



Mildura Rural City Council

# **MINUTES**

## **Ordinary Meeting of Council**

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**5:30pm Wednesday 21 September 2022**

### **VENUE:**

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

### **NEXT ORDINARY MEETING OF COUNCIL**

**5:30pm Thursday 27 October 2022**

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**ALLAN BAWDEN**

**ACTING CHIEF EXECUTIVE OFFICER**

## 1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the Council prayer and paid respects to the traditional land owners.

## 2 OPENING AND WELCOME

The Mayor welcomed Councillors, management, staff and members of the public viewing the live stream.

At this point, the Mayor called for a minutes silence to commemorate the passing of the late Queen Elizabeth II.

## 3 PRESENT

### Councillors

Cr Liam Wood	Mayor
Cr Jason Modica	Deputy Mayor (virtual)
Cr Ian Arney	
Cr Troy Bailey	
Cr Stefano de Pieri	
Cr Mark Eckel	
Cr Helen Healy	
Cr Glenn Milne	
Cr Jodi Reynolds	(virtual)

### Officers

Allan Bawden	Acting Chief Executive Officer
Daryl Morgan	Acting General Manager Development
Mark Jenkins	Acting General Manager Community
Chris Parham	General Manager Corporate
Larni Baird	Manager Governance & Performance

## 4 APOLOGIES AND ABSENCES

Nil

## 5 CONFIRMATION OF MINUTES

Moved: Cr Glenn Milne  
Seconded: Cr Ian Arney

That the Minutes of the Ordinary Meeting of Council held on Thursday 25 August 2022 be confirmed as a correct record.

That the Minutes of the Confidential Meeting of Council held on Thursday 25 August 2022 be confirmed as a correct record.

**CARRIED**



## **6 CONFIRMATION OF COUNCIL AUSPICED MEETINGS**

In accordance with Part 23 of Council's Governance Rules, records of Council Auspiced Meetings must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

A Council Auspiced Meeting is defined in the Governance Rules 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.

**Moved: Cr Stefano de Pieri**

**Seconded: Cr Glenn Milne**

**That Council note the following records of Council Auspiced Meetings:**

- **LGBTQIA+ Communities; Commissioner Todd Fernando to meet with Councillors and ELT – 15 August 2022**
- **Mildura Arts and Culture Advisory Committee Strategic Workshop (Terms of Reference consultation) – 8 September 2022**
- **Council Forum – 8 September 2022**

**CARRIED**

## RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
LGBTQIA+ Communities; Commissioner Todd Fernando to meet with Councillors and ELT 15 August 2022	Cr Liam Wood Cr Mark Eckel Cr Helen Healy Cr Jodi Reynolds	Martin Hawson, Chief Executive Officer Mark Jenkins, Acting General Manager Community Connie De Maria, Community Development Coordinator Jarrod Lehman, Community Development Officer	<ol style="list-style-type: none"> <li>Overview of Pride in our Future: Victoria LGBTQIA+ Strategy 2022-32 and the Rainbow Roadmap</li> <li>Asking what is currently working for Mildura City Council</li> <li>What is the vision for Mildura City Council?</li> </ol>	Nil
Mildura Arts and Culture Advisory Committee Strategic Workshop (Terms of Reference consultation) 31 August 2022	Cr Helen Healy	Martin Hawson, Chief Executive Officer Mark Jenkins, Acting General Manager Community Antonette Zema, Acting Manager Community Futures Huw Greenhough, Administration Officer Arts and Culture Development	<ol style="list-style-type: none"> <li>Committee Terms of Reference</li> </ol>	Nil
Council Forum 8 September 2022	Cr Liam Wood Cr Ian Arney Cr Troy Bailey Cr Mark Eckel Cr Glenn Milne Cr Jodi Reynolds	Allan Bawden, Acting Chief Executive Officer Daryl Morgan, Acting General Manager Development Mark Jenkins, Acting General Manager Community Chris Parham, General Manager Corporate Larni Baird, Manager Governance and Performance Angela Umback, Executive Communications Officer	<ol style="list-style-type: none"> <li>Local Jobs Program</li> <li>Powerhouse Precinct Project Update</li> <li>Event Variation Request</li> <li>Victoria Government Advocacy Priorities</li> <li>Confidential Financial Matter</li> <li>Update on Process for In-Principle Adoption of Annual Financial Statements 2021-2022</li> <li>Presentation of Draft Performance Statement, And Governance and Management Checklist 2021-2022</li> <li>Customer Experience Framework</li> <li>Governance Refresher – Part 3</li> <li>Murray Regional Tourism Board – Memorandum of Understanding</li> <li>Youth Parliament and Youth Council Presentation</li> <li>Australia Day Events</li> <li>Monthly Management Report</li> </ol>	Cr Troy Bailey

## **7 NOTIFICATION OF ABSENCE**

Nil

## **8 MAYORAL REPORT**

### **8.1 MAYORAL REPORT AUGUST 2022**

#### **Summary**

The following is an update on the activities and functions attended by the Mayor Liam Wood during the month of August 2022.

2022/0144

**Moved:** Cr Glenn Milne

**Seconded:** Cr Ian Arney

**That Council note the contents of this report.**

**CARRIED**

## 9 COUNCILLOR REPORTS

### 9.1 COUNCILLOR REPORTS - AUGUST 2022

#### Summary

The following is a report on the activities and functions attended by Councillors during the month of August 2022.

2022/0145

Moved: Cr Mark Eckel  
Seconded: Cr Helen Healy

That Council note the contents of this report.

CARRIED

<b>Cr Jason Modica</b> <ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Cr Ian Arney</b> <ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Cr Troy Bailey</b> <ul style="list-style-type: none"><li>• <i>Youth Awards:</i> Thanked Council for the opportunity to attend the amazing event with such inspiring youth.</li></ul>
<b>Cr Stefano de Pieri</b> <ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Cr Mark Eckel</b> <ul style="list-style-type: none"><li>• <i>Merbein – Community Conversations:</i> Commented on the Community Conversation night that took place in Merbein, and the passionate community that wish to see their town prosper.</li></ul>
<b>Cr Helen Healy</b> <ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Cr Glenn Milne</b> <ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Cr Jodi Reynolds</b> <ul style="list-style-type: none"><li>• <i>Homelessness in Mildura:</i> Met with the Chief Executive Officer of Mallee Accommodation and Support Program (MASP) to discuss future accommodation for our homeless community, and the potential for MASP to provide weekend services.</li></ul>

**10    RESPONSES TO COUNCILLOR QUESTIONS**

Nil

**11    QUESTIONS FROM COUNCILLORS**

Nil

## 12 NOTICES OF MOTION

### 12.1 ADOPTION OF AFFIRMATION TO REPLACE OPENING PRAYER

#### Background

The purpose of this motion is to create an environment in Council and within the community that promotes inclusion.

In reciting a Christian Prayer at the beginning of each meeting we present a barrier for some members of our community to feeling welcome as potential Councillors or represented as community members. In working towards a Local Government that truly reflects the community it's important that people from all backgrounds are comfortable with Council procedures and can take part freely and equally in all Council processes.

Councils are moving away from a traditional prayer to either an affirmation statement developed by Councillors which represents how they intend to work in the best interests of the community or a statement of inclusion and recognition of diversity of beliefs and identities within their respective communities.

A sample of 28 out of the 79 Councils provided the following indications:

100% (28) open with a statement of Acknowledgment to Country

32% (9) include a prayer

32% (9) include a statement of commitment or diversity in their opening (2 of these are in addition to the prayer included in the above measure)

\*the below table represents this breakdown

Included in Council Meeting	How many of sample
Acknowledgement to Country	All 28
Prayer	7
Statement of Commitment/Diversity	7
Prayer & Statement of Commitment/Diversity	2

Moved: Cr Jodi Reynolds

Seconded: Cr Jason Modica

#### Motion

That Council develop and adopt a more inclusive affirmation that recognises the diversity of beliefs within the municipality and that this would replace the current practice of reciting the Opening Prayer.

**AMENDMENT**

2022/0146

**Moved:** Cr Stefano de Pieri  
**Seconded:** Cr Jodi Reynolds

**That Council develop a more inclusive affirmation that recognises the diversity of beliefs within the municipality.**

**CARRIED**

Cr Milne requested that his vote against the motion be recorded.

Cr Arney requested that his vote against the motion be recorded.

## **12.2 VAN AND UTE 50TH ANNIVERSARY SHOW**

### **Background**

This event is one that will attract a large number of high spending visitors to Mildura. It must held in a secure area where vehicles will be safe and remain clean. The event was first held at the same venue 50 years ago and it is appropriate that it be held at the same venue.

2022/0147

**Moved:** Cr Glenn Milne  
**Seconded:** Cr Ian Arney

### **Motion**

**That Council make available the Mildura Recreation Reserve and Ovals for the 2025 Van and Ute 50th Anniversary Show for Easter 2025 subject to the organisers complying with the usual facilities hire policies and procedures.**

**LOST**

Cr Milne requested his vote for the motion be recorded.

## **13 PETITIONS, JOINT LETTERS AND DEPUTATIONS**

Nil

## **14 MANAGEMENT REPORTS**

### **14.1 ADOPTION OF USE OF COUNCIL COMMON SEAL POLICY CP011**

#### **Summary**

The purpose of this report is to present Council's Use of Council Common Seal Policy CP011 and seek Council's resolution to adopt the updated Policy.

2022/0148

**Moved:** Cr Glenn Milne  
**Seconded:** Cr Stefano de Pieri

**That Council adopt the updated Use of Council Common Seal Policy CP011 as presented.**

**CARRIED**





## Use of Council Common Seal Policy

### Policy – CP011

Prepared	Reviewed	Approved	Date	Council Minute No.
Chief Executive Officer	ELT	Council	September 2022	2022/0148
Trim File: 18/02/01			To be reviewed: September 2025	
Document Owner: Chief Executive Officer			Review Frequency: Three years	

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

To establish the circumstances under which the official Council Common Seal may be affixed to documents and allow for the signing of electronic documents without the Council Common Seal.

#### 2. Policy Statement

- To ensure the Council Common Seal is only affixed to appropriate documents.
- To allow for electronic documents to be signed without the need for the Council Common Seal to be affixed.
- To enable the Council Common Seal to be affixed in accordance with the direction of Council as the need arises rather than waiting for the next Council meeting.
- To minimise delays in dealing with urgent documentation requiring the Council Common Seal to be affixed.
- To provide for the safe keeping of the Council Common Seal.

#### 3. Principles

- The Council Common Seal be affixed to any document deemed appropriate by the Chief Executive Officer (CEO) and duly signed in accordance with of Local Law No 1,(Conduct of Council Meetings), Part 12.
- The CEO will on a monthly basis compile and distribute to Councillors, a list of the documents sealed in accordance with this policy during the preceding month.
- If for any reason the Councillors refuse to execute a document under this policy then the CEO is to bring the matter to Council's attention at the next Ordinary meeting of Council.
- Electronic documents do not require the seal to be affixed, however the CEO can deem it appropriate if they so choose. Signatories on electronic documents will otherwise be based on the financial delegations as approved by the CEO. Where the document exceeds the CEOs financial

delegation it will be signed by the CEO and the Mayor (or Deputy Mayor if the Mayor is absent).

- The Council Common Seal shall be kept in a secure location under the delegation of the CEO.

#### 4. Who is responsible for implementing this policy?

##### Rights and Responsibilities

- Pursuant to the *Local Government Act 2020 (LGA 2020)*, Part 2, Division 2, Clause 14, (1)(b) – the LGA 2020 states, “A Council must have a common seal”.

Also pursuant to the LGA 2020, Part 2, Division 2, Clause 14 (2), “The common seal of a Council must—

- (a) bear the name of the Council and any other word, letter, sign or device the Council determines should be included; and
- (b) be kept at the Council office; and
- (c) be used in accordance with any applicable local law.”

Further to the above, Councils’ Local Law No.1 includes Part 12 Common Seal Clause 58 and 59:

##### Clause 58 - Authorised Use

- (g) The Common Seal of Council is affixed at Scheduled 1;
- (h) Every document to which the Common Seal is affixed must be signed by two Councillors and the Chief Executive Officer;
- (i) It is an offence for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of Council.

##### Clause 59 - Keeping of the Common Seal

The Chief Executive Officer must keep the Council’s Common Seal in safe custody.

#### 5. Definitions

<i>Council or Common Seal</i>	Means the official Common Seal of Council be it in embossed or printed form.
<i>Document(s)</i>	Can mean maps, photographs, computer printouts, agreements, contracts, letters, etc.
<i>Electronic document</i>	Means a document in electronic form to be signed through Councils electronic system (DocuSign)

#### 6. Legislation and other references

##### 6.1 Legislation

For further information related to this policy see:

- *Local Government Act 2020*; and
- Local Law 1 (Conduct of Council Meetings).

## 6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Execution of Documents process.

## 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	

## **14.2 OLD AERODROME SPORTING COMPLEX MASTER PLAN REVIEW - FINAL PLAN ENDORSEMENT**

### **Summary**

The purpose of this report is to seek Council's endorsement of the Old Aerodrome Sporting Complex (OASC) Master Plan (Master Plan) Review 2022.

2022/0149

**Moved:** Cr Mark Eckel  
**Seconded:** Cr Helen Healy

**That Council endorse the Old Aerodrome Sporting Complex Master Plan Review 2022 as presented.**

**CARRIED**

# **OLD AERODROME SPORTING COMPLEX MASTER PLAN REVIEW**

**2022**

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## 1. Introduction

The current Master Plan for the Old Aerodrome Sporting Complex (OASC) was developed following a consultant review in 2009. The Master Plan's intent was to guide the planning and development of the reserve over the next 10 years. The first Master Plan was developed for the OASC in 2004 by Gary Henshall and Associates.

In 2009 the sporting precinct was home to 15 individual sports with over 2000 members that used the venue on a regular basis. The 2020 review identified 23 regular user groups based at the reserve.

In 2020, Mildura Rural City Council (MRCC) undertook a process to review the Master Plan for OASC Reserve.

The aims and objectives for each of these Master Plan Reviews are to:

- Identify current and future facility needs in consultation with existing user groups and internal stakeholders.
- Ensure agreed developments align with recreation and asset management planning principles.
- Incorporate identified developments into an action plan with priority ratings, indicative costs and potential funding contributors so as to provide clear direction for Council and user groups for the next 5 years and beyond.

A number of projects identified in the 2009 – 2020 Master Plan have been completed or are currently under construction. These projects include:

- Construction of formalised car parking spaces
- Acquisition of adjoining land to the reserve for long term future sporting reserve and parkland expansion
- Installation of lighting to AFL and Cricket competition standard on Oval No. 2
- Development of the Remote Control Car Club facility
- Ongoing development of the BMX Facility
- Construction of storage facilities for Football (Soccer) and Little Athletics

Both the 2004 and 2009 versions of the OASC Master Plans highlighted the need for some investigation into the water supply across the reserve. Quoted from the 2009 review - "Whilst Old Aero's as an overall precinct has good access to water supplies, there was a suggestion that it needed to be re-engineered to provide a more even spread from the different sources. It can be seen from this report that there is still work to be done to maximize this benefit." This action has been listed as a priority action in the 2022 version of the Master Plan.

The projects listed above generally align with the Master Plan's action list, however through detailed design and further consultation with the community and user groups they have developed and varied over time. With this, it is important to undertake a review of the current Master Plan in order to accurately capture the work that has been completed in order to effectively determine the priorities for the reserve over the next 5 years.

A number of regular user groups have recently approached Council requesting support for further major facility developments. Some of these projects are not captured in the current Master Plan. This review will ensure that these proposed developments are considered through an integrated approach in partnership with other key user groups and the broader community, and that the works are reflective of current and future needs. Due to the change in use and demand at the reserve it is important that the review is undertaken in order to ensure the Master Plan's identified actions are relevant and prioritised in alignment with the community's, internal stakeholders and current users expectations and desires.

The review has given consideration to the existing Master Plan (2009) as well as site conditions and future anticipated needs of the reserve's user groups.

The revised five year Master Plan will provide guidance for MRCC in their aim to enhance the reserve and ensure its facilities continue to benefit key user groups as well as the broader local community.

MRCC recognise that a review of the Masterplan may occur, prior to 2027 if circumstances change relating to current tenants or other major changes to sporting clubs/associations within the district.

The following process was completed to ensure the revised Master Plan aligned with MRCC's relevant strategies and policies, and was locally focussed.



All uncompleted actions from the 2009 Master Plan that remain relevant have been incorporated into the 2022 revision and a range of plans, strategies and policies which reference or impact on the future direction of recreation provision in Mildura have also been considered as part of the process.

Numerous MRCC officers were engaged throughout the review process. A key role of these officers was to assess the technical feasibility of proposed user group actions and also identify any infrastructure upgrades deemed necessary for the future operation of the reserve.

Development of the revised Master Plan has been largely driven by the reserve's regular user groups with support and assistance from Council's Recreation Planning & Development (RP&D) staff. Consideration has been given to the changing needs of these user groups as well as the capacity of all stakeholders to deliver the recommended actions.

A strong focus of the Master Plan review was to ensure that the future direction of the reserve was based on key elements of sustainable decision making. That is, proposed actions need to be economically viable, technically feasible, environmentally compatible and publicly acceptable.





The development of a clear future direction for the OASC Reserve along with a program of prioritised works, indicative associated costs and potential contributors is provided in section 5.2

## 2. Old Aerodrome Sporting Complex

### 2.1 Regional Context

MRCC is located in the far north west of Victoria, covering a vast geographic area bordered by the South Australia-Victoria border to the west, the Murray River/NSW border to the north/east and Big Desert Wilderness Area to the south. The region is home to more than 55,000 people, with over 32,000 people residing in Mildura City (2018 estimates), which is located 550km northwest of Melbourne and 400km northeast of Adelaide.

### 2.2 The Site

The OASC is located on the north-west fringe of Mildura. The reserve is approximately 5.7 hectares in size and is crown land (Department of Environment, Land, Water and Planning) with council the designated committee of management. Tenant groups use the reserve under a lease or service agreement with council.

The OASC is the major sport and recreation precinct located on the corner of Eleventh Street and Flora Avenue. It accommodates 23 individual sporting and community groups. The OASC is also an important broad acre park for local residents. It is a central place for people to walk the dog, play with children and enjoy the ambience of an indigenous landscape.

The Mildura Rural City Council Public Open Space Strategy April 2021 highlights the lack of public open space within the north-west fringe area of Mildura, and given the documented benefits to the community of public open space, the OASC is an important piece of land to be maintained for both the community and sporting participants.

The submissions received from sporting clubs through this process have the potential to change the face of the OASC from a broad acre sport and recreation park to that of a sporting precinct. Given the lack of open space in this area it is necessary for Council to maintain areas of the park as open space recreation with the addition of opportunities for non-organised and social physical activity, as well as environmental components and perimeter trails wherever possible.

### 2.3 Future urban growth

The OASC is located within the area covered by Ontario-Flora Precinct Land Use Vision and Urban Design Guidelines. This document, prepared in 2010, shortly after the previous masterplan was adopted, identifies areas for expansion of the OASC reserve, and areas adjoining the reserve for future urban growth.

Future urban growth is currently proposed at the south western end of the OASC between Flora Avenue and the Mildura Golf Course. This growth will comprise suburban houses and additional open space areas.

This new urban area will introduce a new road frontage to the reserve, providing an additional opportunity for access to the reserve. Shared paths connecting through the reserve between this area and the existing path along Eleventh Street should be provided.

Future residents will benefit from the recreational opportunities provided by the reserve, their needs for non-organised recreation and public open space should be considered.

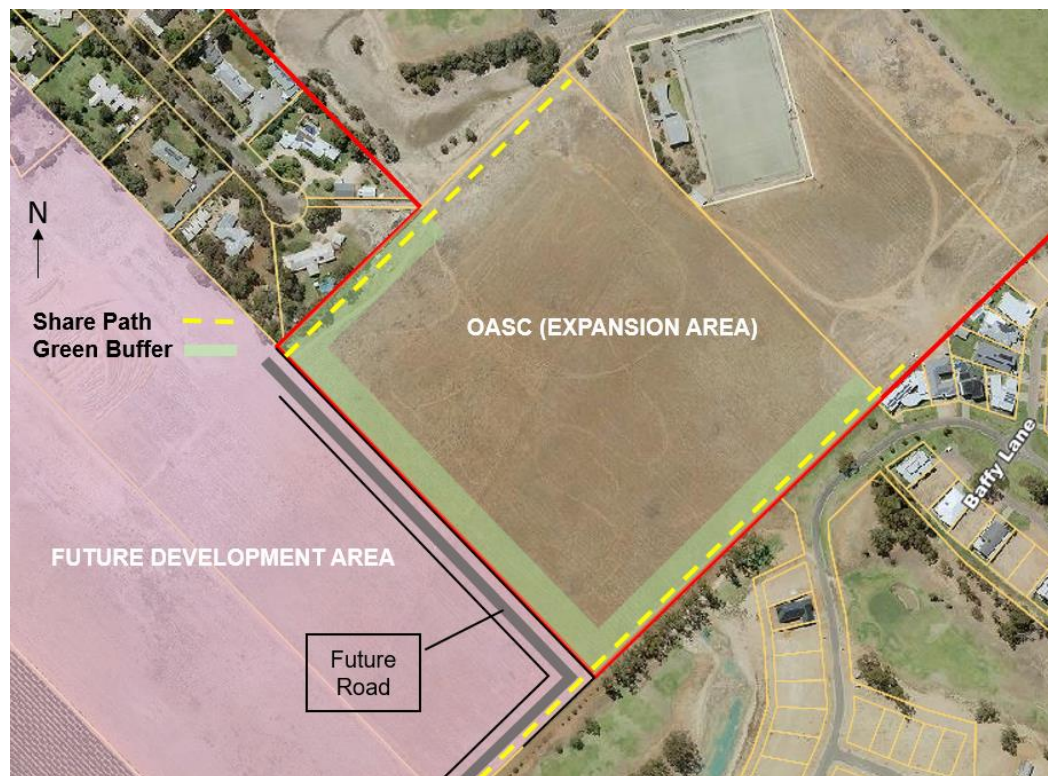
The impacts of lights at night, noise, and balls on future residents who will face the reserve and be located nearby need to be considered. A buffer of trees along the edge of the

reserve, similar to what exists along Eleventh Street would be a suitable means of reducing these impacts.

To accommodate the proposed future urban growth, the south west corner of the OASC should include the following elements:

- Shared path connections to the future edge road in two locations (parallel to the golf course, and parallel to the rear fences of existing hood court residences).
- A green buffer, including tall canopy trees, at least 20m wide between future and existing residences and recreational facilities.
- Reserved land to be developed as open space in response to future needs.

As shown below:





**Figure 1 – Aerial image of Old Aerodrome Sporting Complex**



**Facilities and Structures**

Facilities and Structures on the site include:

- 2 sports fields that cater for AFL football and cricket (1 with competition standard lighting)
- 14 synthetic tennis courts
- 1 Remote Control Car track
- 1 playground including all abilities swing
- 2 ovals that cater to cricket and baseball
- 1 grass athletics track
- 6 baseball diamonds
- 1 synthetic hockey pitch with lights
- 5 grass soccer pitches
- 1 BMX track
- 6 Clubrooms
- 5 public toilet blocks
- 5 car parks

## 2.4 Site User groups and key stakeholders

There are currently 23 regular user groups based at OASC. These include:

- Mildura West Cricket Club
- Werrimull Football Netball Club
- Sacred Heart Tennis Club
- St Andrews Tennis Club
- Mildura RC Car Club
- Mildura and District Little Athletics Centre
- Mildura Storm BMX Club
- Football Federation Sunraysia – Competitions
- Mildura United Soccer Club
- Three Colours Soccer Club
- Sunraysia Touch Football Association
- Sunraysia Soccer Academy
- Sunraysia Baseball – Competitions
- Wanderers Baseball Club
- Hawks Baseball Club
- Eagles Baseball Club
- Sunraysia Softball Association
- Sunraysia Hockey Association – Competitions
- Koowinda Hockey Club
- Rivaside Hockey Club
- Mildura Wanderers Hockey Club
- Waratahs Hockey Club
- St Joseph's College
- Various casual users

The number of user groups has increased by 8 since the 2009 Master Plan was developed.

Each user group was provided with a template and support from RP&D staff to develop individual organisation facility plans (refer to Appendix 1 for a list of representatives). This part of the planning was undertaken during COVID-19 restrictions when face to face meetings were not possible and worked well. It allowed the process to continue and also provided each club with their own facility plan. It is recommended that this process continue post COVID.

MRCC is responsible for the majority of maintenance tasks at the reserve with Facility Services, Parks & Gardens and Asset Services all playing significant roles in ensuring the reserve's ongoing operation. Minor maintenance such as cricket wicket preparation is carried out by the cricket club.

### 3. Master Plan

#### 3.1 Previous Master Plan objectives and directions

In 2009, MRCC commissioned a review of the Master Plan for the OASC. The following section provides a summary of the key issues and needs identified in the 2009 OASC Master Plan.

- The existing spaces generally meet the current needs of the sports.
- There are still issues with the traffic management and car-parking in the precinct – especially during busy periods or cross-over times. A review has commenced to address these issues.
- Sports are regularly applying for upgrade of facility and services works assistance from Council as per the 2004 master plan and this appears to be working well.
- Sports in general are increasing their numbers of participants and will need additional facilities on the site in the medium to long term.
- The major projected expansion in program and participation numbers can be addressed by developing multi-purpose spaces and amenity and is consistent with broad master plan.
- Those organisations seeking to invest in infrastructure improvements are seeking longer term tenancy arrangements.
- Some sports such as football (soccer) are seeking to develop new programs (e.g. the establishment of a Regional Centre of Excellence) in the precinct which will require additional program space and supporting amenity.
- It would be prudent for Council to acquire some adjoining land to the reserve for long term future sporting reserve and parkland expansion.
- All users enjoy the ‘broad acre’ concept of the park and as facilities and use increases it supports the opportunity of council future proofing the site by acquiring the adjoining available land. Strategically if this land is sold to another party it will be a lost future proofing opportunity.

### 3.2 2009 Master Plan progress report

The following list provides a summary of key developments that have been completed at the OASC since the development of the 2009 Master Plan:

- Construction of formalised car parking spaces
- Construction of new clubrooms for Cricket and Hockey
- Installation of lighting to AFL and Cricket competition standard on Oval no 2
- Development of the Remote Control Car Club facility
- Ongoing development of the BMX Facility
- Construction of storage facilities for Cricket, Football (Soccer) and Little Athletics

A review of the status of actions from the 2009 OASC Master Plan highlighted that a large number of actions remain incomplete. However, it should be noted that recent changes in usage and subsequent user group development priorities has meant that these may no longer be applicable.

Council has also purchased 8ha of additional land adjoining the OASC to accommodate future expansion (as shown below).





## 4 Future Directions

### 4.1 Development opportunities

A number of site development opportunities were identified throughout the consultation process with user groups and Council officers. The following opportunities received strong support and therefore have been identified as high priority.

- Installation of match standard lighting to Football (Soccer) Pitches number 9, 11 and 12.
- Upgrade of the BMX starting gate and hill to international standard
- Investigate the feasibility of a synthetic athletics track
- Prepare lighting plans for the Remote Control Car Club facility
- Upgrade of the existing cricket nets and construction of additional nets at John Hall Oval
- Prepare plans and specifications to realign tennis courts to reduce number from 16 to 14 to achieve run off compliance
- Prepare design plans and specifications to appropriate baseball lighting standards to upgrade lighting to ovals 5 & 6.
- Prepare design plans and specifications to upgrade existing hockey pitch to appropriate Hockey Australia standards.
- Review the existing irrigation system across the entire reserve, including water authority infrastructure to determine upgrade requirements.

Since the development of the previous masterplan, two major studies affecting the planning of public open space and recreational facilities have been undertaken by council. Implementing the recommendations of these studies is a high priority for council. These studies made the following recommendations relating to the OASC:

- *Add opportunities for non-organised and social physical activity to sporting reserves where possible, as well as environmental components and perimeter trails.* Design and develop internal recreational path network within the OASC. Protect public access to ovals when not in use for organised sport. Prevent fragmentation of reserve by minimising fences and areas of exclusive use.
- Enhance the connectivity of the public open space network with off road trails. Design and develop path network within the OASC, including links to paths identified in the Mildura Tracks and Trails strategy and to new growth areas.
- Enhance opportunities for shade by planting trees. Identify areas to plant additional trees and develop tree planting program.
- Enhance opportunities for walking and socialising dogs.

### 4.2 Council Owned Land and Future Use/Demand

Groups have identified the Council owned parcel of land adjacent to the existing Hockey Pitch and club rooms as an area for expansion for their respective sports.

The existing Master Plan developed in 2009 noted and assumed that there would be significant growth in soccer participation. With this assumption, the Master Plan noted that *‘in order to future proof the site opportunities to purchase adjoining land and integrate into the precinct would be prudent.’*

The Ontario – Flora Precinct Land Use Vision and Urban Design Framework identifies a need to incorporate an interface between the planned residential development next to the vacant block of land off of Hood Court with the Old Aerodrome Sporting Complex.

This interface will require the following key elements to be included in the layout of the expansion area including:

- A landscaped corridor within the expanded OASC along the edge adjoining the development plan area. This will provide an interface with a proposed edge road and a pleasant outlook for the dwellings opposite the reserve on that road.
- A landscaped corridor within the expanded OASC along the edge adjoining the golf course. This will connect with an existing landscaped area within the reserve and provide an interface with existing development within the golf course.
- A path network running parallel to the edge of the golf course. This will provide a future connection from Eleventh street, through the reserve to connect to a future path network within the development area.

It would be beneficial to begin plantings within the interface areas as soon as possible so that they are established prior to the development of the adjoining residential land.

Development of the development plan area may create additional demands for public open space or introduce uses that are sensitive to certain recreational activities. Due to this uncertainty, with the exception of the interface areas, it would be premature to determine the use of the OASC Land that abuts the development plan area at this stage.

In addition to this, the purchase of additional land was made on the understanding it was for long term future growth. Whilst there is current demand from recreation groups to expand (e.g. additional hockey pitches) there is also suitable land available within the existing reserve to accommodate this growth.

The recently adopted Public Open Space Strategy notes that new residential developments along Flora Avenue need to be adequately provisioned with quality public open space, it has not yet been determined what role OASC may play in providing this.

With this, we suggest the Master Plan should identify the parcels discussed above as allocated for future Public Open Space and connectivity, and it should identify the interface areas so that plantings can commence.

#### **4.3 Potential shift in OASC purpose**

There is a consistent theme to a number of projects identified by user groups of the reserve. A number of projects, if supported and delivered, would create sport specific spaces that limit or deny access to informal users of open space (those not partaking in the activity the facility is built for, or not associated with the club).

The following measures will allow the OASC to continue to support informal use of the OASC by the public, while supporting user groups to upgrade their facilities.

- Where possible, public access to recreational facilities when not in use should be maintained
- If required, proposed sport specific spaces should be carefully considered in relation to other enclosed spaces and edges, so the flow of the park, and access across it is not interrupted, and so 'dead' spaces with poor access or visibility are not created.
- Provide additional options for informal recreation including enhanced pedestrian and cycling access and informal recreation facilities such as paths, seating and exercise equipment

These measures would help prevent and compensate for the loss of public access to sport specific areas.

This outcome is also supported by the recently adopted Recreation Strategy.

An example of this opportunity is on the corner of Twelfth Street and Riverside Avenue (behind the St. Joes Stadium). This section of land has received a number of enquiries from the public and organisations.

Consideration should be given to creating additional driveway/ access corridor from Twelfth Street through that parcel of land, as recommended in Ontario – Flora Precinct Land Use Vision and Urban Design Framework, to form an alternate connection to the car park behind the football ovals. The justification for this is to reduce congestion in the existing parking areas. If paired with a high-quality trail alongside, it could form a good legible link to Twelfth street from the reserve.

## 5 Master Plan Implementation

### 5.1 Action and implementation

The revised Master Plan for the OASC has been developed to provide actions that are practical and realistic. Many actions will require further stakeholder consultation through their detailed design and implementation phases.

The priority actions of the Master Plan have been established based on the following criteria:

- Priority 1 - High level demand by clubs, safety and regulatory compliance, strong strategy basis
- Priority 2 - Medium level demand by clubs, necessary repairs to maintain operations, some strategic basis
- Priority 3 – Upgrades, refurbishments, exclusive requests, little or no strategic basis

The implementation of the Master Plan is reliant upon the capacity of stakeholders to actively attract and negotiate funding. To this end, it is important to appreciate that the implementation of the Master Plan is not the sole responsibility of one stakeholder. Rather, its success is dependent upon a range of partners to come together and work towards mutual goals.

The action list in Section 5.2 identifies the range of partners that are involved throughout the implementation of the works program. Funding contribution recommendations have been made on the basis of:

- Which partner/s will receive direct benefit from the works
- The assumed capacity of partners to contribute to the works

- The understanding that Council, together with the user groups, has a responsibility to preserve asset integrity, and respond to works that would otherwise contribute to asset deterioration and compromise the functionality of the asset.

Finally, recommended contributions have not taken into account the expected in kind contributions. It is anticipated that in kind contribution which directly reduces the capital cost of work is a fair and legitimate avenue for all clubs to contribute to works. However, it should be noted that Council discretion will be used in assessing and/or approving any proposed in kind contribution.

In some cases, identified projects may also be eligible for funding from Council's grants or State and Commonwealth Government programs and will rely on a successful funding application to deliver the project.

## 5.2 Priority Actions List

Ref No	Task	Priority	Potential Funding Partners	Indicative Cost	Comments
<b>Football (Soccer) Precinct</b>					
1	Sports Lighting to Pitch 12 - Stage 1: Prepare design plans and specifications to soccer match standard.	1	MRCC & FFS	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
2	Sports Lighting to Pitch 12- Stage 2: Installation of lighting to soccer match standard.	1	MRCC, FFS, FV, SRV	\$250,000	State Government – World Game Facilities Fund
3	Sports Lighting to Pitch 9 & 11 - Stage 1: Prepare design plans and specifications to soccer match standard.	1	MRCC & FFS	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
4	Sports Lighting to Pitch 9 & 11 - Stage 2: Installation of lighting to soccer match standard.	1	MRCC, FFS, FV, SRV	\$500,000	State Government – World Game Facilities Fund
5	Extension to existing Pavilion (Including change rooms, umpire change rooms, social space, kitchen and kiosk) - Stage 1: Prepare construction plans and specifications.	3	MRCC & FFS	\$25,000	MRCC Recreation Assistance Grant – Planning Stream
6	Extension to existing Pavilion (Including change rooms, umpire change rooms, social space, kitchen and kiosk) - Stage 2: Construction of sports pavilion.	3	MRCC, FFS, FV, SRV	\$1,500,000	State Government – World Game Facilities Fund
7	Installation of additional drinking bubblers.	3	MRCC & FFS	\$12,000	MRCC Minor Facilities Upgrade Grant
<b>Total Football (Soccer) Precinct</b>				<b>\$2,319,000</b>	
<b>BMX Precinct</b>					
8	Replacement of start hill and starting gate.	1	MRCC & BMX	\$80,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
9	Lighting to Track - Stage 1: Prepare design plans and specifications to appropriate BMX standard.	1	MRCC & BMX	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
10	Lighting to track - Stage 2: Installation of lighting to appropriate BMX standard.	1	MRCC, BMX SRV	\$250,000	State Government – Local Community Sports Infrastructure Fund
11	Installation of shade sails over the spectator area along the first straight and presentation area.	3	MRCC & BMX	\$80,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
12	Asphalt from finish line and through staging area	3	MRCC & BMX	\$150,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
13	Stage 1 -Identify a suitable location and design for toilets and change rooms to service the facility.	3	MRCC & BMX	\$0	
14	Stage - 2 Construction of toilets and change rooms to service the facility.	3	MRCC & BMX	\$150,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
15	Construction of Storage Shed	3	BMX	\$30,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream

16	Installation of three tier grandstands with weather protection	3	MRCC & BMX	\$30,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
17	Upgrade Presentation platform	3	MRCC & BMX	\$15,000	MRCC Recreation Assistance Grant - Minor Facility Upgrade Stream
18	Upgrade PA system	3	BMX	\$5,000	Club
19	Landscaping - Ongoing planned improvements include planting of ground covers, shrubs, applying mulch, extending timber railing and increasing lawn areas.	3	BMX	\$5,000	Club
<b>Total BMX Precinct</b>				<b>\$811,000</b>	
<b>Athletics Precinct</b>					
20	Investigate the feasibility of a synthetic athletics track.	1	MRCC & MLAC	\$18,000	MRCC Recreation Assistance Grant – Planning Stream
21	Develop a funding strategy for the construction of a synthetic athletics track if shown to be feasible.	3	MRCC & MLAC	\$0	No funding required
22	Apply for funding to construct a synthetic athletics track in line with funding strategy if shown to be feasible.	3	MRCC & MLAC	\$2,550,000	Unknown at this stage
23	Continue upgrading the common areas in the pavilion, focussing on the kitchen, kiosk and toilets.	1	MRCC	\$100,000	MRCC - Rates
24	Improve wheel chair access to the rear external doors in the pavilion	1	MRCC	\$10,000	MRCC - Rates
<b>Total Athletics Precinct</b>				<b>\$2,678,000</b>	
<b>Radio Control Car Club Precinct</b>					
25	To construct a shade structure over the facility.	3	MRCC & MRCCC	\$80,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
26	Lighting to Track - Stage 1: Prepare design plans and specifications to appropriate standards.	3	MRCC & MRCCC	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
27	Lighting to track - Stage 2: Installation of lighting to appropriate standard.	3	MRCC, MRCCC, SRV	\$250,000	State Government – Local Community Sports Infrastructure Fund
<b>Total Radio Control Car Club Precinct</b>				<b>\$346,000</b>	
<b>Cricket and AFL Football Precinct – John Hall Oval</b>					
28	Construction of new scoreboard	3	MRCC & MWCC	\$30,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
29	Identification of site for new junior hard wicket	1	MRCC, SCA & MWCC	\$0	No funding required
30	Construction of new junior hard wicket	1	MRCC & MWCC	\$20,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream

31	Construction of additional cricket nets	1	MRCC & MWCC	\$80,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
32	Lighting to cricket nets - Stage 1: Prepare design plans and specifications to appropriate cricket standards.	3	MRCC & MWCC	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
33	Lighting to cricket nets - Stage 2: Installation of lighting to appropriate cricket standard.	3	MRCC & MWCC	\$150,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
34	Kitchen upgrade (to commercial standard) to cater for catering due to increased participation at the site.	3	MRCC & MWCC	\$80,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
35	Extension to existing Pavilion to include female friendly change rooms- Stage 1: Prepare construction plans and specifications.	2	MRCC & MWCC & SRV	\$25,000	MRCC Recreation Assistance Grant – Planning Stream
36	Extension to existing Pavilion to include female friendly change rooms - Stage 2: Construction of sports pavilion.	2	MRCC, MWCC	\$350,000	State Government – Local Community Sports Infrastructure Fund
37	Installation of Security Lights to viewing shelter at Oval 1	3	MWCC	\$5,000	Club
38	Investigation of the need for netball facilities at OASC	3	MRCC, SFNL, MNA, WFNC	\$0	No funding required
<b>Total Cricket and AFL Precinct</b>					<b>\$756,000</b>
<b>Tennis Precinct</b>					
39	Realignment of courts to reduce number from 16 to 14 to achieve run off compliance - Stage 1: Prepare plans and specifications.	1	MRCC & SC & SATC	\$20,000	MRCC Recreation Assistance Grant – Planning Stream
40	Lighting upgrade to align with new court layout - Stage 1: Prepare design plans and specifications to appropriate tennis lighting standards.	1	MRCC & SC & SATC	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
41	Realignment of courts to reduce number from 16 to 14 to achieve run off compliance - Stage 2: Construction of realigned courts.	1	MRCC & SC & SATC	\$750,000	Unknown at this stage
42	Lighting upgrade to align with new court layout - Stage 2: Installation of lighting to appropriate tennis lighting standards.	1	MRCC & SC & SATC	\$500,000	Unknown at this stage
43	Weather proofing the walk way between the club house and the toilet area with a roof on the existing beams.	3	MRCC & SC & SATC	\$15,000	Club
<b>Total Tennis Precinct</b>					<b>\$1,301,000</b>
<b>Baseball Precinct</b>					
44	Install shade between dugouts on field 4	3	MRCC & SBA	\$25,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
45	Lighting upgrade to field 5 & 6 - Stage 1: Prepare design plans and specifications to appropriate baseball lighting standards.	1	MRCC & SBA	\$16,000	MRCC Recreation Assistance Grant – Planning Stream
46	Lighting upgrade to field 5 - Stage 2: Installation of lighting to appropriate baseball lighting standards.	1	MRCC, VBA, SRV & SBA	\$250,000	State Government – Local Community Sports Infrastructure Fund

47	Lighting upgrade to field 6 - Stage 2: Installation of lighting to appropriate baseball lighting standards.	1	MRCC, VBA, SRV & SBA	\$250,000	State Government – Local Community Sports Infrastructure Fund
48	Field 5 base path cut-outs as per facility guidelines.	3	MRCC & SBA	\$10,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
49	Field 6 infield resurface and base path cut-outs as per facility guidelines.	3	MRCC & SBA	\$10,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
50	Extension to existing pavilion to better cater to user groups- Stage 1: Prepare construction plans and specifications.	3	MRCC & SBA	\$25,000	MRCC Recreation Assistance Grant – Planning Stream
51	Extension to existing pavilion to better cater to user group needs - Stage 2: Construction of sports pavilion.	3	MRCC, M&D, LA, SRV & SBA	\$500,000	State Government – Local Community Sports Infrastructure Fund
52	Field 5 - Extension of existing back net structure	1	MRCC & SBA	\$15,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
53	Field 5 (A) - Create new junior and softball diamond in leftfield corner	3	MRCC & SBA	\$10,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
54	Field 6 - Batting tunnel & pitching bullpen - 1st base side	3	MRCC & SBA	\$25,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
55	Field 6 - Extension of existing back net structure	1	MRCC & SBA	\$15,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
56	Investigation of need for additional change facilities and best location.	3	MRCC & SBA	\$0	No funding required
57	Field 7 – Reorientate back net and diamond on field 7	3	MRCC & SBA	\$20,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
58	Field 6 - Paving - 3rd base side off field	3	SBA	\$10,000	Club
59	Field 5 - Paving between dugouts off-field	3	SBA	\$10,000	Club
60	Field 3 - Installation of seating for juniors	3	MRCC & SBA	\$10,000	MRCC Recreation Assistance Grant – Minor Facility Upgrade Stream
<b>Total Baseball Precinct</b>				<b>\$1,201,000</b>	
<b>Hockey Precinct</b>					
61	Upgrade existing hockey pitch - Stage 1: Prepare design plans and specifications to appropriate Hockey Australia standards.	1	MRCC & SHA	\$20,000	MRCC Recreation Assistance Grant – Planning Stream
62	Upgrade existing hockey pitch - Stage 2: Installation of new pitch surface to meet appropriate Hockey Australia Standards	1	MRCC, SHA, HV, SRV	\$650,000	State Government – Local Community Sports Infrastructure Fund
63	Upgrade exiting lighting to LED on the existing pitch	3	MRCC, SHA, HV, SRV	\$250,000	State Government – Environmental Grant



64	Investigate the feasibility and demand for a second synthetic hockey pitch.	1	MRCC & SHA	\$15,000	MRCC Recreation Assistance Grant – Planning Stream
65	Construction of a second synthetic hockey pitch with LED Lights - Stage 1: Prepare design plans and specifications to appropriate Hockey Australia standards and potential for amenities to service pitch 2.	1	MRCC & SHA	\$20,000	MRCC Recreation Assistance Grant – Planning Stream
66	Construction of a second synthetic hockey pitch with LED Lights - Stage 2: Construction of new pitch surface to meet appropriate Hockey Australia Standards potential for amenities to service pitch 2	1	MRCC, SHA, HV, SRV	\$1,500,000	Unknown at this stage
67	Construction of a synthetic warm up area.	3	MRCC & SHA	\$70,000	MRCC Recreation Assistance Grant – Major Facility Upgrade Stream
<b>Total Hockey Precinct</b>				<b>\$2,525,000</b>	
<b>Total</b>				<b>\$11,937,000</b>	
<b>Mildura Rural City Council (MRCC)</b>					
68	Eleventh Street Toilet Demolition (Near John Hall Oval) (AE009 & AE010)	1	MRCC		MRCC Rates – dependant on successful budget bid
69	Aero Ovals Pavilion Toilet Design & Renewal	2	MRCC		MRCC Rates MRCC Rates – dependant on successful budget bid
70	BMX / Soccer Toilet Replacement	2	MRCC		MRCC Rates – dependant on successful budget bid
71	Aero Ovals Tennis Club Toilet Block refurbishment	2	MRCC		MRCC Rates – dependant on successful budget bid
72	Eleventh Street (near Baseball) Toilet Demolition (AE017)	1	MRCC		MRCC Rates – dependant on successful budget bid
73	Review the existing irrigation system across the entire reserve, including water authority infrastructure to determine upgrade requirements.	2	MRCC		MRCC Rates – dependant on successful budget bid
74	Implement recommendations of irrigation review and audit.	2	MRCC		MRCC Rates – dependant on successful budget bid
75	Add opportunities for non-organised and social physical activity to sporting reserves where possible, as well as environmental components and perimeter trails – Stage 1 - Design	3	MRCC		MRCC Rates – dependant on successful budget bid
76	Add opportunities for non-organised and social physical activity to sporting reserves where possible, as well as environmental components and perimeter trails – Stage 2 - Construction	3	MRCC		MRCC Rates – dependant on successful budget bid
77	Review existing parking provision across the reserve to determine if it meets existing and future needs.	2	MRCC		MRCC Rates – dependant on successful budget bid

**Note:** Indicative costs for identified works are based on 2021 prices and may be subject to increase at time of project commencement.  
Indicative costs listed as TBC are due to the exact scope of those action items being unknown at this stage.

## 6 Appendices

### Appendix 1 - Consultation and literature review

#### A – 1.1 Stakeholder consultation list

A list of stakeholders consulted in the development of the Old Aerodrome Sporting Complex Master Plan 2022 is provided below:

- Sharyn Arnold - Facility Projects Team Leader
- Dean Umback - Parks & Gardens Coordinator
- George Hibbard - Strategic Planner
- Thomas Stevenson - Recreation Development Coordinator
- Andrew Lucchesi – Recreation officer
- Brandon Dixon – Mildura West Cricket Club
- Alanie Sleep – Werrimull Football Netball Club
- Andrew Farlie – Sunraysia Cricket Association
- Inez Sullivan – St Andrews & Sacred Heart Tennis Clubs
- Josh Barlow – Mildura RC Car Club
- Nick Carroll – Sunraysia Baseball League
- Steve Erlandsen – Mildura & District Little Athletics Centre
- Andrew Carrigan – Sunraysia Hockey Association
- Susan Watts – Football Federation Sunraysia
- Anton Wurfel – Football Federation Sunraysia
- Leigh Pyke – Mildura BMX
- Rob Faux – Mildura BMX

#### A – 1.2 Literature review

- Recreation Strategy 2008
- Recreation Strategy 2021-2031
- Public Open Space Strategy 2004
- Mildura Public Open Space Strategy 2021

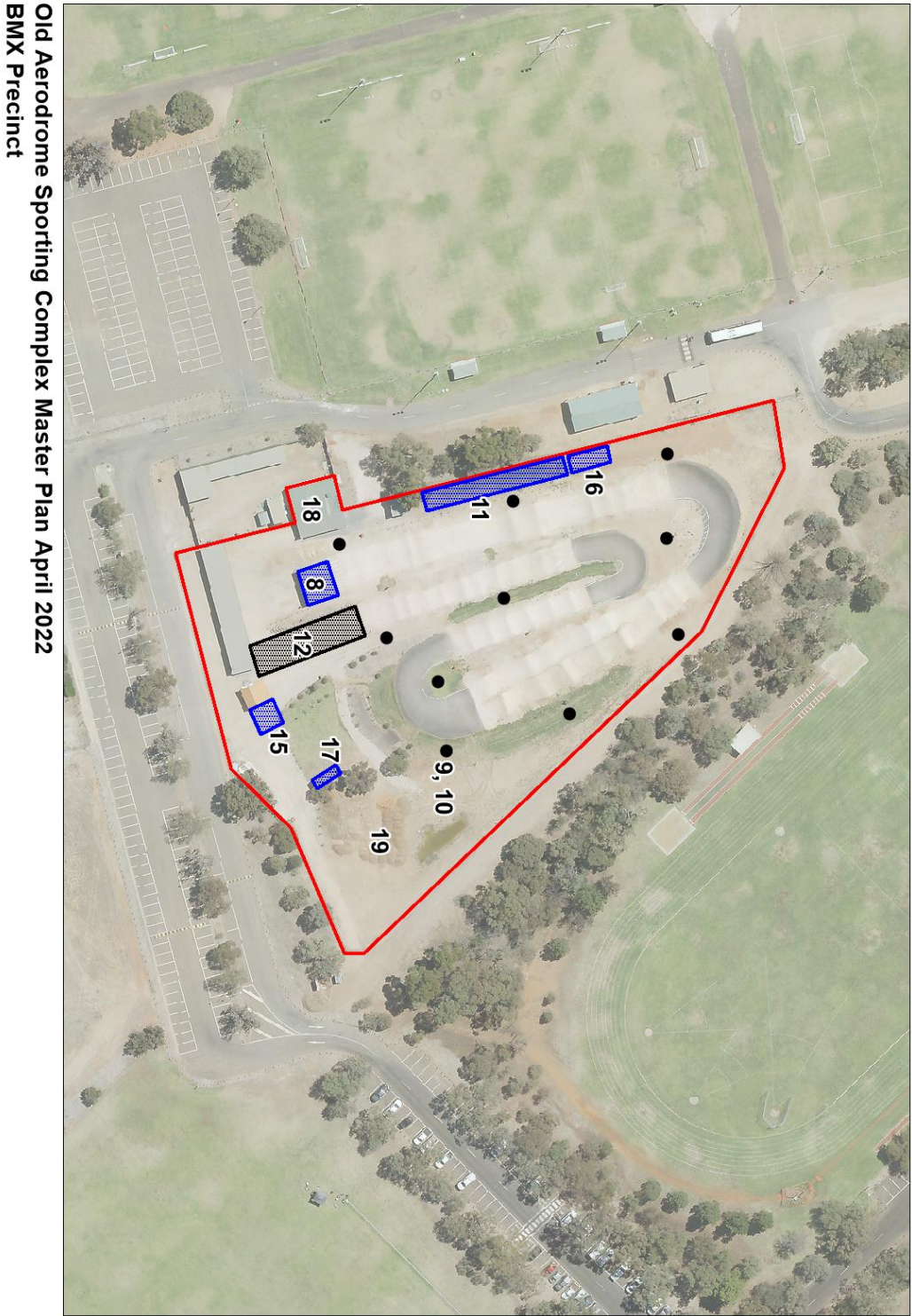
Appendix 2 – High priority actions

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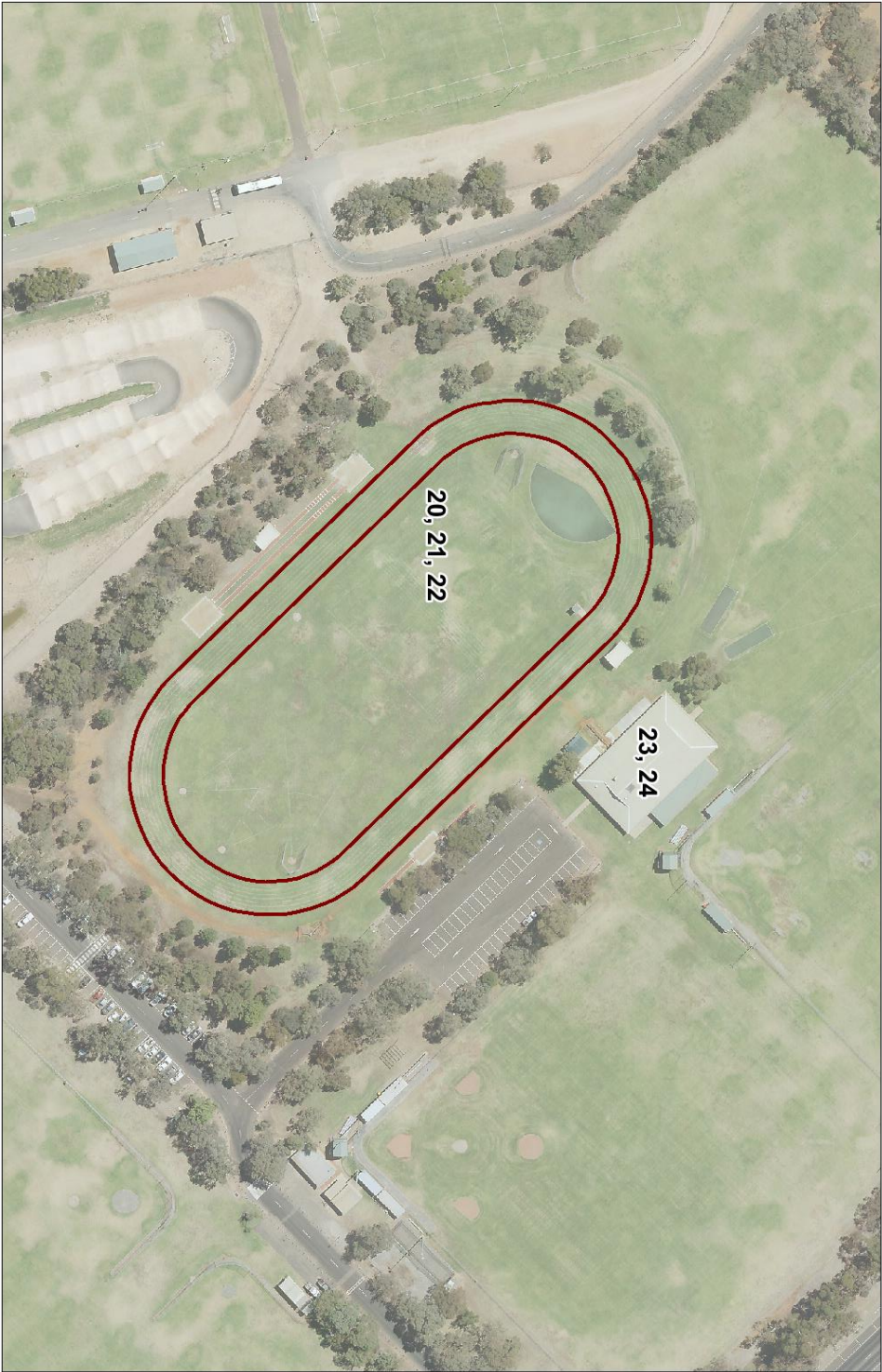
Old Aerodrome Sporting Complex Master Plan April 2022  
Football (Soccer) Precinct







Old Aerodrome Sporting Complex Master Plan April 2022  
Athletics Precinct





Old Aerodrome Sporting Complex Master Plan April 2022  
Radio Control Car Club Precinct



Old Aerodrome Sporting Complex Master Plan April 2022  
Cricket and AFL Football Precinct

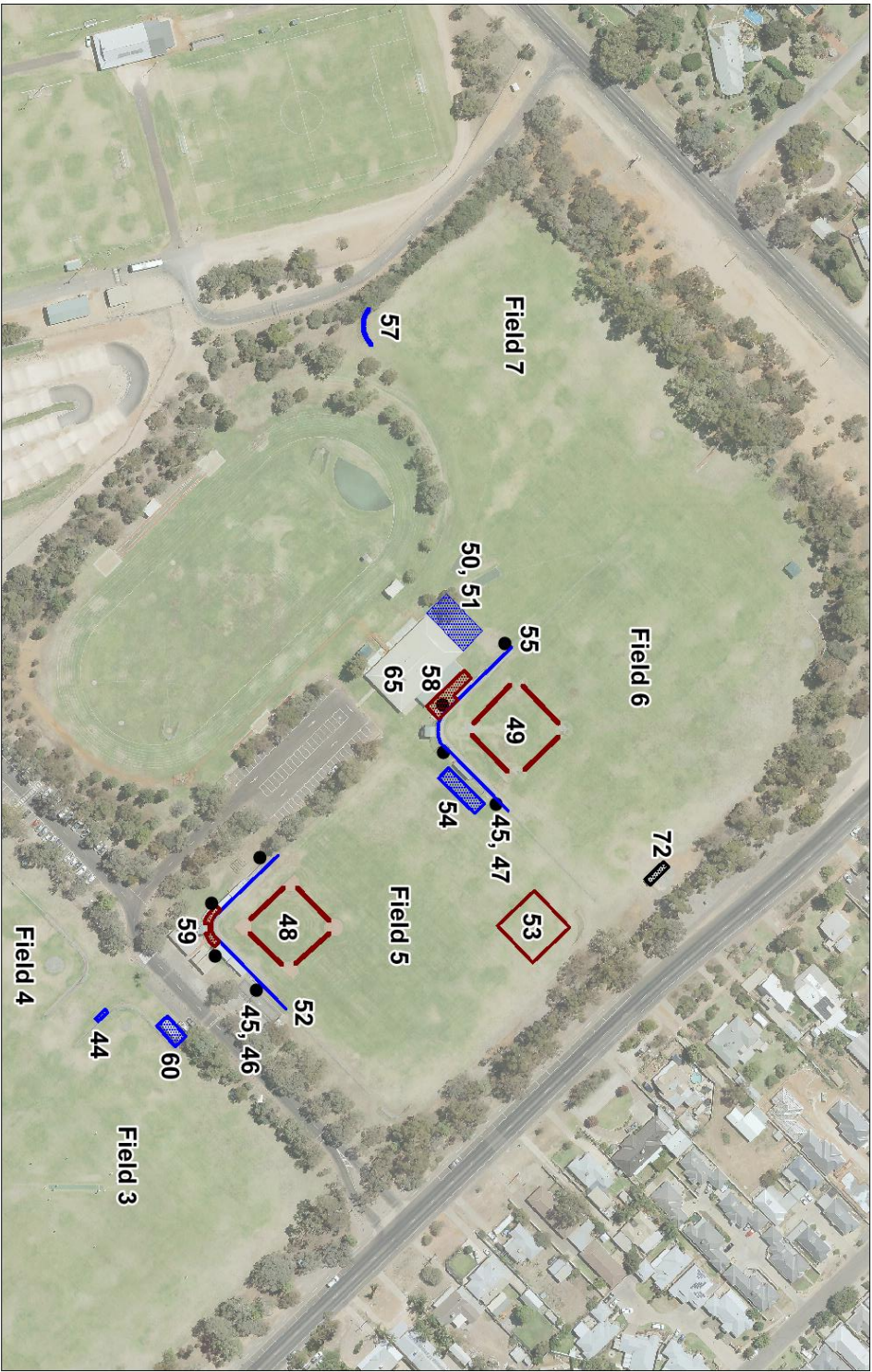








Old Aerodrome Sporting Complex Master Plan April 2022  
Baseball Precinct





Old Aerodrome Sporting Complex Master Plan April 2022  
Hockey Precinct





Old Aerodrome Sporting Complex Master Plan April 2020  
Site for non-organised recreation and social activity



### **14.3 CHAFFEY PARK RESERVE MASTER PLAN REVIEW - FINAL PLAN FOR ENDORSEMENT**

#### **Summary**

The purpose of this report is to seek Council's endorsement of the Chaffey Park Master Plan (Master Plan) Review 2022.

2022/0150

**Moved:** Cr Mark Eckel  
**Seconded:** Cr Glenn Milne

**That Council endorse the Chaffey Park Master Plan Review 2022 as presented.**

**CARRIED**

# **CHAFFEY PARK RESERVE MASTER PLAN REVIEW**

**2022**

1

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## 1. Introduction

The current Master Plan for Chaffey Park Reserve was developed in 2009. The Master Plan's intent was to guide the planning and development of the Reserve over the next 10 years.

In 2020, Mildura Rural City Council (MRCC) undertook a process to review the Master Plan for Chaffey Park Reserve. This review will be complete in 2022.

The aims and objectives for each of these Master Plan Reviews are to:

- Identify current and future facility needs in consultation with existing user groups and internal stakeholders.
- Ensure agreed developments align with recreation and asset management planning principles.
- Incorporate identified developments into an action plan with priority ratings, indicative costs and potential funding contributors so as to provide clear direction for Council and user groups for the next 5 years and beyond.

Projects identified in the 2009 – 2019 Master Plan that have recently been completed are;

- Management / restriction of traffic through the park through the installation of bollards and seating around the oval
- Additional tree and vegetation plantings through the park and along adjoining roadsides
- Installation of play areas, picnic and BBQ areas

The projects listed above generally align with the Master Plan's action list, however through detailed design and further consultation with the community and user groups they have developed and varied over time. With this, it is important to undertake a review of the current Master Plan in order to accurately capture the work that has been completed in order to effectively determine the priorities for the reserve over the next 5 years.

A number of regular user groups have recently approached Council requesting support for further major facility developments. Some of these projects are not captured in the current Master Plan. This review will ensure that these proposed developments are considered in partnership with other key user groups and the broader community, are considered through an integrated approach and that the works are reflective of current and future needs. Due to the change in use and demand at the reserve it is important that the review is undertaken in order to ensure the Master Plan's identified actions are relevant and prioritised in alignment with the community's, internal stakeholders and current users expectations and desires.

The review has given consideration to the existing Master Plan (2009) as well as site conditions and future anticipated needs of the Reserve's user groups.

The revised five year Master Plan will provide guidance for MRCC, in their aim to enhance the Reserve and ensure its facilities continue to benefit key user groups as well as the broader local community.



The following process was completed to ensure the revised Master Plan aligned with MRCC's relevant strategies and policies, and was locally focussed.



All uncompleted actions from the 2009 Master Plan that still remain relevant have been incorporated into the 2022 revision and a range of plans, strategies and policies which reference or impact on the future direction of recreation provision in Irymple have also been considered as part of the process.

Numerous MRCC officers were engaged throughout the review process. A key role of these officers was to assess the technical feasibility of proposed user group actions and also identify any infrastructure upgrades deemed necessary for the future operation of the Reserve.

Development of the revised Master Plan has been largely driven by the Reserve's regular user groups with support and assistance from Council's Recreation Planning & Development (RP&D) Staff. Consideration has been given to the changing needs of these user groups as well as the capacity of all stakeholders to deliver the recommended actions.

A strong focus of the Master Plan review was to ensure that the future direction of the Reserve was based on key elements of sustainable decision making. That is, proposed actions need to be economically viable, technically feasible, environmentally compatible and publicly acceptable.



The development of a clear future direction for Chaffey Park Reserve along with a program of prioritised works, indicative associated costs and potential contributors is provided in section 5.2



**Facilities and Structures**

Facilities and Structures on the site include:

- 1 Sports field that caters for cricket and baseball
- Cricket nets with 1 cricket/baseball batting cage
- Clubrooms
- Baseball back net (over Winter only)
- 1 playground
- Picnic and BBQ facilities
- A skate facility and a
- CFA training track

### 2.3 Site User groups and key stakeholders

There are currently 4 regular user groups based at Chaffey Park. These include:

- Merbein South Cricket Club
- Saints Baseball Club
- Merbein CFA
- Sunraysia Cricket Association (Women's Competition)

The number of user groups has declined since the 2009 Master Plan was developed with the Meringur Football Club moving to Kenny Park for its training facility to provide netball courts for their female members.

Each user group were provided with a template and support from RP&D staff to develop individual organisation facility plans (refer to Appendix 1 for a list of representatives). This part of the planning was undertaken during Covid-19 restrictions when face to face meetings were not possible and worked well. It allowed the process to continue and also provided each club with their own facility plan. It is recommended that this process continue post Covid.

MRCC is responsible for the majority of maintenance tasks at the Reserve with Building Maintenance, Parks Services and Asset Services all playing significant roles in ensuring the Reserve's ongoing operation. Minor maintenance such as cricket wicket preparation is carried out by the cricket club.

### **3. Master Plan**

#### **3.1 Previous Master Plan objectives and directions**

In 2009, MRCC commissioned the development of a Master Plan for Chaffey Park. The following section provides a summary of the key issues and needs identified in the 2009 Chaffey Park Master Plan.

- Upgraded / expanded pavilion to cater for both cricket and baseball
- Completion of skate facilities and landscaping of the area
- Upgrading of playing surface and irrigation system
- Management / restriction of traffic through the park
- Greening of the park with additional tree and vegetation plantings through the park and along adjoining roadsides, and removal of hazardous trees
- Upgrading of 'family friendly' features including play areas, picnic / BBQ areas and shade

**3.2 2009 Master Plan progress report**

The following list provides a summary of key developments that have been completed at Chaffey Park since the development of the 2009 Master Plan:

- Management / restriction of traffic through the park through the installation of bollards and seating around the oval
- Additional tree and vegetation plantings through the park and along adjoining roadsides
- Installation of play areas, picnic and BBQ areas

A review of the status of actions from the 2009 Chaffey Park Master Plan highlighted that a large number of actions remain incomplete. However, it should be noted that recent changes in usage and subsequent user group development priorities has meant that these may no longer be applicable.

## 4 Future Directions

### 4.1 Development opportunities

A number of site development opportunities were identified throughout the consultation process with user groups and Council officers. The following opportunities received strong support and therefore have been identified as high priority.

- Modification of existing clubrooms to include change facilities that support intended usage.
- Upgrades to the Merbein Fire Brigade running track
- Planning and construction of a linear skate/bike track to complement the existing skate bowl

## 5 Master Plan Implementation

### 5.1 Action and implementation

The revised Master Plan for Chaffey Park has been developed to provide actions that are practical and realistic. Many actions will require further stakeholder consultation through their detailed design and implementation phases.

The priority actions of the Master Plan have been established based on the following criteria:

- Priority 1 - High level demand by clubs, safety and regulatory compliance
- Priority 2 - Medium level demand by clubs, necessary repairs to maintain operations
- Priority 3 - Upgrades / refurbishments / exclusive requests

The implementation of the Master plan is reliant upon the capacity of a range of stakeholders to actively attract and negotiate funding. To this end, it is important to appreciate that implementation of the Master Plan is not the sole responsibility of one stakeholder. Rather, its success is dependent upon a range of partners to come together and work towards mutual goals.

The action list in Section 5.2 identifies the range of partners that are involved throughout the implementation of the works program. Funding contribution recommendations have been made on the basis of:

- Which partner/s will receive direct benefit from the works;
- The assumed capacity of partners to contribute to works;
- The understanding that Council, together with the user groups, has a responsibility to preserve asset integrity, and respond to works that would otherwise contribute to asset deterioration and compromise the functionality of the asset.

Finally, recommended contributions have not taken into account the expected in kind contributions. It is anticipated that in kind contribution which directly reduces the capital cost of work is a fair and legitimate avenue for all Clubs to contribute to works. However, it should be noted that Council discretion will be used in assessing and/or approving any proposed in kind.

In some cases, identified projects may also be eligible for funding from Council's grants or State and Commonwealth Government programs and will rely on a successful funding application to deliver the project.

## 5.2. Priority Actions List

#	Task	Priority	Indicative Cost	Potential Funding Partners	Comments
<b>Oval Precinct</b>					
1	Modification of existing clubrooms to include change facilities that support intended usage.	Priority 3	\$25,000	Council	Potential Recreation Facilities Upgrade grant.
2	Increase the width of the Merbein Fire Brigade running track	Priority 1	\$5,000	Council	Potential Community Grant
3	Install a light facing the Merbein Fire Brigade track to improve safety	Priority 1	\$11,000	Council	Potential Community Grant
4	Construction plans developed for a formalised car park between the pavilion and playground.	Priority 2	\$50,000	Council	Capital Works Bid
5	Construction of a formalised car park between the pavilion and playground.	Priority 3	\$135,000	Council	Capital Works Bid
6	Plans developed for a linear skate track to link up with the existing skate bowl.	Priority 2	\$6,000	Merbein Development Group	Concept Plans Complete by Convic for Merbein Dev Assoc Inc
7	Construction of a linear skate track to link up with the existing skate bowl.	Priority 3	\$350,000	Merbein Dev Group, Council, State Gov't	Design allows for delivery in two stages. Community Futures are supporting Merbein District Historical Society to implement their concept plan for the south eastern end of Chaffey Park. To ensure this area is not encroached on it is necessary that both plans are recognised in this Master Plan.
8	Develop outdoor historical interpretive area at the south eastern end of Chaffey Park in line with existing concept plan.	Priority 2	\$20,000	Community Futures	
	<b>Total</b>		<b>\$552,000</b>		

**Note:** Indicative costs for identified works are based on 2021 prices and may be subject to increase at time of project commencement.

Indicative costs listed as TBC are due to the exact scope of those action items being unknown at this stage.

*Priority 1 - High level demand by clubs, safety and regulatory compliance*

*Priority 2 - Medium level demand by clubs, necessary repairs to maintain operations*

*Priority 3 - Upgrades / refurbishments / exclusive requests*



## 6 Appendices

### Appendix 1 - Consultation and literature review

#### A – 1.1 Stakeholder consultation list

A list of stakeholders consulted in the development of the Revised Mildura Recreation Reserve Master Plan is provided below:

- Aaron Walder – Merbein South Cricket Club
- Steve Russell - Merbein Fire Brigade
- Rebecca Willcock - Merbein Fire Brigade
- Sheree Curtis - Merbein Fire Brigade
- Steve Walker - Saints Baseball Club
- Gloria Wall - Merbein Development Ass. Inc.
- Bernadette Wells - Merbein Historical Society
- Andrew Lucchesi – Recreation Officer
- Sharyn Arnold – Facility Projects Team Leader
- Thomas Stevenson - Recreation Development Coordinator
- Dean Umback – Parks & Gardens Coordinator
- Geoff Burr – Community Development Officer

#### A – 1.2 Literature review

- Chaffey Park Master Plan 2009-2019
- Recreation Strategy
- Merbein Community Plan
- Public Open Space Strategy



Chaffey Park Master Plan 2022

## 14.4 ADOPTION OF S6 INSTRUMENT OF DELEGATION

### Summary

The purpose of this report is to present the updated S6 Instrument of Delegation for adoption.

2022/0151

**Moved:** Cr Glenn Milne

**Seconded:** Cr Stefano de Pieri

**That Council, in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, resolve that:**

- (i) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument;**
- (ii) the instrument comes into force immediately the common seal of Council is affixed to the instrument;**
- (iii) on the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and**
- (iv) the duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**CARRIED**

***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
Document Owner	General Manager Corporate
Last Update	April 2022

**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
24.0	August 2020	Maddocks Delegations & Authorisations Update – July 2020
25.0	April 2021	Maddocks Delegations & Authorisation Update – January 2021
26.0	October 2021	Maddocks Delegations & Authorisation Update – July 2021 Updated to include Cemeteries Operations Coordinator Amended condition to s 61(1) of Planning and Environment Act 1987
27.0	April 2022	Maddocks Delegations & Authorisation Update – January 2022
28.0	September 2022	Maddocks Delegations & Authorisations Update – July 2022

### Instrument of Delegation

In the exercise of the powers conferred by 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
CEHO	means	Cadet Environmental Health Officer
CTP	means	Cadet Town Planner
COC	means	Cemeteries Operations Coordinator
CTL	means	Cemetery Team Leader
CEO	Means	Chief Executive Officer
CCC	means	Civic Compliance Coordinator
CCO	means	Civic Compliance Officer
CSP	means	Coordinator Strategic Planning
DE	means	Drainage Engineer
EO	means	Enforcement Officer
EC	means	Engineering Coordinator
EDTL	means	Engineering Design Team Leader
ENDTL	means	Engineering Development Team Leader
ES	means	Engineering Surveyor
EHC	means	Environmental Health Coordinator
EHO	means	Environmental Health Officer
EHTO	means	Environmental Health Technical Officer
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
MAS	means	Manager Asset Services
MCF	means	Manager Community Futures
MDS	means	Manager Development Services
MFS	means	Manager Financial Services
MGP	means	Manager Governance & Performance
MWES	means	Manager Works & Engineering Services
MBS	Means	Municipal Building Surveyor
N/A	means	Not Applicable
PSP	means	Principal Statutory Planner
RSO	means	Road Safety Officer
SCCO	means	Senior Civic Compliance Officer
SEHO	means	Senior Environmental Health Officer
SSP	means	Senior Statutory Planner
STO-ES	means	Senior Technical Officer - Engineering Services

S6 Instrument of Delegation Members of Staff

September 2022

STP	means	Senior Town Planner
STE	means	Senior Traffic Engineer
SPC	means	Statutory Planning Coordinator
SASC	means	Strategic Asset Systems Coordinator
SO	means	Subdivisions Officer
TLSPA	means	Team Leader Statutory Planning Administration
TP	means	Town Planner
TTE	means	Traffic & Transport Engineer
APS	means	Animal Pound Supervisor

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on Thursday 22 September 2022; and

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

a. policy; or

b. strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

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



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:

**SCHEDULE**

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

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCS, CEO, COC	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, CEO, COC	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, CEO, COC	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, CEO, COC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCS, CEO, COC	
s 15(4)	Duty to keep records of delegations	GMCS, CEO, COC	
s 17(1)	Power to employ any persons necessary	GMCS, CEO	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCS, CEO	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCS, CEO	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMCS, CTL, CEO, COC	
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

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 18Q(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	GMCS, CTL, CEO, COC	
s 20(1)	Duty to set aside areas for the interment of human remains	GMCS, CTL, CEO	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCS, CEO	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCS, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMCS, CTL, CEO, COC	
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, CEO	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, CEO	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCS, CEO, COC	
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, CEO	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, CEO, COC	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	GMCS, CEO, COC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCS, CEO, COC	
s 60(2)	Power to charge fees for providing information	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMCS, CTL, CEO, COC	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCS, CEO, COC	
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, CEO	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, MFS, CEO, COC	
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	GMCS, MFS, CTL, CEO, COC	
s 70(2)	Duty to make plans of existing place of interment available to the public	GMCS, MFS, CTL, CEO, COC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	GMCS, MFS, CTL, CEO, COC	
s 71(2)	Power to dispose of any memorial or other structure removed	GMCS, MFS, CTL, CEO, COC	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 72(2)	Duty to comply with request received under s 72	GMCS, MFS, CEO, COC	
s 73(1)	Power to grant a right of interment	GMCS, MFS, CEO, COC	
s 73(2)	Power to impose conditions on the right of interment	GMCS, MFS, CEO, COC	
s 74(3)	Duty to offer a perpetual right of interment	GMCS, CCO, SCCO, COC	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	GMCS, MFS, CTL, CEO, COC	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	GMCS, MFS, CTL, CEO, COC	
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, CEO	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCS, MFS, CEO, COC	
s 80(2)	Function of recording transfer of right of interment	GMCS, MFS, CEO, COC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCS, MFS, CEO, COC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCS, CTL, CEO, COC	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS, CEO, COC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCS, CEO, COC	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	GMCS, CCO, SCCO, COC	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84H(4)	Power to exercise the rights of a holder of a right of interment	GMCS, CCO, SCCO, COC	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	GMCS, CTL, COC	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	GMCS, CCO, SCCO, COC	
s 84I(6)(a)	Power to remove any memorial on the place of interment	GMCS, CCO, SCCO, COC	
s 84I(6)(b)	Power to grant right of interment under s 73	GMCS, CCO, SCCO, COC	
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, CEO, COC	Does not apply where right of interment relates to remains of a deceased veteran.

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEO, COC	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	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	GMCS, CTL, CEO, COC	
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	GMCS, CTL, CEO, COC	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMCS, CTL, CEO, COC	
s 86(4)	power to take action under s.86(4) relating to removing and re-intering cremated human remains	GMCS, CTL, CEO, COC	
s 86(5)	duty to provide notification before taking action under s.86(4)	GMCS, CTL, CEO, COC	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMCS, CTL, CEO, COC	
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, CEO, COC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCS, CEO, COC	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCS, CEO, COC	
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, CEO, COC	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCS, CEO, COC	
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, CEO, COC	
s 100(1)	Power to require a person to remove memorials or places of interment	GMCS, CEO, COC	
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, CEO, COC	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCS, CEO	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS, CEO	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCS, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCS, CEO	
s 103(1)	Power to require a person to remove a building for ceremonies	GMCS, CEO	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCS, CEO	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCS, CEO	
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, CEO, COC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCS, CEO	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEO, COC	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS, CEO	
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, CEO	
s 108	Power to recover costs and expenses	GMCS, CEO	
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCS, CEO, COC	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, CEO, COC	Where the holder of right of interment or responsible person cannot be found

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	GMCS, COO, SCCO, COC	
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	GMCS, CTL, CEO, COC	
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, CEO, COC	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	GMCS, CTL, CEO, COC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCS, CTL, CEO, COC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCS, CEO, COC	
s 119	Power to set terms and conditions for interment authorisations	GMCS, CEO	
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)

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCS, CEO, COC	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	GMCS, CTL, CEO, COC	
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, CEO, COC	
s 151	Function of receiving applications to inter or cremate body parts	GMCS, CEO, COC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEO	
sch 1 cl 8(8)	Power to regulate own proceedings	GMCS, CEO	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	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

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

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, GMD, MDS, CEO, SEHO, EHC	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	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, GMD, MDS, CEO, SEHO, EHC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19E (1)(d)	Power to request a copy of the food safety program	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s19A(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19A(2)	Duty to give written notice to the proprietor of the premises	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19A(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	GMD, MDS, CEO, EHC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	GMD, MDS, CEO, EHC	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	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	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	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	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	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to register or renew the registration of a food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	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)	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority

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

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	GMD, MDS, CEO, EHC	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	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	GMD, MDS, CEO, EHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	GMD, MDS, EHC	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	GMD, MDS, CEO, EHC	

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	
s 40F	Power to cancel registration of food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
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	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority

Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, 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	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, GMCS, MGP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMD, GMC, CEO	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMD, GMC, CEO	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMD, GMC, MCF, MDS, CEO	
s 8A(5)	Function of receiving notice of the Minister's decision	GMD, GMC, MCF, MDS, CEO	
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	GMD, GMC, MCF, MDS, CEO	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMD, GMC, MCF, MDS, CEO	
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	GMD, GMC, MCF, MDS, CEO	
s 12B(1)	Duty to review planning scheme	GMD, GMC, CEO	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMD, GMC, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMD, GMD, CEO	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMD, GMD, MCF, MDS, CEO	
s 17(1)	Duty of giving copy amendment to the planning scheme	GMD, GMD, MCF, MDS, CEO	
s 17(2)	Duty of giving copy s 173 agreement	SPC, GMD, GMD, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSP, GMD, GMD, MCF, MDS, CEO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CSP, GMD, GMD, MCF, MDS, CEO	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	GMD, GMD, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSP, GMD, GMC, MCF, MDS, CEO	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	GMD, GMC, MCF, MDS, CEO	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	GMD, GMC, MCF, MDS, CEO	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	GMD, GMC, MCF, MDS, CEO	Except submissions which request a change to the items in s 22(5)(a) and (b)
S 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSP, GMD, GMC, MCF, CEO	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, GMD, GMC, MCF, MDS, CEO	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, GMD, GMC, MCF, MDS, CEO	MDS, MCF, & CSP to refer matter to GMD when acting alone
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CSP, GMD, GMC, MCF, MDS, CEO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CSP, GMD, GMC, MCF, MDS, CEO	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	GMD, GMC, CEO	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CSP, GMD, GMC, MCF, MDS, CEO	Note: the power to make a decision to abandon an amendment cannot be delegated

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 28(2)	Duty to publish notice of the decision on Internet site	SPC, GMD, GMC, PSP, MDS, TLSPA, CEO, SSP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPC, GMD, GMC, PSP, MDS, TLSPA, CEO, SSP	
s 30(4)(a)	Duty to say if amendment has lapsed	CSP, GMD, GMC, MCF, MDS, CEO	
s 30(4)(b)	Duty to provide information in writing upon request	CSP, GMD, GMC, MCF, MDS, CEO	
s 32(2)	Duty to give more notice if required	GMD, GMC, MCF, MDS, CEO	
s 33(1)	Duty to give more notice of changes to an amendment	GMD, GMC, MCF, MDS, CEO	
s 36(2)	Duty to give notice of approval of amendment	GMD, GMC, MCF, MDS, CEO	
s 38(5)	Duty to give notice of revocation of an amendment	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMD, GMC, MCF, MDS, CEO	
s 40(1)	Function of lodging copy of approved amendment	GMD, GMC, MCF, MDS, CEO	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CSP, GMD, GMC, MCF, MDS, CEO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CSP, GMD, GMC, MCF, MDS, CEO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	GMD, GMC, MCF, MDS, CEO	
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	N/A	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	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AW	Function of being consulted by the Minister	GMD, GMC, GMCS, CEO	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	GMD, GMC, CEO	Where Council is a responsible public entity
	Power to endorse the draft Statement of Planning Policy		
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSP, SPC, GMD, GMC, PSP, MCF, MDS, CEO, SSP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	Where Council is a responsible public entity
s 46G(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	GMD, GMC, MCF, MDS, CEO	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
			Where Council is a collection agency.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	GMD, GMC, GMCS, CEO	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSP, GMC, MCF, CEO	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CSP, GMC, MCF, CEO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CSP, GMC, MCF, CEO	
s 46GP	Function of receiving a notice under s 46GO	CSP, GMD, GMC, GMCS, MCF, CEO	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, GMD, GMC, GMCS, MCF, CEO	
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, GMD, GMC, GMCS, MCF, CEO	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	CSP, GMD, GMC, GMCS, MCF, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CSP, GMD, GMC, GMCS, MCF, CEO	
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, GMD, GMC, GMCS, MCF, CEO	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CSP, GMD, GMC, GMCS, MCF, CEO	
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, GMD, GMC, GMCS, MCF, CEO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CSP, GMD, GMC, GMCS, MCF, CEO	
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	GMD, GMC, GMCS, MCF, CEO	
s 46GV(3)	<p>Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution</p> <p>Power to specify the manner in which the payment is to be made</p>	GMD, GMC, GMCS, MCF, MFS, CEO	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMD, GMC, GMCS, CEO	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)	GMD, GMC, GMCS, CEO	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)	GMD, GMC, GMCS, CEO	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, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	GMD, GMCS, MDS, MAS, MFS, CEO, 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	GMD, GMC, GMCS, CEO	Where Council is the collecting agency  Where Council is a collection 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, CEO, MWES	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	GMD, GMCS, MAS, MFS, CEO, 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 46GZ(2)(a)	Function of receiving the monetary component	GMD, GMCS, MAS, MFS, CEO	Where the Council is the planning authority
			This duty does not apply where Council is also the collecting agency

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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 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	GMD, GMD, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency  <u>Must be done in accordance with Local Government Act 1989.</u>
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	GMD, GMD, GMCS, MFS, CEO	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	GMD, GMD, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions 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	GMD, GMD, GMCS, MFS, CEO	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	GMD, GMD, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	GMD, GMD, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMD, GMD, GMCS, MFS, CEO	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)	GMD, GMD, GMCS, MFS, CEO	Where Council is a development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	GMD, GMC, GMCS, MFS, CEO	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	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)	GMD, GMC, GMCS, MFS, CEO	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)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency  Where Council is a collection agency.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	GMD, GMD, GMCS, MFS, CEO	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)	GMD, GMD, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMD, GMD, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	GMD, GMD, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	GMD, GMD, GMCS, MFS, CEO	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	GMD, GMD, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	GMD, GMD, GMCS, MFS, CEO	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	GMD, GMD, GMCS, MFS, CEO	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	GMD, GMD, GMCS, MCF, CEO	Where Council is a collecting agency or development agency
			Where Council is a collection agency or development agency.
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	GMD, GMD, GMCS, MFS, CEO	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	GMD, MAS, CEO, MWES	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMD, GMC, MCF, MDS, CEO	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMD, GMC, MCF, MDS, CEO	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	GMD, GMC, CEO	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	MBS, GMD, GMC, MCF, MDS, CEO	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	GMD, GMC, CEO	Requires consideration of 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	GMD, GMC, MCF, MDS, CEO	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	GMD, GMC, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, MFS, CEO	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	GMD, GMD, MCF, MDS, MAS, CEO, 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	GMD, GMD, GMCS, CEO	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	GMD, GMD, CEO	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)	GMD, GMD, CEO	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister Requires consideration of requirements from Development Contributions Plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	GMD, GMC, MCF, MDS, CEO	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	GMD, GMC, CEO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	GMD, GMC, GMCS, CEO	
s 46QD	Duty to prepare report and give a report to the Minister	GMD, GMC, MDS, CEO	Where Council is a collecting agency or development agency
			Where Council is a collection agency or development agency.
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	N/A	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	N/A	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	N/A	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	N/A	
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	GMD, GMC, MCF, MDS, CEO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 50(4)	Duty to amend application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(5)	Power to refuse to amend application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50(6)	Duty to make note of amendment to application in register	SPC, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	
s 50A(1)	Power to make amendment to application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50A(4)	Duty to note amendment to application in register	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
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, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(3)	Power to give any further notice of an application where appropriate	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54(1)	Power to require the applicant to provide more information	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54(1B)	Duty to specify the lapse date for an application	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57A(5)	Power to refuse to amend application	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57A(6)	Duty to note amendments to application in register	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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

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Planning and Environment Act 1987			
Provision	Powers and Functions 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	SPC, GMD, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CTP, CEO, SSP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 Where 7 or more objections are received, applications must be referred to Council.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
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	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SPC, GMD, GMC, MCF, MDS, CEO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(2)	Power to include other conditions	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(5)	Duty to give each objector a copy of an exempt decision	GMD, MDS, CEO	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	SPC, GMD, PSP, STP, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SPC, GMD, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SPC, GMD, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	SPC, GMD, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	SPC, GMD, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 69(2)	Power to extend time	SPC, GMD, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SPC, GMD, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(1)	Power to correct certain mistakes	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 71(2)	Duty to note corrections in register	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 73	Power to decide to grant amendment subject to conditions	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 83	Function of being respondent to an appeal	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 83B	Duty to give or publish notice of application for review	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 84AB	Power to agree to confining a review by the Tribunal	SPC, GMD, MDS, CEO	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	GMD, MDS, CEO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 91(2)	Duty to comply with the directions of VCAT	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 93(2)	Duty to give notice of VCAT order to stop development	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 95(3)	Function of referring certain applications to the Minister	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 95(4)	Duty to comply with an order or direction	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	GMD, CEO	
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, CEO	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	SPC, GMD, GMC, MCF, MDS, CEO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 96F	Duty to consider the panel's report under s 96E	SPC, GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEO	
s 96H(3)	Power to give notice in compliance with Minister's direction	GMD, GMC, MCF, MDS, CEO	
s 96J	Duty to issue permit as directed by the Minister	GMD, CEO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	GMD, CEO	
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	GMD, GMC, MCF, MDS, CEO	
s 97C	Power to request Minister to decide the application	GMD, GMC, CEO	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMD, GMC, CEO	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	GMD, GMC, CEO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	GMD, GMC, CEO	
s 101	Function of receiving claim for expenses in conjunction with claim	GMD, GMC, MCF, MDS, CEO	
s 103	Power to reject a claim for compensation in certain circumstances	GMD, GMC, CEO	
s .107(1)	function of receiving claim for compensation	GMD, GMC, CEO	
s 107(3)	Power to agree to extend time for making claim	GMD, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMD, MDS, MAS	
s 114(1)	Power to apply to the VCAT for an enforcement order	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPC, EO, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	GMD, CEO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	GMD, CEO	Except Crown Land
s 129	Function of recovering penalties	GMCS, MFS, CEO	
s 130(5)	Power to allow person served with an infringement notice further time	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1)	Power to refer a matter to the VCAT for determination	GMD, GMD, MCF, MDS, CEO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	SPC, GMD, GMD, MCF, MDS, CEO	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)	GMD, GMD, MCF, MDS, CEO	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	GMD, GMD, MCF, MDS, CEO	
s 171(2)(g)	Power to grant and reserve easements	GMD, GMD, MCF, MDS, CEO	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMD, GMD, GMCS, CEO	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)	GMD, GMD, GMCS, CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	GMD, GMD, GMCS, CEO	Where Council is the development agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 173(1)	Power to enter into agreement covering matters set out in s 174	GMD, GMC, GMCS, CEO	
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	GMD, GMC, GMCS, CEO	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	GMD, GMC, MCF, MDS, CEO	
	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	GMD, GMC, MCF, MDS, CEO	
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	GMD, GMC, MCF, MDS, CEO	
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	GMD, GMC, GMCS, CEO	
s 178A(1)	Function of receiving application to amend or end an agreement	GMD, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SPC, GMD, PSP, MDS, CEO, SSP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SPC, GMD, PSP, MDS, CEO, SSP	
s 178A(5)	Power to propose to amend or end an agreement	GMD, CEO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SPC, GMD, PSP, MDS, CEO, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SPC, GMD, PSP, MDS, CEO, 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	SPC, GMD, PSP, MDS, CEO, SSP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	SPC, GMD, PSP, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SPC, GMD, MDS, CEO	
s. 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	GMD, CEO	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, CEO	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, CEO	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, CEO	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	GMD, CEO	After considering objections, submissions and matters in s 178B

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s. 178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMD, CEO	After considering objections, submissions and matters in s. 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMD, CEO	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)	SPC, GMD, PSP, TP, STP, MDS, TLSPA, CEO, SSP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SPC, GMD, PSP, TP, STP, MDS, TLSPA, CEO, SSP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	GMD, MDS, CEO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	GMD, CEO	
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	SPC, GMD, PSP, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SPC, GMD, PSP, MDS, CEO, SSP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	SPC, GMD, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 182	Power to enforce an agreement	SPC, EO, GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	SPC, GMD, GMC, PSP, STP, MDS, CEO, SSP	
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, CEO	
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, CEO	
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	SPC, GMD, MDS, CEO	
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	SPC, GMD, MDS, CEO	
s 184G(2)	Duty to comply with a direction of the Tribunal	SPC, EO, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	SPC, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CSP, SPC, GMD, GMC, MCF, MDS, CEO	
s 198(1)	Function to receive application for planning certificate	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 199(1)	Duty to give planning certificate to applicant	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 201(1)	Function of receiving application for declaration of underlying zoning	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 201(3)	Duty to make declaration	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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	GMD, GMC, CEO	
	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	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	GMD, GMC, MCF, MDS, CEO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, SPC, GMD, GMC, MCF, MDS, CEO	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, SPC, GMD, GMC, MCF, MDS, CEO	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, GMD, MDS, CEO, SEHO, EHC	
s 522(1)	Power to give a compliance notice to a person	EHO, GMD, MDS, CEO, SEHO, EHC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	GMD, MDS, CEO, EHC	
s 525(4)	Duty to issue identity card to authorised officers	GMCS, MGP, GRC, CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBS, GMD, MDS, CEO, EHC	
s 526A(3)	Function of receiving report of inspection	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	GMD, MDS, CEO, EHC	
s 142(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEO, EHC, EHO, EHTO, GMD, MDS, SEHO	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 206A(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 207E(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 311A(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 317ZDA(2)	Function of receiving written notification	CEO, EHC, 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	CEO, EHC, EHO, GMD, MDS, SEHO	
s 522(1)	Power to give a compliance notice to a person	CEO, EHC, 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)	CEO, EHC, GMD, MDS	
s 525(4)	Duty to issue identity card to authorised officers	CEO, GMCS, GRC, MGP	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO, EHC, GMD, MBS, MDS	
s 526A(3)	Function of receiving report of inspection	CEO, EHC, EHO, EHTO, GMD, MDS, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, EHC, GMD, MDS	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMD, MAS, CEO	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, MGP, MFS, CEO	
s 11(9)(b)	Duty to advise Registrar	GMD, GMCS, MGP, MAS, MFS, CEO	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMD, MAS, CEO	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, CEO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMD, GMCS, MGP, MAS, CEO	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMD, GMCS, MGP, MAS, CEO	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMD, CEO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMD, CEO	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, CEO	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, CEO	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMD, MAS, CEO	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMD, CEO, MWES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMD, CEO, 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, CEO	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMD, MAS, CEO	
s 15(2)	Duty to include details of arrangement in public roads register	GMD, MAS, CEO	
s 16(7)	Power to enter into an arrangement under s 15	GMD, MAS, CEO	
s 16(8)	Duty to enter details of determination in public roads register	GMD, MAS, CEO	
s 17(2)	Duty to register public road in public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Power to decide that a road is reasonably required for general public use	GMD, MAS, CEO	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, CEO	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, CEO	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMD, MAS, CEO	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, CEO	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, CEO	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)	Duty to specify details of discontinuance in public roads register	GMD, MAS, CEO	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMD, MAS, CEO	
s 21	Function of replying to request for information or advice	GMD, MAS, CEO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMD, MAS, CEO	
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, CEO	
s 22(5)	Duty to give effect to a direction under s 22	GMD, CEO	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMD, MAS, CEO, MWES	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMD, MAS, CEO, MWES	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMD, MAS, CEO, MWES	
s 42(1)	Power to declare a public road as a controlled access road	GMD, MAS, CEO	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, CEO	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMD, MAS, CEO, 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, CEO, 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, CEO, MWES	Where Council is the responsible road authority, infrastructure manager or works manager

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMD, MAS, CEO, MWES	
s 49	Power to develop and publish a road management plan	GMD, MAS, CEO, MWES	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMD, MAS, CEO, 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, CEO	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMD, MAS, CEO, MWES	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMD, MAS, CEO, MWES	
s 54(6)	Power to amend road management plan	GMD, MAS, CEO, MWES	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMD, MAS, CEO, MWES	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMD, MAS, CEO, MWES	
s 63(1)	Power to consent to conduct of works on road	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	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	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	STO-ES, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	STO-ES, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 67(3)	Power to request information	SASC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 68(2)	Power to request information	SASC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMD, MAS, IDTL, TTE, STE, CEO, MWES	
s 72	Duty to issue an identity card to each authorised officer	GMD, GMCS, MGP, MAS, CEO, MWES	
s 85	Function of receiving report from authorised officer	GMD, MAS, CEO, MWES	
s 86	Duty to keep register re s 85 matters	GMD, MAS, CEO, MWES	
s 87(1)	Function of receiving complaints	STO-ES, EC, GMD, MGP, MAS, IDTL, TTE, STE, CEO, MWES	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	GMD, MGP, MAS, CEO, MWES	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	EC, GMD, MWES	
s 112(2)	Power to recover damages in court	GMD, GMCS, MAS, MFS, CEO, MWES	
s 116	Power to cause or carry out inspection	GMD, MAS, IDTL, TTE, STE, CEO, MWES	
s 119(2)	Function of consulting with the Head, Transport for Victoria	STO-ES, EC, GMD, CEO, MWES	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMD, CEO, MWES	
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, CEO, MWES	
s 121(1)	Power to enter into an agreement in respect of works	GMD, MAS, CEO, MWES	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 122(1)	Power to charge and recover fees	GMD, GMCS, MAS, MFS, CEO, MWES	
s 123(1)	Power to charge for any service	GMD, GMCS, MFS, CEO, MWES	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMD, CEO, MWES	
sch 2 cl 5	Duty to publish notice of declaration	GMD, MAS, CEO, MWES	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	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	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	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	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	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, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMD, GMCS, MAS, MFS, CEO, 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, GMD, MAS, CEO, MWES	Where Council is the works manager

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(2)	Power to vary notice period	EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	EC, GMD, MAS, CEO, MWES	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	EC, GMD, MAS, CEO, 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, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	APTL, EC, GMD, MAS, CEO, 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, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl18(1)	Power to enter into an agreement	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	APTL, EC, GMD, MAS, CEO, 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, GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	STO-ES, APTL, EC, GMD, MAS, RSO, IDTL, TTE, ES, CEO, MWES, DE, IDO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	EC, GMD, MAS, IDTL, CEO, 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, CEO, MWES	Where Council is the responsible road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEO, 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, CEO, 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)

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	GMCS, CTL, CEO, COC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCS, CTL, CEO, COC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCS, CTL, CEO, COC	
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	GMCS, CTL, CEO, COC	

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	GMCS, CTL, CEO, COC	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	GMCS, CTL, CEO, COC	
r 30(2)	Power to release cremated human remains to certain persons	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	GMCS, CTL, CEO, COC	
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, CEO, COC	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCS, CTL, CEO, COC	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCS, CEO, COC	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	GMCS, CTL, CEO, COC	

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	GMCS, CTL, CEO, COC	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	GMCS, CTL, CEO, COC	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	GMCS, CEO, COC	
r 40	Power to approve a person to play sport within a public cemetery	GMCS, CEO, COC	
r 41(1)	Power to approve fishing and bathing within a public cemetery	GMCS, CEO, COC	
r 42(1)	Power to approve hunting within a public cemetery	GMCS, CEO, COC	
r 43	Power to approve camping within a public cemetery	GMCS, CEO, COC	
r 45(1)	Power to approve the removal of plants within a public cemetery	GMCS, CTL, CEO, COC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCS, CTL, CEO, COC	

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 47(3)	Power to approve the use of fire in a public cemetery	GMCS, CTL, CEO, COC	
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	GMCS, CTL, CEO, COC	
	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	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	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, CEO, COC	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	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	GMCS, CTL, CEO, COC	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	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	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	GMCS, CEO	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, CEO	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	GMCS, CTL, CEO, COC	See note above regarding model rules

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Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CSP, GMD, GMC, MCF, MDS, CEO	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMD, GMC, MCF, MDS, CEO	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	GMD, GMC, MCF, MDS, CEO	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, GMD, GMC, MCF, MDS, CEO	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.

S6 Instrument of Delegation Members of Staff

September 2022

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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHO, GMD, MDS, CEO, SEHO, EHC	
r 10	Function of receiving application for registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 11	Function of receiving application for renewal of registration	EHO, GMD, MDS, EHTO, SEHO, EHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

September 2022

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, SEHO, EHC	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, GMD, MDS, SEHO, EHC	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 14(3)	Power to determine where notice of transfer is displayed	EHO, GMD, MDS, CEO, SEHO, EHC	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 16(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

S6 Instrument of Delegation Members of Staff

September 2022

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 17	Duty to keep register of caravan parks	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	
r 18(6)	Power to determine where certain information is displayed	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 22(2)	Duty to consult with relevant emergency services agencies	EHO, GMD, MDS, CEO, SEHO, EHC	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, GMD, MDS, CEO, SEHO, EHC	
r 26	Duty to have regard to any report of the relevant fire authority	EHO, GMD, MDS, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

September 2022

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, GMD, MDS, CEO, SEHO, EHC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, GMD, MDS, CEO, SEHO, EHC	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, GMD, MDS, CEO, SEHO, EHC	
r 41(4)	Function of receiving installation certificate	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHO, GMD, MDS, CEO, SEHO, EHC	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, GMD, CCO, MDS, APS, CCC, SCCO, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

September 2022



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
Duty to conduct reviews of road management plan	GMD, MAS, CEO, MWES		
Duty to produce written report of review of road management plan and make report available	GMD, CEO, MWES		
Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	SASC, GMD, CEO, MWES	Where Council is the coordinating road authority	Where Council is the coordinating road authority
Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMD, MAS, CEO, MWES		
Duty to publish notice of amendments to road management plan	SASC, GMD, MAS, CEO, MWES	where Council is the coordinating road authority	where Council is the coordinating road authority
Duty to record on road management plan the substance and date of effect of amendment	GMD, MAS, CEO		
Power to issue permit	STO-ES, APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

September 2022

Road Management (General) Regulations 2016				
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations	
Power to give written consent re damage to road	STO-ES, APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority	Where Council is the coordinating road authority	
Power to make submission to Tribunal	EC, GMD, CEO, MWES	Where Council is the coordinating road authority	Where Council is the coordinating road authority	
Power to charge a fee for application under s 66(1) Road Management Act	STO-ES, APTL, SAS, EC, GMD, CEO, MWES	Where Council is the coordinating road authority	Where Council is the coordinating road authority	
Power to remove objects, refuse, rubbish or other material deposited or left on road	STO-ES, APTL, EC, GMD, CEO, MWES	Where Council is the responsible road authority	Where Council is the responsible road authority	
Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMD, CEO	Where Council is the responsible road authority	Where Council is the responsible road authority	
Power to recover in the Magistrates' Court, expenses from person responsible	GMD, GMCS, MFS, CEO			

S6 Instrument of Delegation Members of Staff

September 2022

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, 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	CEO, GMD, MAS, MWES	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

September 2022

## 14.5 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

### Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

2022/0152

**Moved:** Cr Glenn Milne  
**Seconded:** Cr Helen Healy

**That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Kirstyn Butterworth, Enforcement Officer.**

**CARRIED**

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



Mildura Rural City Council

**Mildura Rural City Council**

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

**for**

**KIRSTYN BUTTERWORTH  
ENFORCEMENT OFFICER**

**SEPTEMBER 2022**

### Instrument of Appointment and Authorisation

In this Instrument "**officer**" means -

**Kirstyn Butterworth**

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

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

**It is declared that** this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 21 September 2022.

**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:**

## **14.6 AUDIT AND RISK COMMITTEE MEETING 1/2022-2023 - MINUTES SUMMARY - 11 AUGUST 2022**

### **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 Audit and Risk Committee Meeting 1/2022-2023. The confidential minutes of Audit and Risk Committee Meeting 1/2022-2023, including key outcomes and recommendations of the meeting, have been distributed to Council under separate cover.

2022/0153

**Moved:** Cr Glenn Milne  
**Seconded:** Cr Stefano de Pieri

**That Council note the confidential minutes of Audit and Risk Committee Meeting 1/2022-2023 held on 11 August 2022.**

**CARRIED**

## **14.7 CONFIDENTIAL REPORT REGISTER - BIENNIAL STATUS REPORT**

### **Summary**

The purpose of this report is to present to Council the status of items on the Confidential Report Register.

2022/0154

**Moved:** Cr Helen Healy  
**Seconded:** Cr Glenn Milne

**That Council acknowledge:**

- (i) our commitment to transparency in decision-making processes which includes an intention to keep the number of matters considered in confidential Council to a minimum;**
- (ii) the Report Summary and Council Resolutions for the following items were recently released from Confidential Council and are now available on Councils website (webpage located at Council/Council Meetings/Release of Confidential Council Reports); and**
  - 1. Mildura South Regional Sporting Precinct Concept Design and Cost Estimate**
  - 2. Proposal to co-fund Installation of an Instrument Landing System at Mildura Airport**
  - 3. The Great Australian Vanilla Slice Triumph Expression of Interest**
  - 4. Rates Matters**
  - 5. Relocation of a Football Netball Club from Mildura Recreation Reserve to Mildura South Regional Sporting Precinct**
  - 6. Disposal of Land, Verdi Boulevard, Irymple**
  - 7. CEO Six Month Performance Appraisal**
  - 8. Independent Audit & Risk Committee Membership – February 2020**
  - 9. Emergency Delegation**

10. Land Acquisition - 92 Pine Avenue, Mildura
11. Freeman of the City
12. Insurance Renewal Program 2020-2021
13. Mildura South Regional Sporting Precinct and Integrated Works Project Budgets
14. Mildura Airport Pty Ltd Financial Assistance Due to COVID-19 Pandemic
15. Appointments to Climate Emergency Community Advisory Group
16. Tender Award - Engineering and Technical Services Panel - Contract 2122/14
17. Tender Award - Murrayville Recreation Reserve Community Complex and Change Rooms
18. Tender Award - Mildura Wave Pool Machine Replacement - Contract 2122/28
19. Tender Award - Provision of Tree Services - Contract 2122/35
20. Appointment of Chief Executive Officer
21. Tender Award - Municipal Association of Victoria - Provision of Parks and Playground Equipment and Associated Products and Services - RFT Number D060125
22. CEO Matters
23. Appointment of Consultant for Mildura Heritage Study Part B Stage 2
24. Tender Award - Supply and Delivery of Three Plant Specification Australia Class 15 Articulated Graders - Contract 2122/39
25. Tender Award - Insurance Broking and Risk Management Services - 0618/0626
26. Tender Award - Procurement Australia Hardware, Electrical, Plumbing and Compressed Gases - Contract 2504/1032

- (iii) that the reports which remain held in confidential on the attached Confidential Report Register, will continue to be subject to quarterly reviews by a review panel consisting of the Mayor, Deputy Mayor, Chief Executive Officer and General Manager Corporate.

**CARRIED**

## **14.8 VICTORIAN GOVERNMENT ADVOCACY PRIORITIES**

### **Summary**

The purpose of this report is for Council to adopt the Mildura Rural City Council advocacy priorities for 2022-2023.

2022/0155

**Moved:** Cr Stefano de Pieri  
**Seconded:** Cr Mark Eckel

That Council adopt the Mildura Rural City Council 2022-2023 Advocacy Priorities as presented.

**CARRIED**





## Mildura Rural City Council – Advocacy priorities 2022

### Making this the most liveable, people-friendly community in Australia

Mildura Rural City Council is officially Australia's most valuable farming region, worth more than \$1.13 billion in 2020-2021. Our region brings significant economic benefit to Victoria but the investment in our thriving regional city and our vibrant surrounding communities falls well behind those of our city counterparts and those closer to Melbourne. We need to support the people who are doing the heavy lifting for Victoria – both from a financial and a social perspective.\*

#### Major advocacy focus

**20% regional spend guarantee** ensuring public agency and government entity investments are regionally based. (ie. Every state government funded grants program should commit at least 20% of their funds to regional areas)

#### An increase in Federal Financial Assistance Grants and greater allocation for regional areas.

Financial Assistance grants are particularly valuable as the majority of the funding is untied – meaning the money can be directed to where it is most needed in the community.

**Rating System Review** to ensure regional councils have enough revenue to deliver vital services while not burdening already disadvantaged communities further.

#### Other opportunities for growth and funding

**Growing the Regions Development Fund (\$500mil)** to help unlock more housing opportunities with funding for key utilities infrastructure such as stormwater, sewage, water, gas, electricity and telecommunications.

**Regional Living Fund (\$200mil)** supporting regional cities to grow with investment in civic, community and cultural infrastructure including open spaces.

#### What will more funding mean for our community?

Increasing our ability to deliver on our community's Council Plan and Community Vision.

\* We acknowledge the work of the Murray River Group of Councils, Regional Cities Victoria and Australian Local Government Association in developing our collaborative advocacy priorities and supporting regional communities.

## Our collaborative goals

Together with the Murray River Group of Council and Regional Cities Victoria, we are lobbying for mutually beneficial projects to be progressed.

### Supporting our regional workforce

Reshaping immigration policies to help our farming sector to grow and overcome desperate worker shortages. Current visa arrangements are failing workers, growers, our community and Australia's overall economy.

Waive the three-year ban on re-entry for seasonal workers and get the Ag Visa Program running as soon as possible

Support to bring skilled professionals to our region to help with critical shortages in key industries.

### Living sustainably and protecting our environment

Harnessing our climate and vast land base by investing in our region to become a renewable energy powerhouse and lobbying the Federal Government to fast-track the grid connection through the Kerang Link corridor.

Other key projects such as:

- More support for waste education and the diversion of waste from landfill
- Support for sustainable farming and horticulture
- Management of our natural areas and wetlands
- Increased water security to support our growers who support the nation's economy
- Doing our bit to fight climate change
- Renewable energy projects and power network transmission upgrades

### Ensuring digital connectivity

Increasing funding to the Regional Digital Connectivity and Mobile Black Spot Removal grants program – fast, reliable internet and consistent mobile phone coverage are essential for both our town-based and agricultural communities.

### Growing tourism

Murray River Adventure Trail – Lobbying the Federal Government for Stage 2 investment of \$50-\$60mil, partnering with Local Councils from Albury to Mildura to link historic towns, stunning waterways and wetlands and vast stretches of forests and national parks.

## Our local major projects and advocacy

**Riverfront Precinct Projects** including the Powerhouse Digital Activation – Stage 2 and redevelopment of Jaycee Park and the Rowing Club Lawns

**Mildura CBD activation** with the implementation of the Mildura CBD Plan and Feast Street Redevelopment.

Continuing to grow our reputation as a sporting hub of regional Victoria with projects including:

- Lobbying for the Mildura Motorsports & Community Precinct
- Old Aerodrome Ovals renovation and rejuvenation
- Lighting the Regions upgrades to sports ground lighting
- Merbein Skate Park redevelopment

Advocacy for our improvements to our vital local **roads and transport network**

- Freight Rail Support
- Passenger Rail Advocacy
- VicRoads upgrades to some of our major intersections including the Benetook bypass, Deakin Ave duplication and traffic management at the Sixteenth Street and Deakin Ave intersection.
- Improving our bus connectivity including bus network and service review
- Funding for airport upgrades and improvements

Focus on our youngest community members with upgrades to our local **kindergartens**.

Supporting **Mildura Arts Centre** to continue to attract quality exhibitions and productions and continuing to grow our event's portfolio.

Working to stop the growing **homelessness and housing crisis** in our region, while advocating for more gender equality and an end to family violence.

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**Ouyen Service Centre** 79 Oke Street, Ouyen

## **14.9 ADOPTION IN PRINCIPLE OF THE FINANCIAL STATEMENTS, PERFORMANCE STATEMENT, AND GOVERNANCE AND MANAGEMENT CHECKLIST 2021-2022**

### **Summary**

The annual Financial Statements and Performance Statement for the year ended 30 June 2022 have been audited by the Auditor-General's contractor, Crowe Australasia, and are now required to be submitted to the Auditor-General for approval.

2022/0156

**Moved:** Cr Ian Arney  
**Seconded:** Cr Glenn Milne

**That Council:**

- (i) give its approval in principle to the following statements for the 2021-2022 financial year;**
  - **Financial Statements**
  - **Performance Statement**
  - **Governance and Management Checklist.**
- (ii) authorise the Mayor and Deputy Mayor to certify the Financial and Performance statements in their final form, after any changes recommended, or agreed to, by the Auditor-General have been made; and**
- (iii) authorise the Mayor and Chief Executive Officer or Acting Chief Executive Officer to certify the Governance and Management Checklist.**

**CARRIED**

## 14.10 REGIONAL RAIL FREIGHT

### Summary

This report provides a letter and recommendation for seeking further action from the state government on addressing the freight task for our region.

Moved: Cr Helen Healy  
Seconded: Cr Stefano de Pieri

That Council write to the Victorian Premier and Minister Allan to facilitate more freight to port for regional Victoria and seeking an understanding of plans in place to be delivered in the next five years to improve freight to port for regional Victoria, and to further explore interstate connections.

### AMENDMENT

2022/0157

Moved: Cr Helen Healy  
Seconded: Cr Stefano de Pieri

**That Council write to the Victorian Premier and Minister Allan seeking the facilitation of more freight to port for regional Victoria and seeking an understanding of any plans in place to be delivered in the next five years to improve freight to port for regional Victoria, and to further explore interstate connections.**

**CARRIED**



Mildura Rural City Council

File:15/08/02

<Date> <Month> <Year>

The Hon. Daniel Andrews, MP  
Premier of Victoria  
Office of the Premier  
1 Treasury Place  
MELBOURNE VIC 3002

The Hon. Jacinta Allan, MP  
Minister for Transport  
1 Treasury Place  
MELBOURNE VIC 3002

Dear Premier and Minister Allan

#### **REGIONAL RAIL FREIGHT**

Mildura Rural City Council (Council) was recently confirmed by the Australian Bureau of Statistics as the country's highest-producing local government area in terms of agricultural output, contributing \$1.13 billion in product in 2020-2021. Potentially, this could grow significantly if we could maximise our freight to port systems.

This significant contribution to the national economy puts a sharp focus on the critical importance of an effective rail freight system in our region.

At present, there is an urgent need to address severe shortcomings in our rail freight system, which threaten to jeopardise the ability of our region and our nation to capitalise on the \$1.13 billion of produce generated in our municipality.

Following recent consideration of the critical role of rail freight in our region and the current shortcomings, Council resolved to write to you formally to ensure there is clear direction to firstly, address these shortcomings and secondly, to develop a new vision for freight moving forward.

We seek an improved and efficient transport system for freight in regional Victoria, coordinating both road and rail freight. Engagement by government of industry and freight operators through effective consultation is also sought to continually improve and refine the system.

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To: The Hon. Daniel Andrews, MP <Date> <Month> <Year>  
The Hon. Jacinta Allan, MP  
File: 15/08/02 Page 2

The issues around the Murray Basin Rail Project (MBRP) are well documented. Our position on this matter is that while the original intent of the MBRP was admirable, it has fallen well short of what was needed in reality and the deployment of the project has been less than satisfactory. We believe an interdependent approach to this complex problem is needed from all levels of government and industry to forge a new vision and to address and rectify the current situation.

Acknowledging the rescoping of this project, our concern is that this does not go far enough to deliver a sustainable outcome and future-proof the longer-term viability and potential of future connections.

Council has endorsed the following deliverable objectives that need commitment from all levels of government:

1. development of an integrated freight system that meets the needs of industry to drive positive economic growth and development
2. development of a sustainable rail freight system that delivers significant improvement in freight on to rail
3. broadening of the rail freight system to support development of suitable self-sustaining intermodal transport hubs, and connection to the broader interstate rail networks
4. delivery of better options for access to both Portland and Geelong ports, together with logistical improvements to access Melbourne ports
5. development of a longer-term vision of the freight system that includes connection to interstate networks, markets, and commodities and also consideration around reducing the number (22) of level crossings in the Mildura city area.

Advocacy groups, such as the Murray River Group of Councils and the Rail Freight Alliance, as well as state bodies such as the Mallee Regional Partnership, have all highlighted the importance of rail in terms of more timely access to the Port of Melbourne for freight from our region. We believe this requires a multifaceted and concerted effort across all levels of government and industry.

This will stimulate the local economy and improve road safety, as well as reduce the carbon footprint that is growing due to increased truck kilometres for freight movement.

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To: The Hon. Daniel Andrews, MP <Date> <Month> <Year>  
The Hon. Jacinta Allan, MP  
File: 15/08/02 Page 3

It is Council's view that your government should lead, in conjunction with the Australian Government, the enabling of the necessary infrastructure, such as ports, rail and rolling stock, and provide solutions, developed with transport operators and industry, to facilitate more freight to port for regional Victoria in an efficient and effective manner.

Council respectfully requests your help with this situation, and clarification of plans in place to be delivered in the next five years to improve freight to port for regional Victoria and to further explore interstate connections.

Yours sincerely

**CR LIAM WOOD**  
**MAYOR**

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## 15 URGENT BUSINESS

Nil

## 16 COMMUNITY QUESTIONS

### 16.1 COUNCIL MEETING GALLERY AND 15TH STREET BINS

**File Number: 02/01/13**

*Why can't the public speak at your meetings when you say that the public are invited to attend, I think people have the right to ask and get an answer back. Also why are the bins always overflowing on weekend at the shopping centres on 15<sup>th</sup> street.*

---

General Manager Corporate, Chris Parham replied to the first part of the question, advising that Council Meetings themselves are a decision making forum with a combination of reports that have had the opportunity to be commented and worked on by the community before reaching a decision. The community do have the ability to ask questions at a Council Meeting, either by submitting online before the meeting, or by writing one down and submitting it on the night, and Council will strive to answer those questions. Engagement and discussion with Councillors can be facilitated prior to a formal Council Meeting. On the Council website you can find the Governance Rules that lists the meeting procedures for Council Meetings, and within that there is a section labelled 'Petitions, Joint Letters and Deputations' which provides an opportunity for a significant item from the community to approach Council, but typically this is done outside of the formal meeting.

Acting General Manager Development, Daryl Morgan replied to the second part of the question, advising that those specific bins are not under Council's responsibility, and suggest that this query be directed towards the shopping complex in order to get a response.

### 16.2 COUNCILLOR CONDUCT

**File Number: 02/01/13**

*I've been asked this question many times by community members, but I haven't got an accurate answer for them. Can you please tell me and our community specifically what formal proactive changes have taken place to improve the working culture among Councillors since my resignation as Councillor & deputy Mayor in March 2022?*

---

Mayor, Liam Woods advised that Mildura Rural City Council recognise that a proactive approach to a healthy culture is critical to ensure the focus and energies are placed on making decisions for the community – now and into the future. This is a theme for Local Government across the state following the 'The Local Government Culture Project Insights Report 2022' which identifies attention on the importance of a healthy Councillor dynamic. As part of this, a "cultural audit" has been undertaken with MRCC Councillors by an independent party who has recently spoken individually and privately to each Councillor and members of the executive. While the outcomes of this have not been finalised, we look forward to considering the feedback and suggestions.



## 16.3 COMMUNITY CONSULTATION REGARDING AFFIRMATION

**File Number: 02/01/13**

*From my understanding Councillors are representing the community, for this reason the amendment to the motion of developing a more inclusive affirmation, will Councillors speak with the community, and give them the opportunity to express their opinions about what the envision this affirmation to be?*

---

Mayor, Liam woods advised that it would be remiss of us to not involve community members in the discussion and development of the affirmation.

## 17 CONFIDENTIAL BUSINESS

7:06pm

**Moved:** Cr Glenn Milne  
**Seconded:** Cr Stefano de Pieri

### Recommendation

**That Council resolve to move into confidential business to deal with the following matters as pursuant to Section 66(2) of the *Local Government Act 2020*:**

#### 17.1 EVENT VARIATION REQUEST

**Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released**

**Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, until a signed funding agreement can be executed.**

#### 17.2 APPOINTMENT TO CLIMATE EMERGENCY COMMUNITY ADVISORY GROUP

**Section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs**

**Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, would result in the unreasonable disclosure of information about applicants and their personal affairs.**

#### 17.3 CONFIDENTIAL FINANCIAL MATTER

**Section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs**

**Pursuant to section 66(5)(b) of the Local Government Act 2020, the release of this information may prejudice negotiations should Council wish to proceed with the purchase.**

**17.4 TENDER AWARD - PROVISION OF ROAD STABILISATION PRODUCTS AND SERVICES PANEL - CONTRACT 2122/45**

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this Agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.


**CARRIED**

Confidential Business concluded at 7:58pm.

**18 CLOSURE**

There being no further business the meeting closed at 8:00pm.

**Date of Confirmation: 27 October 2022**

Signed:  \_\_\_\_\_  
Chairperson