Local Government Act 1989 (the Act), this document has been designated as confidential by the Chief Executive Officer as it relates to <insert details> as defined under section 89 of the Act."

6. Principles

~~Pursuant to Section 89 of the Local Government Act 1989 Council or a Special Committee can resolve at the meeting be closed to members of the public if the meeting discusses any of the follows:~~

- ~~(a) — personnel matters~~
- ~~(b) — the personal hardship of any resident or ratepayer~~
- ~~(c) — industrial matters~~
- ~~(d) — contractual matters~~
- ~~(e) — proposed developments~~
- ~~(f) — legal advice~~
- ~~(g) — matters affecting the security of Council property~~
- ~~(h) — any other matter which the Council or special committee considers would prejudice the Council or any person~~
- ~~(i) — a resolution to close the meeting to members of the public.~~

~~6~~

~~If Council or a Special Committee resolve to close a meeting to members of the public the reason will be recorded in the minutes of the meeting, as required under section 89(3).~~

Where Council or its Special Committees consider a matter in a confidential session it will, where possible, limit the period of confidentiality by incorporating either:

- a sunset provision after which the information will no longer be confidential; or
- where it is not possible to stipulate a date after which the information is no longer confidential, specify a particular event the occurrence of which removes the confidentiality restrictions.

Council ~~maintains~~will establish a Confidential Reports Register detailing the following information in respect ~~of~~to each Confidential Report considered by Council or its Special Committees~~;~~:

- Council meeting date
- Title of the report

- Record number
- Nominated disclosure date
- Date released to the public.

The Register will be updated within two weeks of each Council Meeting.

A review group comprising of the Mayor, Deputy Mayor, Chief Executive Officer and General Manager Corporate will periodically review the Confidential Reports Register.

The review group will review-assess the confidential reports that have been confidential for at least twelve months, that have not been made publicly available and determine whether the information contained in the reports, that have been confidential for at least twelve months, should be released.

3.7. Who is responsible for implementing this policy?

General Manager Corporate.

4.8. Definitions

Special Committee	A committee established under Section 86 of the <i>Local Government Act 1989</i> .
Confidential Council	The part of a Council or Committee meeting which is closed to the public under Section 89 of the <i>Local Government Act 1989</i> .

5.9. Legislation and other references

5.19.1 Legislation

Local Government Act 1989

5.29.2 Documents

Nil

5.39.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓

14.9 ADOPTION OF STREET NUMBERING POLICY CP003

File Number: 18/02/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the Street Numbering Policy CP003 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Street Numbering Policy CP003, as presented.

3. Background

The purpose of this policy is to establish and maintain consistency in the application of street numbers to properties within the municipality.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with all appropriate stakeholders.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In this instance, Council recognises it has a responsibility to ensure identification of properties through accurate numbering to ensure that statutory authorities and emergency services can identify individual properties.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed and remain unchanged.

6. Time Frame

This policy will come into force if adopted by Council and will be reviewed every three years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.1 Leadership and Representation

Goal to be achieved:

- Deliver results in line with community expectations.

4.2 Communication and Engagement

Goal to be achieved:

- Communicate effectively with the community.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report represents the Street Numbering Policy CP003 for further adoption.

Legal/Statutory

This policy complies with all requirements under the *Local Government Act 1989*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1** Street Numbering Policy CP003



Street Numbering Policy

Policy – CP003

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Corporate Administration	ELT	Council	April 2020	
Content Manager File: 18/02/01			To be reviewed: April 2023	
Document Owner: Manager Corporate Administration			Review Frequency: Three years	

1. The purpose of the this policy is

To establish consistency in the application of street numbers.

2. Policy Statement

Council recognises it has a responsibility to ensure identification of properties through accurate numbering to ensure that statutory authorities and emergency services can identify individual properties.

3. Principles

The convention that shall be applied in the municipal district of the Mildura Rural City Council is as follows:

- In roads where through traffic is possible, property numbers will be allocated with all odd numbers on one side of the road and all even numbers on the opposite side of the road.
- In roads where through traffic is not possible, property numbers will be allocated seriatim from the first property on the left-hand side at the entrance to the road.
- Where a property that has frontage to more than one street has been allocated a property number to one of those streets, and the owner requires it to be changed to another street, a written application setting out the reasons for the change will be required. If the application is deemed to have merit and the existing property numbers allow for a change to an alternative street, an administrative fee will be payable before the change is made.
- Upon re-allocation of street numbers, the following authorities, or their successors, must be notified:
 - Powercor
 - Telstra
 - Lower Murray Water
 - Australia Post
 - Victoria Police

- Country Fire Authority
- Victorian State Emergency Service
- VICMAP – Land Victoria
- Rural Ambulance Victoria
- Australian Electoral Commission.
- Where property numbers have been previously allocated and it is necessary to re-allocate property numbers, written notification will be given to the owners of the affected properties, giving them 28 days to comment.
- Following a decision to re-allocate property numbers, owners will be notified in writing and directed to re-number their property within a specified timeframe, supplied with one set of reflective numbers to be erected at the properties' primary point of entry and given the option to be reimbursed by Council for the cost of mail redirection for a period of up to 90 days (residential mail delivery service only).
- Where a property that has frontage to more than one street has been allocated a property number to one of those streets and the owner requires it to be changed to another street, a written application setting out the reasons for the change will be required. If the application is deemed to have merit and the existing property numbers allow for a change to an alternative street, an administrative fee will be payable before the change is made.
- Street and road names will be determined under the naming rules for places in Victoria and accord with Australian/New Zealand Rural and Urban Addressing Standard

4. Who is responsible for implementing this policy?

General Manager Corporate

5. Definitions

Road	has the meaning attached to it in Section 3 of the <i>Local Government Act 1989</i> (as amended).
Property Number	is the number allocated by the Mildura Rural City Council to identify individual properties within a road

6. Legislation and other references

6.1 Legislation

For further information related to this policy, see:

- Section 6 of the *Local Government Act 1989* defines one of the purposes of a Council as providing for the peace, order and good government of its municipal district.
- Schedule 10 of the *Local Government Act 1989* provides for Council to approve, assign and change the number of any premises next to a road; and

- Schedule 10 further provides that Council may require people to number their premises and to renew those numbers.
- The Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016.

This policy recognises the imminent introduction of the new Local Government Act 2020. However at April 2020, there are no consequential changes to legal definition or context.

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Deployment Flowchart - Rural Addressing
- Deployment Flowchart - Urban Addressing
- Deployment Flowchart - Urban Addressing - Re-Allocation of Property Numbers
- Australian/New Zealand Standard AS/NZS 4819:2011 – Rural and urban addressing.

6.3 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	

14.10 ADOPTION OF RAFFLES, DOOR KNOCKS & COMMUNITY EVENTS SIGNBOARD POLICY CP039

File Number: 18/02/01
Officer: General Manager Development

1. Summary

The purpose of this report is to present the Raffles, Door Knocks & Community Events Signboard Policy CP039 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Raffles, Door Knocks & Community Events Signboard Policy CP039 as presented.

3. Background

The amended policy for adoption is used in a regulatory environment by Council's Development Services Branch. The policy is required to be reviewed and presented to Council for adoption.

The Raffles, Door Knocks and Community Events Signboard Policy is used to establish clear procedures to facilitate street collections and doorknocks and the use of the Community Event Signboards.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Executive Leadership Team and Strategic Management Team.

5. Discussion

The above mentioned policy has been reviewed by the Manager Development Services and has been forwarded to Councillors via a memorandum dated 9 April 2020.

The changes proposed are not material in nature and include:

- Next review timing of this policy to be April 2023
- General minor alterations to sentences and paragraphs
- Replace Local Laws Coordinator with Civic Compliance Coordinator in the Policy documentation
- Add the definition of a Penalty Unit in Definitions section, and
- Clarify and simplify the definition of a Raffle in Definitions section.

6. Time Frame

The updated policy will be used in the regulatory environment by Council's Development Services Branch, and will be reviewed every three years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

1.1 Community Safety

Goals to be achieved:

- People feel safe; and
- People are safe.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the Raffles, Door Knocks & Community Events Signboard Policy CP039.

Legal/Statutory

This policy relates to the following Legal / Statutory Regulations and Acts:

- *Road Safety Act 1986;*
- *Local Government Act 1989;*
- *Community Local Law No 2;*
- *Environmental Protection Act 1970;*
- *Gambling Regulation Act 2003;*
- *Monetary Units Act 2004;* and
- *Road Management Act 2004.*

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 Raffles, Door Knocks & Community Events Signboard Policy CP039



Raffles, Door Knocks & Community Events Signboard Policy

Policy – CP039

Prepared	Reviewed	Approved	Date	Council Minute No.
Local Laws/Civic Compliance Coordinator	Strategic Management Team & Executive Leadership Team	Council	25/11/19	
Trim File: 18/02/01		To be reviewed: February 2017 November April 2023		
Document Owner: Manager Development Services		Review Frequency: Three yearly		

1. The purpose of ~~the~~ this policy is

To establish clear procedures to facilitate street collections and doorknocks and the use of the Community Event Signboards.

2. Policy Statement

Mildura Rural City Council is committed to ensuring community and charitable organisations continue to provide valuable contribution to the enhancement of the community.

3. Principles

- Maintain consistency when considering applications for street collections and door knocks and the use of the Community Event Signboards.
- Ensure applications are processed in a fair, consistent and equitable manner.
- Ensure persons are not disadvantaged by other users.
- Sites are not ~~over-crowded~~ overcrowded and pose potential hazard.
- Ensure no conflict of interest occurs.
- Ensure Council is indemnified against all actions, costs, claims, charges, penalties, demands whatsoever which may be brought or made or claimed against them arising out of in any way related to the granting of permits.

Minor Raffles

All raffles are to be conducted in accordance with the Raffles and Bingo Permits Board guidelines. — prize value under \$500

- a) All applications must be in writing and be received one month prior to the commencement of the proposed raffle period.
- b) Only one raffle may be held in each month.
- c) The applicant is to liaise with the Mildura City Traders Heart Manager regarding the site to be used in the Langtree Mall. (if required).
- d) Council's Local Laws Coordinator is authorised to approve applications in accordance with the preference criteria listed in the General Conditions.
- e) If more than one raffle application is received for the same month, the Manager Development Services will assess the need for a ballot and must consider the preference criteria listed in the General Conditions when conducting the ballot.

Major Raffles — prize value over \$500

A major raffle is defined as a raffle with a prize value of over \$500 which can only be conducted two months of the year at the allocated site at the Langtree Mall.

- a) Council is to advertise seeking applications during March each year.
- b) Applicants must state the preferred two month period, ie. June/July, August/September, October/November, December/January, February/March or April/May.
- c) A ballot is to be conducted by the Manager Development Services during April each year to determine the six allocations and notify all applicants of the outcome.
- d) The Manager Development Services will assess the need for a ballot and must consider the preference criteria listed in the General Conditions when conducting the ballot.
- e) Major raffles may only be conducted from the allocated site at the northern end of the Langtree Mall for the two-month period allocated.

Community Event Signboards

The Community Event Signboards are located in the median strip of Deakin Avenue, Mildura opposite Plantation Street and Henderson Park, Seventh Street opposite Hugh King Drive, Merbein at the top of Pump Hill and near the library and in Red Cliffs opposite the old railway line and the Skate Park.

The conditions of use of the Community Event Signboards are as follows:

1. The onus shall be on each user to arrange the Board and its contents. The Board must be erected after 9am on the approval date given and removed prior to 9am on the last approval date.
2. The board must be professionally sign written and approved users are responsible for the cost of sign writing.
3. Bookings will be accepted on a first come first service basis, up to 12 months in advance. Where bookings exceed one week per year for any group, additional bookings may be cancelled by the [Local-LawsCivic Compliance](#) Coordinator up to three weeks prior to the event, in favour of a group which has not booked previously for the year.
4. The sign must be 1180 high x 2400 wide, the inscriptions on the signboard are to be kept at least 150mm high with a maximum of three lines to be shown on the sign, or as approved by [Local-LawsCivic Compliance](#) Coordinator.
5. Signs must not consist of illuminated material.
6. Any sign deemed unsatisfactory by Council may be altered or removed at the direction of the [Local-LawsCivic Compliance](#) Coordinator

If the conditions of use are not complied with and action has to be taken by Council Officers, a fee of one penalty unit may be charged against the offending group at the discretion of the Manager Development Services.

Door Knocks and Street Collections

Councils [Community Local Law No 2](#) prohibits door knocks and street collections without written permission from Council, or cause or authorise another person to do so.

The [Local LawsCivic Compliance](#) Coordinator is authorised to approve applications for permission to conduct door knocks and street collections subject to the General Conditions:

- All applications must be in writing from reputable organisations conducting well-known and popularly supported appeals and where the funds raised are used for charities.

An infringement of five penalty units may be issued to those collecting without a permit.

General Conditions

~~All raffles are to be conducted in accordance with the Raffles and Bingo Permits Board guidelines.~~ The use/display of community event notice boards must be approved by the [Local LawsCivic Compliance](#) Coordinator

The criteria used when considering applications for raffles and use/ display on the community events notice boards is as follows:

- ~~first~~First preference to be given to organisations which are based in Mildura Rural City Council municipality.
- ~~second~~Second preference to be given to regional organisations or those from neighbouring municipalities which can demonstrate that the local community will benefit.
- ~~third~~Third preference to be given to state or national appeals which can demonstrate that the local community will benefit.

Appeals

Any disputes are to be reviewed by the General Manager Development in consultation with the Manager Development Services and [Civic ComplianceLocal Laws](#) Coordinator.

4. Who is responsible for implementing this policy?

Managers / General Managers	Managers are responsible for ensuring staff are aware of this policy
Manager Development Services	Responsible for reviewing the policy Responsible for communicating the policy
SMT & ELT& CMT	Review the draft policy and recommend changes if appropriate
All Staff	Adhering to the policy and procedures (if applicable) as listed in this document

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5. Definitions

Raffles~~Minor Raffle~~ Includes Minor raffles (value under \$500) and Major raffles (value over \$500)~~Prize value under \$500.00~~

Penalty Unit ~~Major Raffle~~ Penalty units determine the amount a person is fined when they commit an infringeable offence. ~~Prize Value over \$500.00~~

Door Knock Street Collection Solicit money or collect any recyclable or waste materials, gifts of money or subscriptions from any road or footpath, ~~including the City Heart~~ or from house to house adjacent to any road.

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6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- [Local Government Act 1989](#)
- [Road Safety Act 1986](#)
- [Community Local Law No 2](#)
- [Gambling Regulation Act 2003](#)
- [Monetary Units Act 2004](#)
- [Road Management Act 2004](#)

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- [National Competition Policy](#)
- [ProMapp procedures and Civic Compliance Officers Guidelines](#)

6.3 Risk Assessment Reference

<u>Risk Category</u>	✓	<u>Risk Category</u>	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	✓
Contract Tendering & Procurement	✓	Organisational Risk Management	✓
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓

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6.1 Legislation

For further information related to this policy see:

- Local Government Act 1989
- Road Safety Act 1986
- Community Local Law no 2
- Gambling Regulation Act 2003
- Monetary Units Act 2004
- Road Management Act 2004

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- National Competition Policy
- Development Services Local Laws Quality Manual
- Enforcement procedures and Local Laws Officers Guidelines

6.3 Risk Assessment Reference

Risk Category	Risk Category
Asset Management	Financial Sustainability
Committees	Human Resource Management
Compliance – Legal & Regulatory	Leadership & Organisational Culture
Contract Management	Occupational Health & Safety
Contract Tendering & Procurement	Organisational Risk Management
Corporate Governance	Project Management
Environmental Sustainability	Public Image and Reputation

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14.11 GREEN WASTE GATE FEES

File Number: 15/05/11
Officer: General Manager Development

1. Summary

The purpose of this report is to propose that a gate fee be applied to green waste accepted at waste disposal sites to allow full cost recovery of the management and processing of this material.

2. Recommendation

That Council:

- (i) approve the establishment of gate fees for the receipt of green waste at waste disposal sites from 1 July 2020; and
- (ii) approve gate fees as follows:
 - a. Water Level Single Axle Trailer or Utility (0.5m³) – \$8.80;
 - b. Heaped Single Axle Trailer or Water Level Tandem Trailer (1.0m³) – \$18.70;
 - c. Caged Single Axle Trailer or Heaped Tandem Trailer (1.5m³) – \$27.50 and;
 - d. Caged Tandem Axle Trailer (2.0m³) – \$36.30

3. Background

Mildura Rural City Council (MRCC) has offered free disposal of green waste at its various landfills and transfer stations for many years. It is important to note that the annual cost of processing this waste is around \$200,000 to \$300,000 per year to mulch on site which has been funded via the waste charge on rate notices.

On 6 July Council is introducing a kerbside Food Organics and Garden Organics (FOGO) service to the MRCC area. As is well known, a kerbside FOGO service is being introduced to divert organic material from being disposed of into landfill. Organic material in landfill breaks down and generates leachate and greenhouse gases which pollutes the environment. There is a cost to every household in the implementation of this service of approximately \$55 per year. This will appear on the waste management charge on rate notices.

It is also expected that the volume of green waste received at the Mildura Landfill each year will drop significantly with the introduction of kerbside FOGO bins. It is estimated the volume will reduce to around 2,000 tonnes per annum down from the typical 6,000 – 7,000 tonnes usually received.

Council has entered into a contract which will provide an alternate drop off location for residential and commercial customers to allow garden waste, not collected in the kerbside system, to be diverted to the processing facility. There is a processing cost associated with diverting this waste from landfill. Therefore, it is proposed that a gate fee be introduced to provide full cost recovery for this service.

4. Consultation Proposed/Undertaken

A key aspect of understanding the context for a fee at the gate for green waste was achieved through benchmarking of 90 landfills, transfer stations and recovery centres throughout Victoria. This study looked into which sites offer free or discounted disposal for garden waste and what was the range of charges applied at the gate.

The 90 sites represents all of the major disposal locations in Victoria. This is an excellent representation of the various gate fees at all sites in both metropolitan and regional locations.

Of the 90 sites benchmarked, 3 offer green waste free of charge at the waste disposal facility. This includes the Mildura Landfill. This also includes Eaglehawk Landfill which does not charge domestic customers but has a fee for commercial customers.

Overall the summary of gate fees at the 90 sites is as follows:

Location	# of sites	Average Price of a level 6x 4 Trailer
Metropolitan	23	\$56.42
Regional	67	\$16.38
MRCC		\$8.80*

*Actual price

Disposal of all types of waste is a user pays scenario. Free waste at the gate implies there are no costs associated with management of a particular type of waste but in reality it simply means that the disposal and processing is being subsidised by the entire rate base, rather than the individual disposing of the waste. As can be seen through Victoria the overwhelming majority of waste facilities have a charge for green waste at the gate. This represents the fairest and most transparent method of cost recovery for the wider community.

5. Discussion

The setting of fees for Council services is guided by Council's Fees and Charges Policy (CP-046). In the case of fees for a direct service the following usually applies:

3.4.2.2 Full Cost Recovery Pricing

Services provided by Council that benefit individual customers specifically, rather than the community as whole, will be priced on a full cost recovery basis. Full Cost Recovery pricing will aim to recover all direct and indirect costs involved in providing a service.

The decision to move garden waste storage and processing offsite from Mildura Landfill has been driven by the development and implementation of the Environmental Protection Authority (EPA) publication the *Management and storage of combustible recyclables and waste materials* which applies strict controls on the various stockpiles at our landfill sites. These guidelines, along with the development of the new *Environmental Protection Act July 2020*, will make the storage and processing of green waste at Mildura Landfill problematic and ultimately impossible.

To ensure the ongoing operation of the Mildura Landfill it is essential that we reprocess and recycle material such as green waste at more appropriate sites with better buffer distances to residential and other properties.

The introduction of a gate fee at the green waste receival site is being proposed to ensure that the cost of processing organic waste is covered. If no charges are applied to this type of waste every ratepayer is subsidising the receival and processing of green waste. This is how the current model works.

The table below sets out the differences between the current/ subsidised model and the proposed fee/ user pays model:

Current model	Proposed Model
Cost is shared across the rate base	Cost is paid by the user of the service
Cost is included in the waste charge on individual rate notices	Cost is paid on the gate
Single charge	Cost is relative to volume
Subsidised by the rate base/ Council	Full cost recovery
Does not align with current Council Policy	Aligns with current Council Policy
Commercial garden operators currently subsidised by rate base	Commercial garden operators required to pay fee for service
Approximate charge per rates notice \$10	Fee per trailer load/ size

The proposed model is not introducing a new cost it is a different methodology of applying the cost and is shifting the burden to pay to the individual users of the service.

6. Time Frame

It is proposed that the gate fees be introduced to coincide with the introduction of the FOGO kerbside collection service at the start of the 2020/21 financial year.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

2.2 Waste

Goal to be achieved:

- Effective and sustainable waste management services.

4.4 Financial Sustainability

Goal to be achieved:

- Meet the community's needs in a financially responsible manner.

8. Asset Management Policy/Plan Alignment

There are no asset management policy implications associated with this project.

9. Implications

Policy

The recommendation in this report is based on CP-046 Fees and Charges Policy

Legal/Statutory

The Mildura Landfill operates under an Environmental Protection Agency licence which contains a number of conditions which must be met in order to continue operations. There are strict amenity conditions which includes ensuring that we manage dust generated at the site appropriately. Receiving and processing green waste off site will allow us to comply with this condition.

Financial

The inclusion of a gate charge for green waste will ensure that the provision of this service is self-funded. If a gate fee is not applied then Council will continue to fund this service through the waste management charge as part of the operational budget.

Diversion of organic waste from landfill will have a positive impact in reducing the amount of landfill levy Council is required to pay.

Environmental

As outlined in this report, Council is obliged to meet the various conditions stipulated in the landfill licence. These conditions exist to prevent harm to the environment and also protect the amenity of neighbouring properties adjacent to the landfill site.

The introduction of a kerbside FOGO service will have positive environmental outcomes due to the diversion of organic material from landfill. Organic material in landfill breaks down and generates leachate and greenhouse gases which pollutes the environment.

Social

Inclusion of a new fee for the disposal of waste may put pressure on some members of the community in regards to their ability to dispose of waste however the provision of a kerbside service for this same product will provide an opportunity for everyone to conveniently dispose of green waste.

Economic

There are no economic implications associated with this project.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Community concern with the inclusion of a fee for green waste disposal	Communication clearly explaining that the cost already exists but it is currently being born by the larger rate base rather than a user pays method	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

15 URGENT BUSINESS

Nil

16 PUBLIC QUESTIONS

CONFIDENTIAL BUSINESS

17 CONFIDENTIAL REPORTS

Recommendation

That Council resolve to move into confidential business to deal with the following matters as pursuant to Section 89(2) of the *Local Government Act 1989*:

17.1 SECTION 89(2)(H) - (ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON)

- APPOINTMENTS TO MILDURA ARTS AND CULTURE ADVISORY COMMITTEE

17.2 SECTION 89(2)(H) - (ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON)

- MILDURA SOUTH REGIONAL SPORTING PRECINCT OF TWO EXTERNAL GRANT FUNDING APPLICATIONS

17.3 SECTION 89(2)(E) - (PROPOSED DEVELOPMENT)

- LAND ACQUISITION

17.4 SECTION 89(2)(D) - (CONTRACTUAL MATTERS)

- TENDER AWARD - PROVISION OF DEBT RECOVERY SERVICES - CONTRACT 1920/29

17.5 SECTION 89(2)(D) - (CONTRACTUAL MATTERS)

- TENDER AWARD - FOOTPATH REPLACEMENT PROGRAM - CONTRACT 1920/26

17.6 SECTION 89(2)(H) - (ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON)

- MILDURA AIRPORT PTY LTD FINANCIAL MATTER

18 CLOSURE