



Agenda

Scheduled Council Meeting

Tuesday 20 May 2025

to be held at 2:00 PM

Council Chambers

Swan Hill Town Hall

53 – 57 McCallum Street, Swan Hill. VIC 3585

Public Access

Open to the public and live streaming from
Council's website: www.swanhill.vic.gov.au



Governance Rules

A copy of Swan Hill Rural City Council's governance rules can be found at
<https://www.swanhill.vic.gov.au/about/overview/policies/governance-rules-2020/>

Executive Leadership Team

Scott Barber, Chief Executive Officer

Bruce Myers, Director of Community and Cultural Services

Michelle Grainger, Director of Development and Planning

Bhan Pratap, Director of Corporate Services

Leah Johnston, Director of Infrastructure

Swan Hill Elected Members



Cr Stuart King

0437 967 531

stuart.king@swanhill.vic.gov.au



Cr Terry Jennings

0429 449 578

terry.jennings@swanhill.vic.gov.au



Cr Les McPhee

0427 319 394

les.mcphee@swanhill.vic.gov.au



Cr Hugh Broad

0408 250 683

hugh.broad@swanhill.vic.gov.au



Cr Peta Thornton

0417 219 229

peta.thornton@swanhill.vic.gov.au



Cr Lindsay Rogers

0499 720 035

lindsay.rogers@swanhill.vic.gov.au



Cr Philip Englefield

0429 079 650

philip.inglefield@swanhill.vic.gov.au

Vision Statement

Built on strong foundations that embrace our rich History and natural environment, our region will be a place of progressions and possibility. We are a community that is happy, healthy and harmonious - we are empowered, we are respectful and we are proud.

Our Mission

We will lead, advocate, partner and provide efficient services and opportunities for growth and the wellbeing of our community, environment and economy.

Our Values

Council values our residents and community and will be responsive to their needs. In pursuing our objectives, we believe in, and are committed to, the following values:

Community engagement - We will ensure that our communities are consulted, listened to and informed.

Leadership - We will be at the centre of our community and by actively engaging our community we will form the collective view on strategic issues and will then express our views through strong advocacy and action.

Fairness - We will value and embrace the diversity of our community and ensure that all people are treated equally.

Accountability- We will be transparent and efficient in our activities and we will always value feedback.

Trust - We will act with integrity and earn the community's trust by being a reliable partner in delivering services, projects and providing facilities.

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1 Procedural Matters

1.1 Welcome

1.2 Acknowledgement Of Country

“Swan Hill Rural City Council acknowledges the traditional custodians of the land on which we meet, and pays its respects to their elders, past and present.”

1.3 Opening Declaration

“We beseech you Lord, that we may be granted wisdom, understanding and sincerity of purpose, in the decisions we are called on to make for the welfare of the people of the Rural City of Swan Hill.”

Or

“We, the Councillors of Swan Hill Rural City Council, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.”

1.4 Apologies / Leaves of Absence

Cr Les McPhee - leave of absence.

1.5 Directors / Officers Present

1.6 Confirmation of Minutes

1.6.1 Confirmation of Minutes

Recommendation/s

That the minutes of the Scheduled Council Meeting held on the 15 April 2025 and the minutes of the Unscheduled Council Meeting held on the 6 May 2025 be confirmed.

1.7 Disclosures of Conflict of Interest

1.8 Joint Letters and Reading of Petitions

1.8.1 Joint Letter - 181 Gray Street, Swan Hill - Application No. DP2300008

Responsible Officer: Chief Executive Officer

Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

On 2 May 2025, Council received correspondence from Phil Joyce expressing concerns in relation to “181 Gray Street Planning Application No. 2300008” (attached).

The submitted document included 11 names, addresses, email addresses, and phone numbers. However, in accordance with **Section 7.21(2)(e) of Council’s Governance Rules**, a valid petition must contain the names, addresses, and **original signatures** of at least 10 individuals. As no signatures were provided, the document does not meet the formal definition of a petition and is instead considered a joint letter. Nevertheless, it is generally processed in the same manner.

The governance rules also stipulate that the Chief Executive Officer must present all petitions and joint letters to Council on the agenda at the next available Council meeting. The joint letter is then received by Council and a response will then be prepared.

The petition/joint letter also relates to an item listed in this agenda, therefore in accordance with **Section 7.21.(6) of the Governance Rules** – the petition may be dealt with in conjunction with the item.

Section 7.21.(7) of the Governance Rules – If a petition relates to a ‘statutory matter’ which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the ‘planning matter’ or the ‘statutory matter’ (as the case may be).

Attachments: 1. 181 GrayStreet Petition [1.8.1.1 - 2 pages]
2. SHRCC meeting re Gray St school redacted [1.8.1.2 - 1 page]

Recommendation/s

That Council:

1. **Receive the Joint Letter, and**
2. **Consider the Joint Letter as part of the report item “2.1 Development Plan Overlay - St Mary MacKillop College” in this Council meeting agenda.**

Subject: 181 Gray St - Application No. DP2300008

Dear Mr Mayor and Councillors

I am writing this email from all the landowners listed below.

We are writing to all the Councillors for their support and seek this email to be a **petition** for our following concerns.

- **Traffic Management**
- **Kerb and Gutter**

Traffic Management

It appears that Swan Hill Council are comfortable with the traffic report that has been provided for the proposed school at 181 Gray St Swan Hill.

The residents are far from comfortable with this decision. We believe that council do not have this right.

The new school is going to be a major disruption to the residents in the west end of Gray St.

We believe that no consideration has been given to the traffic travelling from the west (Tower Hill). How many children are going to come to school either riding a bike, walking, car or by bus from this direction?

We believe that no consideration has been given to the proposed 90 lot development to the east side of the school.

There is no walking lane for pedestrians in Gray St.

There is no bike lane in Gray St.

We, **the residents of Gray St KNOW** the extra impact, disruption and inconvenience that this is going to create on our road. We **KNOW** because we live there. The traffic report submitted indicates that someone may have to wait for up to 30 seconds for a car or bus turning right into the school. We **KNOW** that that's not going to be realistic when you have a number of cars and buses coming (and going) from the east or from town let alone the traffic trying to exist the school. Gray St is a busy street.

We know from the lack of infrastructure in Gray St between the proposed school and Sea Lake Rd it will only a matter of time before someone, whether a child or adult, will be killed on this section of road. This possibility will only increase with more traffic coming from the west. Keep in mind too that Tower Hill subdivision is nowhere near capacity. (up to another 500+ homes at least)

You can only imagine the total congestion with a new school and a new subdivision. Parents already experience this now with the MacKillop and St Mary's current school's.

The new proposed subdivision entry to Gray St is on a bend too. How dangerous is that going to be?

The minimum requirement we believe is, put in a right-hand turning lane into the school grounds must be provided.

Kerb and Gutter

As per plans provided there is to be a footpath continued from the South Primary School to the new proposed school. This is very welcomed.

The residents of 173, 175 and 177 Gray St are extremely concerned about the council not seeing the requirement to provide kerbing along this section of road.

With a shared footpath, 2.4m wide, along the frontages of the properties, this will not leave enough room for a safe pedestrian path from the kerb to the footpath. It was thought for a swale drain to be between the edge of the road and the footpath. Due to the narrow verge this would require a deep swale drain which would be very unsafe to walk beside and the water run off from the road would fill the swale drain in a very short period of time and then have the potential to flood into these 3 properties noted.

This is not a matter to wait and see.....we know this will happen.

The minimum requirement we believe is, kerb and channel must be provided.

We appeal to all the Councillors to see common sense in these matters. Safety, people, and their properties are of the upmost importance to all concerned and I'm sure we all understand that.

Consider and do it well the first time. Of course, it's cheaper to do it now than later.

Also attached is our concerns with council at a prior meeting, 16-04/2025, for your interest.

If you have any further questions please don't hesitate to contact any of the contacts below.

We look forward to your reply's.

Signed off below by the residents concerned....

Ashley Scott
Andrew Menzies
Joseph Bartalotta
Brock Parsons
Rob Merrett
Peter Holden
Anthony Foott
Torey Fiducia
Selwyn Steele
Esma Coombe
Phil Joyce

16/04/2025

Meeting with Swan Hill Rural City Council and Residents of Gray St

To discuss issues, problems and clarity around the propose College at 181 Gray St

Those to be present are;

Awais Sadiq (Planning), Peter Ross (Engineering), Brock Parsons Steve Bartalotta
Joseph Bartalotta Phil Joyce and Esma Coombe (represented by
Phil Joyce), Rob Merrett

Issues to be discussed

- Residents are extremely disappointed in the lack again of consultation with them. This will be a major disruption to Gray St and environment and our peaceful surroundings. What has been taken into account for the residents for this?
- Although residents from 146 & 148 Gray St are not present, they are extremely concerned about this disruption to their peaceful circumstances and environment.
- Notice board out the front of 181 Gray St – We believe this is the time frame in which we have to object, yet we’ve been told we can’t object – Please explain?
- Traffic coming from the west and turning into the school. What it happen here?
- Sewer pump station in front of 179 Gray St – this needs to be moved back in-line with the school – Consider the corner of Gray & Yana St sewer pump station and the odour. Thoughts here?
- Gray St road treatment on north and south of road from Sea Lake Rd to 175 Gray St. This should be a major requirement to be completed before any school works to start. Thoughts?
- Fire tanks at the front – isn’t this an visual impact. Is there any visual aspect on this?
- Road appeal from the front looking south. Is there any visual aspect on this?
- How is the school noise going to be controlled. Very very important to the neighbours. We are in a rural zoning and this should be considered.
- Barrier between 181 and 189 Gray St – visual and noise.
- McKillop’s big fundraiser days and any other special days – how are these going to be controlled and remove any need to block off street and to keep all parking off the street. **To be NO on Gray Street parking.**
- Stormwater discharge in front of 179 – clarify this – is it discharging direct into the main drain?
- And other discussions not listed above.

The residents of Gray St (West end) asking for Swan Hill Rural City Council to support them in considering all aspects as discussed for the sake of our semi-rural living. Unfortunately, when some thing are done, it’s too late. Quote: “Let’s do it right the first time”.

1.8.2 Petition - Purchase of former Robinvale Hotel site

Responsible Officer: Chief Executive Officer

Declarations of Interest:

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

On 12 May 2025, Council received a petition for Swan Hill Rural City Council to consider purchasing the nine blocks of land that make up the former Robinvale Hotel site. This includes the two blocks where the burnt-out hotel building currently stands, as well as the seven surrounding blocks.

The submitted petition included 194 names, addresses and signatures.

Section 7.21.(7) of the Governance Rules – If a petition relates to a ‘statutory matter’ which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the ‘planning matter’ or the ‘statutory matter’ (as the case may be).

Attachments: 1. Robinvale Hotel Petition redacted [1.8.2.1 - 18 pages]

Recommendation/s

That Council:

1. **Receive the joint submission, and**
2. **The joint submission be referred to the Director of Development and Planning for consideration and response.**

PETITION TO SWAN HILL RURAL CITY COUNCIL

Subject: Purchase of Former Robinvale Hotel Site

We, the undersigned, respectfully urge Swan Hill Rural City Council to consider purchasing the nine blocks of land that make up the former Robinvale Hotel site. This includes the two blocks where the burnt-out hotel building currently stands, as well as the seven surrounding blocks.

The site, in its current state, has become an eyesore and a safety concern for the Robinvale community. It occupies a central and highly visible location in town, and its neglected condition detracts from the vibrancy, appearance, and potential of our main street.

Acquiring this land would allow the Council to clean up the area, improve public safety, and explore opportunities for redevelopment that better serve the needs and vision of our growing community.

We believe this is a necessary step toward revitalising Robinvale and enhancing the wellbeing and pride of its residents.

SIGNATURES

[illegible]

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SIGNATURES

Name	Address	Signature	Date
Joyce Ludica			7-5-25
Joe Ludica			7-5-25
Natale Natale			7-5-25
Natale Phillip			7-5-25
CARMELA NATALE			8-5-25
ANTHONY NATALE			8-5-25
Kim NATALE			8-5-25
Alinda Natale			8-5-25
CARMEL PARISI (NATALE)			9-5-25
Phillis PARISI (NATALE)			9-5-25
Stephanie Fang			10-05-25
Kabi Mottali			10.05.25
TRAVIS SHANKLESS			10/5/25
CURTIS PRATT			11/5/25
Bill Madaffer			11/5/25
Claudia Madaffer			11/5/25
Carmen Madaffer			11-5-25
Laura pratt			11-5-25

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SIGNATURES

Name	Address	Phone	Signature	Date
Clare Jury				8.5.25
A. Hardwick				8-5-25
N. Tran				8-5-25
Sophie I				8-05-25
Paea Ihu				8/05/25
PS				2/5/25
S Smith				5/5/25
Sam Hensgen				08.05.2025
Linda Stevens				8.5.2025
Travis Lynch				21/5/25

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SIGNATURES

Name	Address	Signature	Date
Sumei Li			8/5/25
Christiana			8/5/25
Bee Chern Loh			8/5/25
Marg Curran			9/5/25
Julie Camara			9/3/25
Paula Finca			9/3/25
Charlotte Tulemaga			9/5/25
Christina Ale			9/5/25
Roseline Poharau			09/05/25
Sarah Psaradellis			09/05/25
Brenda Hicks			09/05/25
Hilda Liew			09/05/25
Francesco Cordona			9/5/25
Jesse Cordona			9/5/25
Aifei C Cordona			9-5/25

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Name	Address	Phone	Signature	Date
Leah Dapen				8-5-25
G. McQuire				8-5-25
DAVID Hensgen				8-5-25
Jay Leake				9-5-25
Alanna				9-5-25
Harry				9/5/25
Mimaka Lebeck				9/5/25
Braithair Barker				10-5-25
Ben Harbison				10-5-25
Bert Heaslop				10-5-25

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SIGNATURES

Name	Address	Signature	Date
JAMES ZAPPALÀ			8/5/25.
SAMUEL FAUO			8/5/25
Wade Bist			8/5/25
Isaac Geroulis			8/5/25.
Orlando Caia			8/5/25
Nik Muraca			8/5/25
Noah Carrella			8/5/25
JORDAN Natale			8/5/25
Chuck Indica			8/5/25

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SIGNATURES

Name	Address	Signature	Date
L. Iuliano			8/5/25
S. Costantino			8/5/25
J. M. Adis			8/5/25
R. Liparota			8/5/25
Z. LESLIE			8.5.25
F. COSTANTINO			8.5.25
D. Natale			8.5.25
P. CAMERU			8.5.25
M. Costantino			8.5.25
M. Camera			8.5.25
J. Camera			8.5/25
M. Camera			8/5/25
R. Costantino			8/5/25
A. COSTA			8/5/25
Ant. Mezza			8/5/25
Marcus Chirchiglia			8/5/25
Mario Chirchiglia			8/5/25
Antonio Scariella			8/5/25
Thomas Zappia			8/5/25

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SIGNATURES

Name	Address	Signature	Date
Nathan Kelmoo			8/5/25
Vince Notale			8/5/25
Kim Ahy			8/5/25
A. Ginn			8/5/25
P. Sinnott			8/5/25
J. ROPER			8/5/25
A. ROPER			8/5/25
A. Chivell			8/5/25
M. Zaffino			8/5/25
G. DeLuca			8/5/25
P. DeLuca			8/5/25
M. Polata			8/5/25
L. Polata			8/5/25
M. camera			8/5/25
D. camera			8/5/25
M. Tassone			8/5/25
G. Iudico			8/5/25
R. Zallina			8/5/25
A. Panopoulos			8/5/25

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SIGNATURES

Name	Address	Signature	Date
JOE FOTIA			8-5-25
Tony Scarcia			"
Aurora Sureda			"
MARION LESLIE			8.5.25
DAVID CAMERA			8.5.25
Dean Leslie			8.5.25
THOMAS MEGATES			8.5.25
MARGE LAZZARA			8-5-25
MARIA MEZZATESTA			8-5-25
Maryanne Leslie			8.5.25
Ange Scarnella			8.5.25
Anna Zappia			8.5.25
Liz Cimino			8.5.25
Teresa Mezzatesta			8/5/25
Mary Mezzatesta			8/5/25
Sam Catanzaro			8/5/25
CARMELLO TASSONE			8/5/25
JOE GERVASI			8/5/25
KATRINA GERVAS			8/5/25

PETITION TO SWAN HILL RURAL CITY COUNCIL
Subject: Purchase of Former Robinvale Hotel Site

We, the undersigned, respectfully urge Swan Hill Rural City Council to consider purchasing the nine blocks of land that make up the former Robinvale Hotel site. This includes the two blocks where the burnt-out hotel building currently stands, as well as the seven surrounding blocks.

The site, in its current state, has become an eyesore and a safety concern for the Robinvale community. It occupies a central and highly visible location in town, and its neglected condition detracts from the vibrancy, appearance, and potential of our main street.

Acquiring this land would allow the Council to clean up the area, improve public safety, and explore opportunities for redevelopment that better serve the needs and vision of our growing community.

We believe this is a necessary step toward revitalising Robinvale and enhancing the wellbeing and pride of its residents.

SIGNATURES

Name	Address	Signature	Date
M. IUDICA		✓	8.5.25
B. Zaffina			8/5/25
D. Lipartu			08.05.25
S. LANTERI.			08.05.25
K. Natale			8.5.25
C. FALVO			8.5.25
A. GARREFFA			8.5.25
T. Zappia			8/5/25
M. Geven			8/5/25
T. Draper			8/5/25
D. Russell			8.5.25
M. COSTANTINO			8.5.25
M. Heeps			8.5.25
M. Gallace			8.5.25
M. Larremi			8/5/2025
M. Zappia			8/5/25
D. Davoni			8-5-25
Mick Garreffa			8/5/25

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SIGNATURES

Name	Address	Signature	Date
Bruce B. Ginn			11-4-25
Santina Zappio			14-4-25
Cathy Albanese			15-4-25
Teresa Gurreffa			16-4-25
BEV HITCHFIELD			16-4-25
Maria Churchighe			16-4-25
Ed BROWN			17-4-25
JOE GARREFFA			17/4/25
WAYNE HART			17/4/25
Sfontaninos			17/4/25
Loretta Gurreffa			22/4/25
MARIA Churchighe			23/4/25
Jim Vandenberg			23/4/25
Gordon Dickie			23/4/25
N-SAN			23/4/25
MICHAEL SMITH			24/4/25
Jaye Watson			24/4/25
Neala Gray			26-4-25

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SIGNATURES

Name	Address	Signature	Date
Brett Lammell			11.4.25
Rosette Tassano			15.4.25
Ange Calisto			15.4.25
WADE BEST			16.4.25
ROSA BULZOMI			23-4-25.
Greg Hatt			5-5-25
Robert Morgan			8-5-25
Rachaelina Morgan			8-5-25

1.9 Public Questions Time

You can access the form Public Question Time form from:

<https://forms.swanhill.vic.gov.au/council-meeting-public-question-time/>

Please note

- Only ONE question per form submission.
- Submission must be received no later than 10:00am on the day prior to the meeting.
- A time is set aside for public questions during a Council meeting at which time each question will be read after the Chairman has looked at its contents and determined that the question is appropriate.
- Statements and opinions are not permitted during question time and will not be read to the meeting.
- The Chairman may disallow any question. This may be because the question is repetitive of a question already asked, objectionable, irrelevant, raises an issue of a confidential nature or is asked to embarrass a Councillor or Council officer. The Chairman will provide reasons where a question is disallowed. Questions considered to be inappropriate will be made available to Councillors on request.
- The Chairman will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself.
- No debate or discussion of the questions or answers is permitted.
- The Chairman may elect to take a question on notice in which case a written response will generally be provided within 10 working days.
- A summary of the text of the question and the response will be recorded in the minutes of the Council meeting.

Who can use this form

- Any community member

While completing this form, we will request

- Your contact details (including your name, address, phone and email)
- Your question

It will take about 5 minutes to complete this form.

After you submit this form

- We will send you an email receipt to confirm we have received your submission

What happens with your information?

The information requested in this form is collected by Swan Hill Rural City Council to assist us in responding to your question.

Your name, suburb and question may be read out at the Council meeting and will be recorded in the Council meeting minutes but will not be used for any other purpose unless required by law.

We will handle any personal information you provide on this form in accordance with the Privacy and Data Protection Act 2014. We record this information on our customer databases and make it available to relevant Council staff in line with our Privacy Statement.

You can access your personal information by contacting our Privacy Officer.

1.10 Open Forum

Please see below “Governance Rules 2023 – Section 7 referring to Open Forum” which outlines the rules and procedure of open forum.

7. Community questions and submissions

7.1. Open Forum and Questions Of Council Time To Be Held

- (1) The Council will hold Open Forum and Questions of Council Time for up to 30 minutes duration at the beginning of each Scheduled Meeting to allow public submissions and questions of Council. Extension of time may be granted by resolution of Council.
- (2) Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.
- (3) Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.
- (4) Council meetings are recorded and broadcasted to the public; this includes community questions and submissions.

Open forum and questions of council guidelines

7.2. Questions of Council time and Open Forum will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.

7.3. Submissions as part of Open Forum and Questions of Council may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) relates to confidential information as defined under the Act;
- (c) relates to the personal hardship of any resident or ratepayer; or
- (d) relates to any other matter which the Council considers would prejudice the Council or any person;
- (e) If a person has submitted more than 2 questions to a meeting, the third and further questions may, at the discretion of the Chairperson be deferred until all other person who have asked a question have had their questions asked and answered and not be asked if the time allotted for public question time has expired.

7.4. Where the Mayor does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

7.5. The Mayor reserves the right to cease a submission as part of Open Forum if they deem the submission inappropriate.

7.6. Where possible Copies of all questions allowed by the Mayor will be provided in writing to all Councillors.

- 7.7. A submission or question submitted in writing by a member of the public, which has been disallowed by the Mayor will be provided to any Councillor on request.

Open forum

- 7.8. For any member of the public who wishes to be heard at Open Forum they must give prior notice:
- (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person to be heard;
 - (c) by online request <https://www.swanhill.vic.gov.au/>;
 - (d) in a letter to the Chief Executive Office, 45 Splatt Street, Swan Hill, Vic 3585; or
 - (e) in an email council@swanhill.vic.gov.au; or
 - (f) hand delivery to the Council's Office, 45 Splatt Street, Swan Hill or 72 Herbert Street, Robinvale.
- 7.9. It is preferable for any group or association that wishes to be heard at Open Forum to nominate a spokesperson for an issue upon which the group or association may wish to be heard.

Open Forum Procedure**7.10. Public addressing the Meeting**

- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
 - (2) Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
- 7.11. The Chair will allocate a maximum of 3 minutes to each person who wishes to address Council.
- 7.12. The Chair will first invite any person who has given prior notice to present to Council.
- 7.13. The Chair will then invite members of the gallery who would like to present to Council.
- 7.14. The Chair has the discretion to alter the order of persons to be heard.
- 7.15. The person in addressing the Council:
- (a) must confine their address to the 3-minute allocation of time;
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates; and
 - (c) shall take direction from the Chair whenever called upon to do;
 - (d) There will be no discussion or debate with the attendees to Open Forum however Councillors may ask questions of clarification of the attendee;
 - (e) Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.

2 Officer Reports for Decision

2.1 Development Plan Overlay - St Mary MacKillop College

Directorate: Development and Planning

File No: DP2300008

Purpose: For Decision

EXECUTIVE SUMMARY

Application Number:	DP2300008
Proposal:	Development Plan
Applicant's Name:	Conceptz Solution
Address:	183-187 GRAY STREET SWAN HILL VIC 3585 (LOT 1 TP 519005) 179 GRAY STREET SWAN HILL VIC 3585 (LOT 1 TP 539204) 173 GRAY STREET SWAN HILL VIC 3585 (LOT 1 PS 424914) 175 GRAY STREET SWAN HILL VIC 3585 (LOT 1 TP 519770) 177 GRAY STREET SWAN HILL VIC 3585 (LOT 1 TP 814807) GRAY STREET SWAN HILL VIC 3585 (LOT 2 PS 912939)
Land Size:	Approximately 13 hectares
Site Features:	Majority of the land within the application area is vacant with some lots comprising existing dwellings with associated outbuildings.
Zoning:	Low Density Residential Zone (Schedule) General Residential Zone (Schedule)
Overlays:	Development Plan Overlay (Schedule 6) Specific Controls Overlay (Schedule 1)
Referral Authorities:	Powercor, CFA, DEECA, DTP, EPA, TasGas, Ausnet, Goulburn Murray Water, Lower Murray Water, North Central Catchment Management Authority, SHRCC Engineering, SHRCC Economic Development
Why is a Permit Required?	N/A
Lodgement date:	7 August 2023

Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

The purpose of this report is to provide Council with an overview of the submission of a development plan to meet the requirements of the Development Plan Overlay (Schedule 6) at 183-187 Gray Street, 179 Gray Street, 173 Gray Street, 175 Gray Street, 177 Gray Street and Gray Street (LOT 2 PS 912939) in Swan Hill. A Development Plan guides the future use and development of land in an identified area. If a property is in a Development Plan Overlay, then the owner/developer is required to apply for a development plan approval.

Additionally, this report outlines the issues raised in submissions to giving public notice of the development plan by notice in the paper and letters to adjoining and adjacent owners and signs on the site. Four submissions have been received.

Background

St Mary MacKillop College Swan Hill is planning to relocate the college from the Swan Hill Town Centre to 183-187 Gray Street, Swan Hill. The overall site is zoned General Residential and Low Density Residential and is affected by Development Plan Overlay (Schedule 6) and Specific Controls Overlay (Schedule 1).

Once the development plan is approved, the future planning permit application for the college at 183-187 Gray Street will be assessed by the Department of Transport and Planning (DTP) and not by the Council in accordance with Clause 72.01-1 of the Swan Hill Planning Scheme where the Minister is the Responsible Authority. Council will be consulted during the application process and any conditions that will be required from Council will be provided to DTP for the planning permit.

Similarly, the planning permit application for the residential subdivision, when lodged in future will be exempt from notice and review rights meaning it will not be required to be advertised to adjoining landowners. The planning permit application will still be referred to any referral authorities and assessed to ensure all relevant planning considerations have been met while deciding the planning permit application.

The application for a development plan on the subject land is considered appropriate and satisfies the requirements of the Development Plan Overlay (Schedule 6).

Key Points/Issues:

Schedule 6 of the Development Plan Overlay (DPO6) in the Swan Hill Planning Scheme defines the Swan Hill South West Development Precinct (SHSWDP). The SHSWDP area is generally bounded by Sea Lake – Swan Hill Road, Dead Horse Lane, Coronation Avenue and Gray Street. The SHSWDP comprises 6 sub-precincts. A masterplan applies to the overall SHSWDP. The property purchased by the College is 1 of 6 properties situated within sub-precinct 3 of the SHSWDP.

Sub-precinct 3 is bounded by Gray Street (north side), Council land / Swan Hill Primary School / low density residential development (east side), Ken Harrison Recreation Reserve (southern boundary), undeveloped residential land / low density residential

development (western side) and an industrial precinct (to the northwest of the sub-precinct). Majority of the land within the application area is vacant. Three of the smaller lots fronting Gray Street and one battle axe lot (179 Gray Street) comprise single dwellings with associated outbuildings. The site is predominantly clear in terms of native vegetation except for some scattered vegetation.



A development plan has been prepared by the College for the new school site and the adjoining residential zoned land which is part of sub precinct 6. The development plan shows:

- School buildings
- Outdoor recreation spaces including active play spaces, basketball courts, gymnasium and a potential oval.
- Car parking and access
- Buffers to industrial and bushfire prone areas
- Road layout for residential subdivision
- Easements from Goulburn Murray Water
- Stormwater detention basins

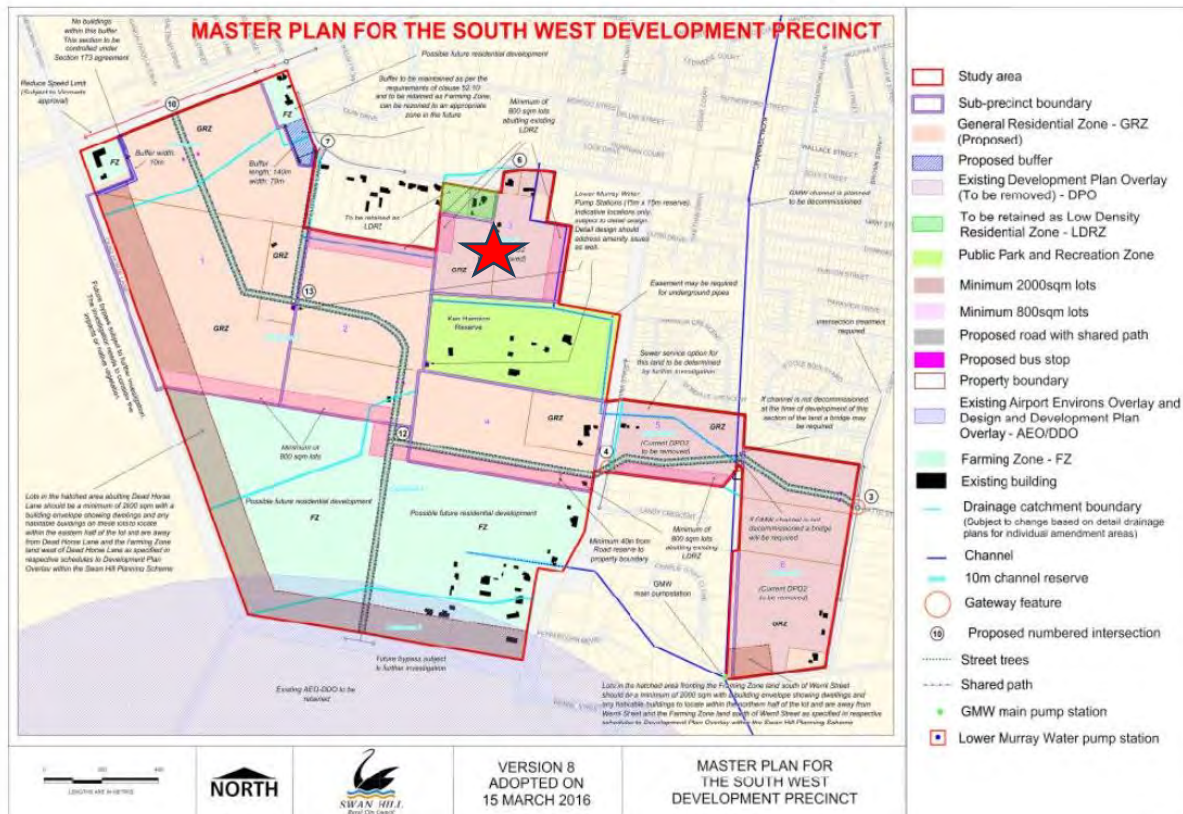
The development plan is based on delivering an integrated approach to provision of access, stormwater management and infrastructure services for the sub-precinct. St Mary MacKillop College would occupy one of the two larger properties being 183-187 Gray Street. The development plan incorporates a high-level subdivision layout for 179 Gray Street.

Further development of the smaller properties within the application area will be influenced by the position of existing dwellings, infrastructure, easements and vegetation. Redevelopment of the properties into conventional urban lots with access to Gray Street would be achievable subject to the future intentions of the individual landowners.

Planning Assessment

In accordance with Clause 43.04-2 (Development Plan Overlay) of the Swan Hill Planning Scheme, a planning permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority (Council).

The diagram below shows the extent of the Development Plan Overlay (Schedule 6) and the location of the subject land.



Assessment of the Development Plan Against the Requirements under Schedule 6 of the Development Plan

- Provide for the use and development of land to be generally in accordance with the Master Plan for the South West Development Precinct (Version 8) (the Master Plan) included at this clause.

Complies. The development plan for sub precinct 6 involves a school campus at 183-187 Gray Street and the residential subdivision on the adjoining land. Overall, the development on the land will be generally in accordance with the Master Plan. Such uses are anticipated to provide services to the local community.

- Provide for orderly development that will create a liveable community and incorporate sustainable design and planning principles consistent with the Heart Foundation publication “Healthy by Design – A guide to planning environments for active living in Victoria”.

Complies. As the proposal will result in orderly planning of the area by resulting in planned development.

- *Encourage higher density development along collector roads.*

Not applicable.

- *Provide for the necessary traffic, transport, drainage, recreational, community and social infrastructure to service the community.*

Complies. The application was referred to all the relevant authorities in relation to this matter and no objection has been raised by any of the relevant authorities.

- *Seek to ensure that future land use and development does not detrimentally impact on the flow and quality of surface water and ground water.*

Complies. The development plan application was referred to Goulburn Murray Water and Lower Murray Water in relation to this matter. No concerns have been raised by the relevant authorities in relation to this matter.

- *Ensure that:*
 - *A 30 metre setback is provided for buildings or works from any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains).*
 - *A 10 metre setback is provided from any other structure (such as culverts, drainage inlets, subways, syphons).*
 - *A 5 metre setback is provided from any below surface infrastructure (including pipelines) located on any Goulburn-Murray Water freehold, easements or reserves.*

Complies. The setback requirements have been shown on the Development Plan.

- *The development plan must be drawn to scale and should include the following to the satisfaction of the responsible authority:*
- *A site analysis plan showing:*
 - *Existing conditions on the subject land and on adjoining and opposite properties;*
 - *Contours at 0.1 metre intervals; and*
 - *Existing infrastructure, vegetation, buildings and any other structures.*
- *A subdivision layout that (relevant):*
 - *Creates a safe, convenient and legible street layout that ensures development fronts streets and public open space.*
 - *Is sympathetic with and responds appropriately to established developments within adjoining land parcels. Internal streets must provide linear connections*

with adjoining properties, precincts and existing streets, and cul de sacs should be avoided where appropriate.

- *Avoids court bowls within developments in situations where there is opportunity to continue streets to provide linear connection and encourage walking.*
- *Provides for a mix of lot sizes that can offer diverse residential development choices and affordable housing options, including small lots on corner properties where appropriate.*
- *Provides for lot orientation that is consistent with sustainable design principles, including solar efficiency as appropriate.*
- *Is consistent with the requirements of Safer Design Guidelines to create passive surveillance to public areas, including streets and open spaces.*

Complies. The proposed street layout shown for the residential development is linear (it is a grid pattern street layout influenced by the available access to the land). A linear connection to properties (173, 175 and 177 Gray Street) abutting the northern boundary is constrained by the GMW channel easement on the boundary and by the extent and location of existing infrastructure on those properties. An appropriate outcome for these properties (should the owners wish to develop them in future) will be to have direct access to Gray Street. The future subdivision layout will provide for a mix of lot sizes. Lot details will be provided at planning application stage of development.

The development plan contains notations that provide clarity for a future planning application for subdivision stating the lot sizes will be varied in accordance with the requirements of the development plan. Land on the eastern boundary is identified as requiring lots having a minimum lot size of 800m² in accordance with Schedule 6 of the DPO. For the balance of the site, lot sizes are to vary between 300m² and 2000m² in accordance with the notation shown on the Development Plan. A further notation identifies that the road layout shown cannot be significantly altered without an amendment to the development plan.

All roads in the proposed subdivision are orientated north–south and east–west thereby optimising solar efficiency for future residential lots. The entrance road is aligned to match the available entrance to the subdivision area. Footpaths from Gray Street and within the subdivided area will be provided in accordance with Council IDM requirements.

- *Identifies vegetation that is to be retained and/or removed.*

Complies. No vegetation has been proposed for removal as part of the development plan application.

- *Identifies existing and proposed infrastructure.*

Complies. This is discussed further in the report.

- *Identifies existing buildings, works and structures that are to be removed or relocated.*

Complies.

Infrastructure Plan

An infrastructure plan for the land identified in this schedule must be prepared to the satisfaction of the responsible authority.

The infrastructure plan must address the following to the satisfaction of the responsible authority, unless it can be demonstrated that such information would be more appropriately provided at the subdivision permit application stage:

- *The provision, staging and timing of stormwater drainage works, both internal and external to the precinct.*
- *The provision, staging and timing of road works (including allocation of land for proposed bus stops, associated works, shared paths).*
- *The provision and staging of the implementation of all recommendations identified in an approved traffic impact assessment prepared for the development.*
- *Any other infrastructure or related matters reasonably requested by the responsible authority in association with the development of the land.*

The infrastructure plan must include the provision of infrastructure where the development impacts on infrastructure beyond the developable area, including infrastructure identified in Table 1 – Infrastructure to be Provided (Swan Hill Rural City Council, 2016) and Table 2 – Existing Infrastructure to be Upgraded (Swan Hill Rural City Council, 2016), both of which are listed as background documents in the Schedule to Clause 72.08.

The infrastructure plan must state that the provision of all infrastructure reasonably required by the development of the land identified in this schedule, whether within or outside the developable area, is at no cost to the responsible authority.

Complies. An Infrastructure and Services Development Assessment (ISDA) has been prepared and submitted as part of the application. The assessment demonstrates potential servicing of water and sewer reticulation to the sub-precinct / proposed development as well as an analysis on existing telecommunication lines, electrical lines and gas mains. The assessment identifies infrastructure and services at the sub-precinct level. A detailed assessment was undertaken for the future college site.

The Development Plan and supporting reports were referred to the relevant authorities who did not raise any objection. The College site and the residential development site can be appropriately serviced with development infrastructure.

Drainage

A drainage management plan for land identified in this schedule addressing the management of the quantity of stormwater must be prepared to the satisfaction of the responsible authority. The plan must take into account the Swan Hill South West Development Precinct Drainage Strategy Version 2, 23 July 2015 (or as amended) and must be approved by the responsible authority.

The drainage management plan must address the following to the satisfaction of the responsible authority, unless it can be demonstrated that such information would be more appropriately provided at the subdivision permit application stage:

- *Provision for stormwater arriving from upstream, passing through, and moving downstream from the site.*
- *An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional, and the potential impacts on the proposed development, including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on drainage.*
- *Geotechnical and hydrological analysis and design of any retardation basins and their proximity to any groundwater table, and in particular how groundwater infiltration will be addressed, and how accessions to the water table will be addressed to the satisfaction of the responsible authority.*
- *Computations and stormwater modelling to demonstrate that there will be no adverse impacts on the operation of the Swan Hill Main Drain in a 100 year ARI rainfall event from any discharge to the Swan Hill Main Drain from the drainage system serving the precinct.*
- *The natural direction of overland flow paths for stormwater to ensure that overland flows will be primarily along road reserves and will avoid overland flow drainage reserves wherever possible.*
- *The provision, staging and timing of drainage infrastructure to serve land identified in this schedule.*
- *A conceptual landscape plan for any retardation basin to be constructed, showing the proposed landscape treatments, tree planting, footpaths around the basins and access for maintenance in accordance with the standards specified in the Infrastructure Design Manual (as updated).*
- *Siting of any retardation basin, ensuring a minimum of 40 per cent of the perimeter of the retardation basin has frontage to a road/s to allow overland flows to enter the basin unless otherwise agreed in writing by responsible authority.*
- *The approved drainage connection points to Swan Hill Rural City Council's existing drainage infrastructure.*
- *Consideration of fence design for retardation basins to maximise passive surveillance.*
- *Approval from all relevant service authorities whose assets or land may be affected by surface or pipe flow discharge. In particular, it should be noted that a separate permit (Works on Waterway) from the relevant authority may be required if:*
 - *There is a direct connection to a waterway.*
 - *There is a bridge over a waterway or a culvert.*
 - *A retardation basin is to be constructed.*

- *Any other requirements as reasonably requested by the responsible authority associated with the development of the land.*

Complies. The Stormwater Management Strategy has been prepared which sets out requirements to be met in relation to drainage and stormwater management.

Two points of discharge have been proposed for the development to allow for gravity flows to the north and south part of the site. A network of pipes and pits will be constructed to direct half the site towards a detention basin in the southeastern corner of the site and the other half to the road reserve on Gray Street. The southern detention basin is proposed to be a combined asset in conjunction with the neighbouring development. The detention basin will be created within a new drainage reserve where the asset will then be handed over to Council for maintenance and operation. The northern catchment is proposed to be detained within an underground tank prior to discharging to Gray Street.

Overland flows will be conveyed via the internal site grading and discharged to the Gray Street Road reserve where flows will then follow natural overland flow paths. In addition to the detention basin, rainwater harvesting tanks for building roof areas will be utilised around the site.

The adjoining residential land which is part of the site will contain a number of lots for residential purposes, a road reserve and a drainage reserve for detention basin purposes. A stormwater drainage network to be designed in future will exist in the road reserve to convey stormwater flows from the road as well as the residential lots to the detention basin located in the south western corner of the site.

The detention basin will be combined with the detention requirements of the College to create one large detention basin as well as a reserve which will include a drainage rising main to send stormwater to the Legal Point of Discharge on Gray Street to the north. The detention requirements for both the school site and the residential development will be combined to create a single detention basin located near the southern boundary, central between both properties. The application was referred to Council's Engineering Department in relation to this matter and no objections have been raised.

Traffic

A traffic impact assessment report that is generally consistent with the report titled Swan Hill South West Development Precinct Traffic Impact Assessment dated May 2015, (or as revised), and the Swan Hill South West Development Precinct Traffic Strategy dated February 2015 (or as revised) must be prepared for the land identified in this schedule, to the satisfaction of the responsible authority.

The traffic impact assessment report must address the following to the satisfaction of the responsible authority, unless it can be demonstrated that such information would be more appropriately provided at the subdivision permit application stage:

- *Appropriate access and circulation of vehicles on the existing and future road network.*

- *Appropriate integration with the existing or proposed subdivision of adjoining properties, including through the alignment and configuration of the street network and landscape character.*
- *The identification of existing and proposed public transport routes, bus stops (as shown on the approved Master Plan for the South West Development Precinct) and associated infrastructure.*
- *The identification of existing and proposed pedestrian and cycling networks and shared paths, including provision for safe and convenient linear access to public transport infrastructure.*
- *Works necessary to accommodate traffic generated by the development and to mitigate the impact of that traffic on the development.*
- *Roads and intersections designed to create efficient clearance of traffic and activity areas around public facilities. The proposed road network should not overload or detrimentally affect existing or proposed residential streets and intersections.*
- *A road layout that provides for natural traffic speed control, appropriate to the street category. The introduction of specific speed control devices should be considered only as a secondary option.*
- *The road layout should be designed for all road users appropriate to the street type, including service vehicles, emergency vehicles, waste collection vehicles and street-sweepers. Bus routes must also be considered when developing road networks, and be based on the Department of Environment Land Water and Planning publication titled Public Transport Guidelines for Land Use Development (or a replacement document by the department).*
- *Road reserves of adequate width for the intended road type, which should comply with the requirements of the Infrastructure Design Manual (as updated).*
- *Typical cross-sections of differing road types, detailing the intended function of the road, e.g. bike lanes, drainage and landscaping.*

Complies. The original version of the development plan that was provided to Council showed a single point of access from Gray Street for the college and the adjoining residential site. Council raised concerns in relation to this as it would create safety issues. Several meetings occurred to negotiate the access arrangements.

Council provided feedback from the beginning that access for the college needs to be separated from the residential development to enhance the safety and smooth flow of traffic along Gray Street.

The applicant considered the feedback and redesigned the access arrangements. The college will have its own access from Gray Street further west than originally proposed with having turning lanes. The residential development will have access via a separate road.

The benefits of this design allow:

- Better sight distances
- Removes any congestion between school and residential traffic in particular avoids morning peak traffic conflict between the two land uses.
- Provides all access to the school from one point – originally 2 access points were proposed.
- Provides safer access along a straighter portion of Gray Street

Environmental Management Plan

- *An environmental management plan must be prepared to the satisfaction of the responsible authority and then approved by the responsible authority.*
- *The environmental management plan should address the following, to the satisfaction of the responsible authority:*
 - *The location of any significant environmental, cultural heritage and/or ecological (faunal and/or floral) features, including fauna and remnant native vegetation.*
 - *A flora and fauna survey, which (among other things) identifies the health and habitat value of all native vegetation.*
 - *Developments on land that are will be reclaimed as a result of decommissioning of the Goulburn-Murray Water channel infrastructure. Such development will require further investigation undertaken by suitably qualified persons to demonstrate the suitability of the land to be used and developed for residential and other purposes to the satisfaction of the responsible authority.*
 - *Demonstration of how any significant environmental features can be protected.*

Complies. The environmental management plan has been referred to Council's environmental office for the provision of comments. No concerns were raised from the Environment Officer. It is however noted that the site is relatively clear in terms of vegetation except for couple of trees.

The proposed development plan provides guidance of how the subject land should be developed in accordance with the Swan Hill Planning Scheme.

Approval of Development Plan and Planning Permit Application

Council is the responsible authority for approving the development plan under Clause 43.04 of the Planning Scheme.

However, it is the Minister for Planning who is the responsible authority for issuing a planning permit for the use and development of an education centre, being the school under Clause 72.01-1.

Council as a stakeholder will be consulted during this application and this is the opportunity for Council to have input to conditions that will address road upgrades,

drainage, landscaping, and a range of other matters that are referred throughout this report.

Consultation:

Advertising

The application for approval of the development plan was advertised (informally) by sending letters to the surrounding area, by placing two signs on site, and a public notice which was placed in the Swan Hill Guardian.

It is important to mention that submissions as part of the advertising of the development plan do not have the same weight as an objection to a planning permit as the notification process for the development plans is informal and is not mandated under the Planning and Environment Act 1987 (the Act).

Four submissions were received raising the following concerns:

- Location of sewerage pump
- Drainage/ Stormwater runoff
- Location of footpath
- Widening of Gray Street and footpath extension to Tower Hill
- Shoulder along Gray Street for turning traffic
- Parking
- Religious activities
- Public events
- Private driveway need clear access
- Noise
- Upgrades to powerlines and transformer
- Safety
- Mosquito breeding on standing water

A meeting between Council officers and the submitters in relation to the concerns has been held.

The submitters asked about the process of advertising and the lack of consultation. It was advised that there is no statutory mechanism for advertising development plans.

Council values input and decided to seek comment following a similar process to advertising a planning application. It was advised to the submitters that their comments will be considered as part of the assessment process.

Joint Letter

In addition to the submissions received above, Council has also received a joint letter from 11 neighbouring signatories raising many of the same issues that have been outlined above with particular emphasis on the following:

- Servicing the land
- Traffic management and road upgrades.

Servicing the land

The location of the sewer pump at the front was raised as a concern. Sewerage is the responsibility of Lower Murray Water who were consulted as part of the application

process and did not raise any objection. Advice was given that the final design and location will be done in accordance with the requirements of the Lower Murray Water requirements.

Submitters asked questions about the location of water tanks for firefighting purposes. It was advised that this will be raised as part of the consultation process during the planning permit application process and Council will be able to provide a condition for the relocation of the tanks.

Submitters also asked about the traffic and parking issues during fundraising days and it was advised that this is beyond the control of Council.

Stormwater concerns were addressed by advising the submitters that the development is going to be piped to the legal point of discharge (main drain). It was also advised that Council will take over the pump and the retardation basin at the rear.

Submitters also raised concerns in relation to fencing and landscaping and it was advised that Council will incorporate these suggestions into proposed planning permit conditions as part of the referral process as the Minister for Planning issues the planning permit. Council will also provide condition in relation to amenity expectation.

Traffic Management & Road Upgrades

Submitters raised concerns in relation to the turning lanes to the school site and the submitters asked about right turn into the school site. Officers advised that the right turn requirement does not meet the warrant in accordance with DTP requirements and therefore was not required. The warrant relates to traffic volumes required for a particular traffic treatment, in this case whether additional treatment to manage traffic is warranted or not.

Based on further discussion with the College an annotation has been included on the development plan that if in future the traffic increases to the extent that the warrant for a right-hand turn lane is exceeded then the school must provide a right-hand turn in accordance with Austroads Guide to Road Design Part 4. It is also important to mention that the speed zone adjacent to the college will be changed to 40km/h as a school zone.

Car parking along Gray Street was also raised as a concern and it was advised that registered vehicles are allowed to park along Gray Street. A concern was also raised whether the school site is going to be used as Place of Worship, and it was advised that this is beyond the scope of the current development plan application.

Construction of kerb and channel will be included as part of the conditions which will be provided to DTP during the planning permit assessment of the college application.

A concern was also raised in relation to lack of car parking spaces and whether Council is looking to have indented parking along Gray Street. It was advised that school has provided adequate car parking spaces on site in the development plan and Council does not have any plan to install indented parking along Gray Street.

Financial Implications:

N/A

Social Implications:

Approval of the Development Plan to incorporate a new school will provide for growth of MacKillop College which will benefit Swan Hill and surrounds

Economic Implications:

The development of a school and a neighbouring subdivision will provide for future growth of Swan Hill that will contribute to further economic growth.

Environmental Implications:

There are no significant environmental impacts.

Risk Management Implications:

Approval of the Development Plan is following the process provided for in the Swan Hill Planning Scheme and mitigates risk to Council.

Conclusion:

As outlined in this report, it is considered the proposed development plan satisfies the requirements of the Development Plan Overlay (Schedule 6) and should be approved by Council.

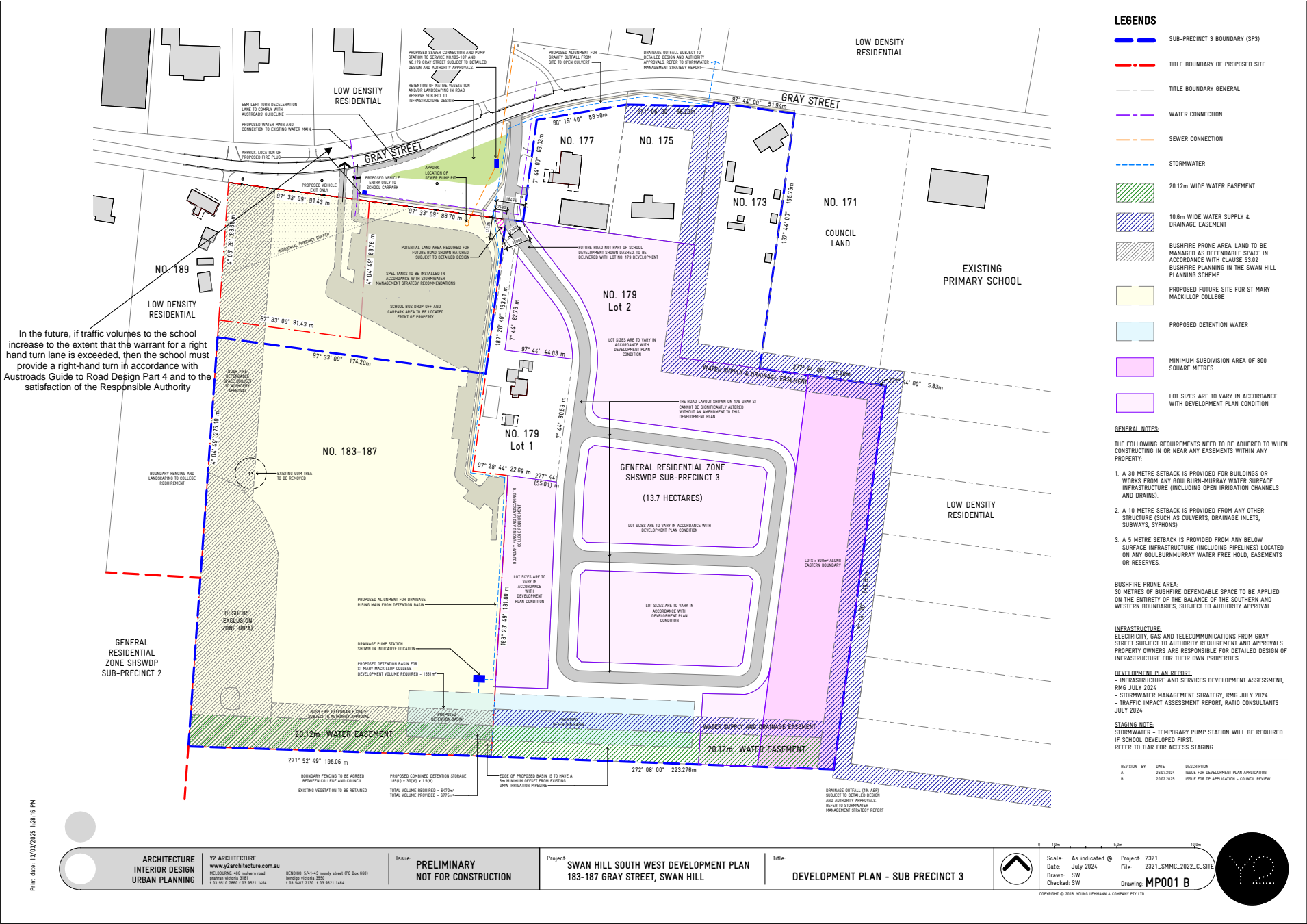
Options: (choose applicable):

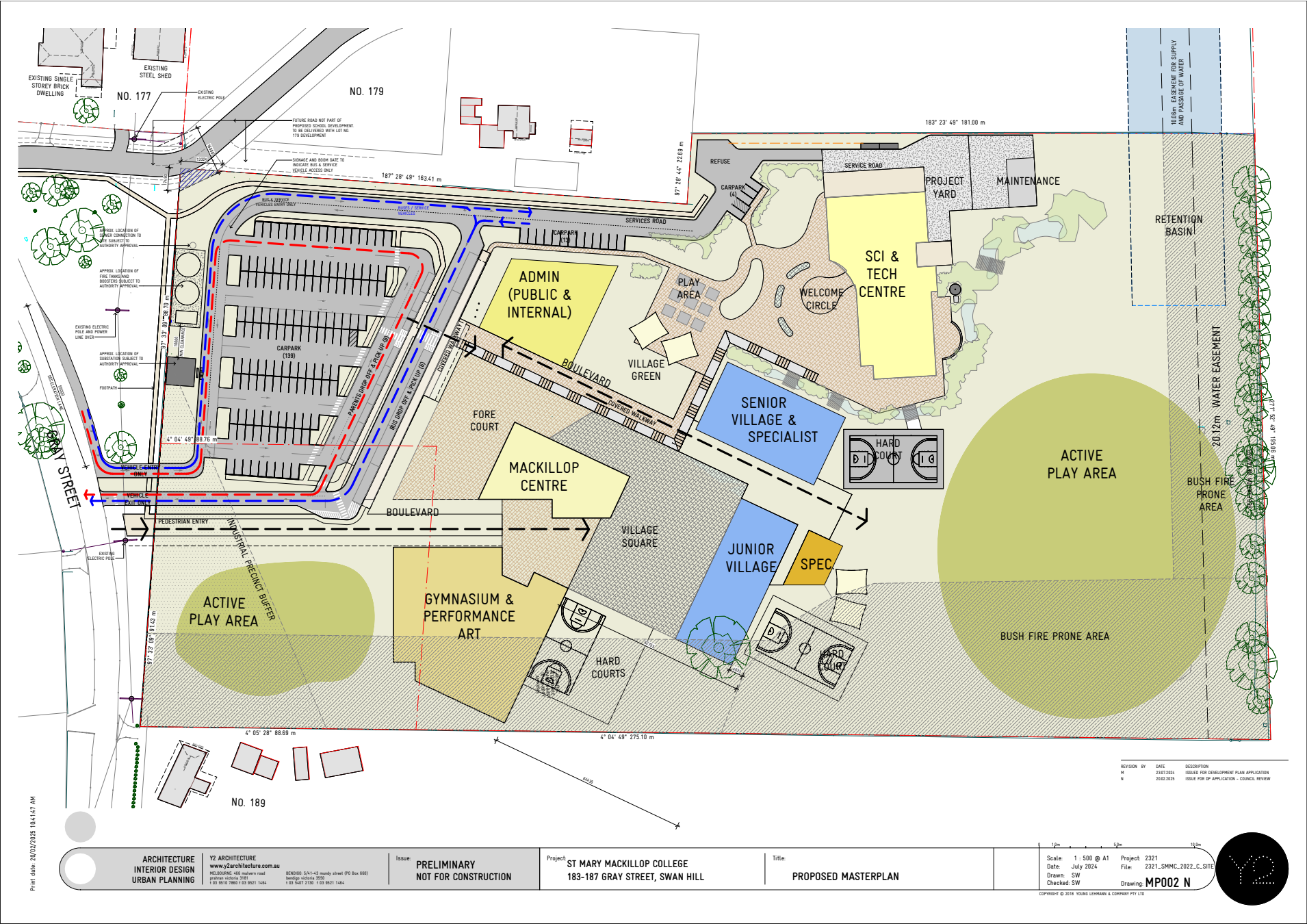
- a. Council approves the development plan.
- b. Council refuses the development plan.

- Attachments:**
1. Development Plan 3 - 13-05-2025 [2.1.1 - 1 page]
 2. A 4. St Mary Mac Killop College Masterplan - Y 2 Architecture, March 2025_DPO [2.1.2 - 1 page]
 3. DOBCEL Response - D P 2300008 (Attachment 1)_DPO [2.1.3 - 2 pages]
 4. DOBCEL Response_-_ D P_2300008__ Attachment 2_ [2.1.4 - 6 pages]
 5. Combined- Submissions- Redacted DPO 0 F 0 K X 4 PQT Eav E V 0 E Ve Y 83 Q [2.1.5 - 4 pages]

Recommendation/s

That Council approves and endorses the Development Plan in accordance with Schedule 6 of the Development Plan Overlay under the Swan Hill Planning Scheme.





24 April 2025



Mr Awais Sadiq
Development Manager
Swan Hill Rural City Council
45 Splatt Street
SWAN HILL 3585

By email: awais.sadiq@swanhill.vic.gov.au

Dear Mr Sadiq

**Re: APPLICATION NO: DP2300008
DEVELOPMENT PLAN OVERLAY SCHEDULE 6 - SWAN HILL SOUTHWEST DEVELOPMENT PRECINCT
(SUB-PRECINCT 3)**

Diocese of Ballarat Catholic Education Limited (DOBCEL) is a not-for-profit company limited by guarantee which is the governing entity for 57 Catholic schools in the Diocese of Ballarat, educating over 13,000 students and employing over 2,500 staff.

Our Catholic schools are located across the western half of the state, including Swan Hill. DOBCEL plays an essential role in the planning, delivery and maintenance of school assets and associated social infrastructure in major population centres, towns, rural and regional communities. Additionally, our extensive new school and capital works program is a significant generator of employment and economic activity across the region.

St Mary MacKillop College is a 7-12 secondary college that has enjoyed a long and proud history in Swan Hill since its first year of operation in 1986. College enrolments have grown markedly over recent years, (*approximately 27% since 2021*) and have now reached the stage where the existing site is no longer able to accommodate enrolment demand nor meet community expectations. The small existing site restricts the College's capacity to continue to develop contemporary high-quality facilities that are able to respond to the needs of a growing community.

The planned establishment of the new campus at 183 – 187 Gray Street is a significant project, with a Stage 1 budget of over \$14,000,000 and an estimated total project cost in excess of \$50,000,000 at full development.

The establishment of the new campus presents a unique opportunity to ensure that an essential community response is in place when and where it is needed. The merit of the proposal has also been recognised by the Victorian State Government through the contribution of capital funding of \$6,000,000 through the 2023 / 2024 Building Fund for Non-Government Schools Grant.

200 Gillies Street North, Lake Wendouree VIC 3350 | 03 4344 4350
execdirector@dobcel.catholic.edu.au | dobcel.catholic.edu.au

*As partners in
Catholic education
and open to God's presence,
we pursue fullness of life for all.*

Approval of the proposed development plan (**Application: DP2300008**), is necessary to facilitate the submission of a planning permit for the establishment of the new St Mary MacKillop Campus. The application is the product of an extensive planning and design process with many key stakeholders including neighbours and council representative. In addition to a comprehensive site analysis and town planning assessment, our proposal is supported by: -

- Traffic Assessment
- Infrastructure capability assessment and planning
- Stormwater capacity assessment and response
- Ecological Assessment
- Bushfire Threat Assessment
- Geotechnical and site contamination assessment

The above work has allowed us to provide a comprehensive response to the matters raised by submitters to the exhibited Development Plan. DOBCEL's detailed response to the submissions received is provided at **Attachment 1**.

In undertaking the extensive assessments as part of this process, DOBCEL has provided a best practice response to the specific characteristics of the development plan area. We have been guided by the principle that our Catholic schools operate as integral members of the community, and we endeavour to undertake a collaborative approach to the delivery and operation of social infrastructure to the ultimate benefit the community within which they are located.

DOBCEL acknowledges and values the support of Council and its officers over many months in the preparation of the development plan and look forward to an ongoing partnership as we transition through to development approval, construction and ultimate operation of the new campus.

We look forward to a favourable response and would be pleased to provide you with further information as required.

Yours sincerely



Megan Ioannou

Deputy Director: Stewardship

DEVELOPMENT PLAN OVERLAY SCHEDULE 6
SWAN HILL SOUTH WEST DEVELOPMENT PRECINCT (SUB-PRECINT3)

Development Plan Application: DP2300008
Applicant: St Mary MacKillop College

Submissions:

1. The information contained in this document has been redacted as defined in the Privacy & Data Protection Act 2014 and is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this Internet site you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. If you have any questions, please contact Council's Privacy Officer on 5036 2333.
- 2.
- 3.
- 4.

RESPONSE TO SUBMISSIONS

Issue	No.	Submitter comment	Response
College Use and Activities	1	Is St Mary MacKillop College going to be a religious point of contact with the community. Will there be any hiring of facility for public events including (public kitchen).	St. Mary MacKillop College is a Catholic school that welcomes and interacts with people from all walks of life, no matter their religion St Mary MacKillop College generally does not rent out its facilities; however, we are committed to supporting community initiatives. For example, we accommodate the use of the stadium for the annual Swan Hill Basketball Tournament, and have provided access to the kitchen for Harmony Day cooking preparations.
	3	Objection to location of St Mary MacKillop College opposite the house at 144a Gray Street.	The land is zoned General Residential and Low Density Residential. A school (Educational centre) is a permissible land use in these zones. The site is well suited for a school and is well located on a local collector road providing excellent access.

Issue	No.	Submitter comment	Response
Traffic Impact Assessment	1	<p>Widening of Gray Street roadway and footpath development to Tower Hill and limiting congestion at proposed intersections.</p> <p>Shoulder on Gray Street to allow turning traffic into car park of St Mary MacKillop College.</p> <p>Parking during functions / peak periods along Gray Street and also front of our house 177 Gray Street. We are concerned this will affect us twice a day each school.</p> <p>Our private driveways needs clear and open access also will it be kerb and gutter system into 179 development site? We have 2 driveways with only 1 being identified on proposed plans.</p>	<p><u>Footpath alignment/positioning within road reserve along Gray Street.</u></p> <p>At the current Development Plan submission stage, the footpath is only indicatively shown on plans to demonstrate the intent to provide a new footpath along the southern side of the road, between the existing footpath to the east and along the school site frontage.</p> <p>The specific details about the footpath alignment have not been considered in detail at this stage and the design will be prepared in greater detail at the planning permit stage of the project.</p>
	4	<p>During school hours this intersection will become a bottleneck and dangerous to both pedestrians, motor vehicles and buses.</p> <p>There is a left turning lane for the vehicles travelling from the east.</p> <p>There needs to be a turning lane for the vehicles turn from the west.</p> <p>Curb, channel and footpaths needs to be completed from Sea Lake Rd through to 173 Gray St. This is to provide protection and safety for all road users, whether vehicles, push bikes or walkers.</p> <p>On road parking is a concern during the schools events.</p>	<p><u>Widening of Gray Street carriageway and footpath construction from site to Sea Lake – Swan Hill Road to the west.</u></p> <p>A single development applicant could not reasonably be held responsible for the upgrade of approximately 1km of carriageway. There is simply not a nexus between the traffic generated by the subject land and uses to warrant such extensive road and infrastructure upgrades.</p> <p>The carriageway is currently wide enough to comfortably accommodate two-way vehicle movement and the school development intends to be fully self-sufficient with on-site car parking, which will not require formalised on-street parking facilities to cater for drop-off and pick-up demands.</p> <p>The proposal includes a footpath along the site frontage as well as extending the footpath to the east to connect where the footpath currently terminates</p> <p><u>Left and right turn lane treatment into school access point</u></p> <p>A 55m long channelised left turn lane in accordance with Austroads design guidelines is proposed to be constructed into the school site access point, which will be the higher peak hour traffic generator compared with the residential subdivision site. This will involve some localised widening of the carriageway to accommodate the turn lane.</p> <p>Based on residential catchment areas surrounding the school site, the majority of traffic is expected to travel to/from the east of the site, which is why only a left turn treatment has been proposed at the site access point.</p>

			<p>With relatively low eastbound traffic volumes travelling past the site access point on Gray Street, the traffic modelling indicates that right turning traffic into the site will cause only minor disruptions to through traffic without a right turn lane treatment. Refer to Section 4 of the TIA report for further detail regarding the post development traffic operations.</p> <p><u>Parking supply and concerns with overflow demands to on-street.</u></p> <p>The parking requirements, supply and demands are not part of the required assessments at the Development Plan stage of the project. This will be assessed in detail at the planning permit stage of the project for the school.</p> <p>The intent is to provide car parking on-site to accommodate the peak car parking demands from the school entirely on-site. These demands are based on case study data surveyed from multiple other secondary school sites, as well as cross referenced with travel mode surveys from the existing operations at the St Mary's MacKillop College current location.</p> <p>Planning has ensured the availability of over 160 onsite car parking spaces in accordance with council regulations. In the event of an occasion requiring a substantially higher number of parking spaces, the school has the option to utilise designated large play areas.</p> <p>Peak traffic periods generally occur between 8:30 and 8:45 a.m. and from 3:00 to 3:30 p.m. Considerable planning has been undertaken to accommodate vehicles and buses on-site, minimising congestion along Gray Street. Additionally, there should be no school-related traffic along the front (driveway side) of 177 Gray Street.</p> <p>Furthermore, the school is intended to be developed and occupied in a staged manner. This means that if parking demands per student are higher than expected in the earlier stages, this gives the opportunity for the supply to be increased in later stages of development if necessary, before the maximum student capacity is reached.</p>
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			<p><u>Driveway access to No. 177.</u></p> <p>The access to No. 177 will be considered in greater detail as part of the residential subdivision development specific to No. 179. At this Development Plan stage for the broader Sub-Precinct of the SHSWDP, the plans demonstrate the intent to construct the infrastructure for a standard 16m residential access street between Gray Street and the site boundary into No. 179, which will include a sealed carriageway and kerb and channel. It should be noted that this access street connection will not be constructed until the residential subdivision of No. 179 commences.</p> <p>While subject to further detailed consideration with the subdivision and development of No. 179, the intent at the Development Plan Stage is for No. 177 to continue to gain access via this sealed carriageway connection, which will run with a similar alignment to the existing unsealed access connection. The crossover to No. 177 has been indicatively shown as a standard format crossover at this stage, but the detail of this crossover design will be subject to negotiation with the future developers of the residential subdivision at No. 179.</p> <p><u>Intersection operation and safety</u></p> <p>Section 4 of the TIA report provides a detailed explanation of the traffic modelling that has been completed for the ultimate post development scenario.</p> <p>In summary, this assessment accounts for the increased traffic on the network from full development of the surrounding SHSWDP, plus full development of the residential subdivision at No. 179 and the school site operating at its full future capacity of 600 students (which is not expected to be realised for a number of years).</p> <p>The ultimate post development modelling results indicate that the school site access point and the access street connection to the residential subdivision at No. 179 will both operate well within their operational capacities, with minor queue lengths and delays and minimal impacts to traffic along Gray Street.</p> <p>As detailed in Section 3.3.3 of the TIA report, the intersection locations have been reviewed on-site and confirmed to exceed the minimum required sight distances to satisfy Austroads design guidelines.</p>
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Issue	No.	Submitter comment	Response
Stormwater	1	Proposed drainage from your sites into drainage at front of our house on Gray Street then into main storm water drain.	The stormwater drainage system will be managed through a pit and pipe system which will discharge to the large concrete channel on the northern side of Gray Street approximately 100m away.
	2	<p>We wish to raise concerns regarding the gravity outfall noted at 177 Gray Street, which appears to indicate an open culvert will run along the front of our property at 175 Gray Street.</p> <p>We strongly believe that this drainage should be managed through a closed, piped system rather than an open culvert. Our concerns are based on the following reasons:</p> <ul style="list-style-type: none"> * Increased storm severity: With climate patterns shifting, the frequency and intensity of storm events are expected to rise. An open culvert may not effectively manage large volumes of water. * Significant stormwater runoff: The new school development will result in extensive sealed surfaces, including roofs and pavement, which will contribute substantial runoff during storms. We realise there is a detention basin but think there will be times of significant overflow. We do not want a problem created like: Milloo Street, El Alamein Avenue, Sebastian Close, Nalder Drive and Charlie Gray Close experience during storm events. * Pedestrian safety: A piped system would allow for the construction of a safer, more appropriately positioned footpath—particularly important given the likely use by school children and families. * Mosquito breeding and standing water: The area is flat, and an open drain is likely to result in standing water for extended periods, increasing the risk of mosquito breeding and associated health issues. <p>We respectfully request that Council give serious consideration to installing a closed drainage system in this location.</p>	<p>The drainage design will include on-site detention through the use of an underground tank within the proposed carpark and a detention basin in the rear of the property.</p> <p>The post development conditions will improve drainage along Gray Street when compared with pre-development conditions.</p> <p>Since the stormwater design does not include swales, but a pit and pipe network instead, there should no Mosquito risk.</p>

Issue	No.	Submitter comment	Response
Infrastructure	1	<p>Placement of a sewerage pump station at our front door is completely unacceptable and should be located on proposed development sites. Not placed in a position that doesn't affect them but does directly affect the existing residents.</p> <p>Footpath along Gray Street adjacent to proposed drainage system and how it will fit.</p> <p>Current powerlines and transformer upgrades required and how it will look and effect current power pole at front of 177 Gray Street, and / or if underground power has been optioned in the area</p>	<p>The exact location of the proposed sewer pump station will be determined as part of the 179 Gray Street development.</p> <p>The proposed drainage pipework between the proposed school and main concrete drain will be sized appropriately to cater for the school discharge and road reserve catchment. Therefore, the proposed stormwater would improve drainage adjacent to the objector's land.</p> <p>The pipe alignment in the Stormwater Management Plan is indicative and is subject to detailed design and coordination with traffic design. The coordination of footpath and drainage design will be captured as part of future design.</p> <p>The exact configuration of power is subject to detailed design and Powercor application. Works will be to the requirements of Powercor.</p>
Amenity	1	<p>Noise control and how it is going to be controlled from aesthetics (visual from street view)</p>	<p>Noise control is subject to EPA standards, requirements and compliance. The college, like all land uses, is required to meet the relevant EPA noise controls.</p> <p>During a standard school day, students would be outside for around 90 minutes, over four time periods between 8:30 am and 3:30 pm. The majority of the school buildings are situated approximately 160 metres from the frontage of the property, with all hard court play areas and the large grassed recreational space located at the southern end of the site.</p> <p>There will be a landscape plan prepared for the College site as part of the planning application. The landscape plan will be designed to complement the surrounding environment while providing a buffer to help reduce noise impact for neighbouring residences.</p>

Incident 466742

Generated on 17-04-2025 08:42:15

#	466742
Category	Planning/General Enquiries/Email
Title	mckillop college gray st swan hill
Complaint	
Description	<p>Hi Awais</p> <p>further to our meeting today i would like to object about the mckillop college school on gray st opposite to my house</p> <p>i believe there is a meeting on april 29th and would like a invite to it to discuss further</p> <p>Many Thanks</p>
Contact	
Notes	<p>Joyline Rovere (17-04-2025 08:41:47):</p> <p>Actioned in GL.</p>
Parent ID	0
Request time	16-04-2025 19:25:58
Status	Closed
Records File No.	
Records Related File No.	
Urgency	Low
Priority	Normal
Due Date	
Submit user	
Request user	
Assigned to	Joyline Rovere
Location	
Admin group	Planning
Weight	0
Escalation Level	0
Resolution	.
Close time	17-04-2025 08:42:13
Activities	
Messages	<p>16-04-2025 19:25:58 planning@swanhill.vic.gov.au mckillop college gray st swan hill Hi Awais further to our meeting today i would like to object about the mckillop college school on gray st opposite to my house i believe there is a meeting on april 29th and would like a invite to it to discuss further Many Thanks</p> <p>17-04-2025 08:42:07 SWANHILL.VIC.GOV.AU\jrovere Regarding Service Record #466,742 mckillop college gray st swan hill Thanks</p> <p>You will shortly receive an invitation to attend, cheers Joyline.</p> <p>If you have any queries regarding the above, please do not hesitate to contact me on the number below.</p> <p>Joyline Rovere Development Support Officer</p> <p>Swan Hill Rural City Council P: (03) 5036 2333 F: (03) 5036 2340 W: www.swanhill.vic.gov.au</p>



Application No DP2300008

From

Date Wed 16/04/2025 7:12 PM

To Joyline Rovere <joyline.rovere@swanhill.vic.gov.au>; Planning | Swan Hill Rural City Council
<planning@swanhill.vic.gov.au>

Hi Awais

Please see my concerns in relation to 181 Gray St.

I am very concerned about the traffic movements in Gray St for the propose new school.

During school hours this intersection will become a bottleneck and dangerous to both pedestrians, motor vehicles and buses.

There is a left turning lane for the vehicles travelling from the east.

There needs to be a turning lane for the vehicles turn from the west.

Curb, channel and footpaths needs to be completed from Sea Lake Rd through to 173 Gray St. This is to provide protection and safety for all road users, whether vehicles, push bikes or walkers.

On road parking is a concern during the schools events.

I would like to discuss this with you in more detail.

Regards

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Incident 465617

Generated on 11-04-2025 11:55:23

#	465617
Category	Planning/General Enquiries/Email
Title	Subject: Feedback on Draft Development Plan – Application No. 2300008
Complaint	null
Description	<p>Dear Sir/Madam,</p> <p>We are writing in response to the recently issued draft Development Plan for Application Number 2300008. Following a visit to the Council Offices, Rob had the opportunity to discuss the plan with a member of the Engineering Department.</p> <p>We wish to raise concerns regarding the gravity outfall noted at 177 Gray Street, which appears to indicate an open culvert will run along the front of our property at</p> <p>We strongly believe that this drainage should be managed through a closed, piped system rather than an open culvert. Our concerns are based on the following reasons:</p> <ul style="list-style-type: none"> * Increased storm severity: With climate patterns shifting, the frequency and intensity of storm events are expected to rise. An open culvert may not effectively manage large volumes of water. * Significant stormwater runoff: The new school development will result in extensive sealed surfaces, including roofs and pavement, which will contribute substantial runoff during storms. We realise there is a detention basin but think there will be times of significant overflow. We do not want a problem created like: Milloo St, El Alamein Ave, Sebastian Close, Nalder Drive and Charlie Gray Close experience during storm events. * Pedestrian safety: A piped system would allow for the construction of a safer, more appropriately positioned footpath—particularly important given the likely use by school children and families. * Mosquito breeding and standing water: The area is flat, and an open drain is likely to result in standing water for extended periods, increasing the risk of mosquito breeding and associated health issues. <p>We respectfully request that Council give serious consideration to installing a closed drainage system in this location. Should you require any further information or wish to discuss this matter, please don't hesitate to contact us by return email or on 0428 510 099.</p> <p>Thank you for your time and attention.</p> <p>Yours sincerely,</p>
Contact	
Notes	
Parent ID	0
Request time	10-04-2025 18:20:12
Status	New
Records File No.	
Records Related File No.	
Urgency	Low
Priority	Normal
Due Date	
Submit user	
Request user	
Assigned to	Joyline Rovere
Location	
Admin group	Planning
Weight	0

Generated by SysAid

Page 1 of 2

Incident 463705

Generated on 03-04-2025 08:16:48

#	463705
Category	Planning/General Enquiries/Email
Title	Objection to application no DP2300008
Complaint	null
Description	<p>To whom it may concern</p> <p>Application number DP2300008</p> <p>I'm writing in regard to expressing our concern and objection regarding a number of items In relation to the proposed development of the StMary mackillop school and the development of 179 gray street.. We are the owners of which has direct impact to the proposed development which we would like to be formally consulted about..</p> <p>Objections include:</p> <ul style="list-style-type: none"> • Placement of a sewerage pump station at our front door is completely unacceptable and should be located on proposed development sites. Not placed in a position that doesn't affect them but does directly affect the existing residents. • Proposed drainage from your sites into drainage at front of our house on gray st then into main storm water drain.. • footpath along gray street adjacent to proposed drainage system and how it will fit.. • Widening of gray street roadway and footpath development to tower hill and limiting congestion at proposed intersections. • Shoulder on gray street to allow turning traffic into car park of st Mary's school? • Parking during functions/ peak periods along gray street and also front of our house . We are concerned this will affect us twice a day each school. • Is st Mary MacKillop going to be a religious point of contact with the community • Will there be any hiring of facility for public events including (public kitchen) • Our private driveways needs clear and open access also will it be kerb and gutter system into 179 development site? We have 2 driveways with only 1 being identified on proposed plans. • Noise control and how it is going to be controlled from aesthetics (visual from street view) • Current powerlines and transformer upgrades required and how it will look and effect current power pole at front of And/or if underground power has been optioned in the area? <p>We will await your response..</p> <p>Regards</p> <p>Sent from my iPhone</p>
Contact	
Notes	
Parent ID	0
Request time	01-04-2025 20:22:12
Status	New
Records File No.	
Records Related File No.	
Urgency	Low
Priority	Normal
Due Date	
Submit user	
Request user	
Assigned to	Joyline Rovere
Location	
Admin group	Planning
Weight	0

Generated by SysAid

Page 1 of 2

2.2 Housing Action: Greater Swan Hill - Project Proposal

Directorate: Development and Planning
File Number: S03-02-01
Purpose: For Decision

Council Plan Strategy Addressed

- 1. Liveability** - We will be a healthy, connected and growing community supported by a range of infrastructure and services.
- 2. Prosperity** - We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.
- 4. Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.
- 4.3 Bold leadership, strong partnerships and effective advocacy**
- 4.3.1 Create meaningful partnerships across our communities
 - 4.3.2 Strong relationship with State and Federal governments to influence advocacy and funding opportunities
 - 4.3.3 Working together in promotion of the municipality

Current Strategic Documents

Council Plan
Economic Development Strategy 2017 – 2022
Housing Action Plan 2024-2026

Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

The purpose of this report is to consider a request made by Housing Action: Greater Swan Hill - Housing Investment Model Sub Committee, for Council to partner in the creation of a Housing Trust to undertake housing projects.

Discussion

In November 2023, Council hosted a major Housing Summit aimed at developing strategies and projects to address the critical shortage in housing and how best to attract investment that would lead to more homes being built.

A key outcome of this forum was to establish a broad cross section of community members within a committee to continue to work on housing issues and solutions, Housing Action: Greater Swan Hill (the Committee) was established.

Over the past year, the Committee has been working on a variety of projects aimed at increasing housing within the municipality and continues to meet regularly. The committee has also worked closely with Council Officers who have provided support and information to the main committee and the various sub committees.

The Committee established several subcommittees to work on issues that are having an impact on the ability to provide housing which include land availability, workforce development, housing needs analysis and financial investment models.

The Housing Investment Model Subcommittee (the Subcommittee) has been developing options for consideration to establish a Housing Trust for building homes and exploring involvement of Council as a partner. Members of the Subcommittee have investigated models being used in other places such as the Wimmera Southern Mallee Development, Sea Lake and Ararat to assist in formulation of an option for recommendation to Council.

The Subcommittee presented to Council at its briefing on the 1 April 2025 and outlined the investigations they have been undertaking and presented a proposed Trust model, with a request for Council to provide land within Tower Hill. It provided an outline of the Trust model and what Council's potential return on the provision of land could be.

The Subcommittee will undertake a community consultation process to advise of the establishment of the Trust and will provide details of the appointment of Directors for the Trust.

With respect to the appointment of Directors to the Trust, the Subcommittee recommends that three directors be appointed, made up of a representative of the Subcommittee, a representative of the investors and the Chief Executive Officer of the Council.

In addition, they intend to advertise for people to take up the opportunity to invest in the Trust through the release of a public investment prospectus.

Council will not be called upon to financially contribute to the establishment of the Trust.

Council needs to consider the request being made by the Subcommittee and in doing so the following points are highlighted:

Land

- The two blocks of land being considered were a part of the original stage of Tower Hill first offered for sale in 2004.
- Under the Local Government Act 2020 Council must sell the land at its market value, if Council were considering accepting a lower offer for the blocks of land, it would need to seek a Ministerial exemption which would delay any project by at least six months.

- It is prudent that Council protects the community's best interest by having a contract put in place with the Trust which has appropriate terms for the sale/transfer of land including that if the project did not proceed, the land ownership would revert to the Council.

Investment

- Council will be provided with details around how its shares will be paid out, if it determined to withdraw from the Trust, and what, if any, growth on the investment might be provided.
- Council needs to be aware that if the project requires an injection of funds for completion, that it might be called upon to make a financial contribution as a shareholder at that time.
- Council will be offered one Director position for the Housing Trust
- Community will need to be informed of Council's intention to support the proposal by offering the two vacant blocks of land in exchange for shares to the total value of the land in the trust.
- Council needs to be aware that the Trust is planning for a total of three projects based on Council again providing the land and receiving additional shares from the Trust rather than a financial contribution.
- The projected return on the investment could be considered high and that the amount nominated by the subcommittee would be a one-off amount.
- The costs associated with the establishment of the Trust should not involve a contribution by Council.

Council has been a significant stakeholder within the community in determining housing solutions. The potential involvement of Council with a Housing Trust will be a further example of its proactive approach and community partnership, to addressing the housing needs of the community.

Consultation

Council have worked with the Housing Action: Greater Swan Hill Housing Investment Model Subcommittee over the past year to develop the proposal that is being presented to Council for consideration.

The provision of housing is recognised as a high priority within the community and Council has been actively pursuing a range of activities aimed at securing additional homes across the municipality.

Council received a presentation from the Subcommittee at a briefing on the 1 April 2025.

If Council agrees to the proposal put to them, it is recommended that a community information process be undertaken advising of Council's intent to provide the land in exchange for \$230,000 worth of shares in the housing trust.

Financial Implications

- Council are not being asked to contribute any funds towards the establishment of the Housing Trust.

- If Council agree to the proposal, it will not receive a financial payment for the two blocks of land of \$230,000 but rather will receive 230,000 shares in the proposed Housing Trust.
- At the conclusion of the project, Council will receive a financial contribution of the value of its shares in the Trust, once the homes are sold.
- Council also needs to be aware that they may be called upon to provide financial support as a shareholder in the Trust, if the project needs additional funds.
- Council would receive additional rate revenue from the homes once they are constructed.

Social Implications

Provision of housing is one of the Council's highest priorities and Council has been actively engaged with Housing Action: Greater Swan Hill in determining solutions to providing additional housing.

Economic Implications

The construction of homes would have a positive benefit on the local economy as the subcommittee intend to undertake a tender process and invite builders to construct the homes.

Environmental Implications

Buildings and landscaping should be undertaken in such a manner that has minimal impact on the environment.

Risk Management Implications

- Council needs to minimise the risk of any involvement in the proposed housing trust and can do so in ensuring that it places conditions on any contribution to the Housing Trust.
- If the project does not proceed, the Trust is required to return the land to Council's ownership.
- There is a risk that the value of the shares provided in exchange for the land reduce in value.
- The project may not proceed if the level of financial investment required is not achieved.

Conclusion

The investment model to develop housing via a unit trust is a milestone from the Housing Action: Greater Swan Hill Subcommittee. Council will become an investor in the Trust by allocating two lots of land at Tower Hill as its contribution in return for shares, supports this initiative.

Council encourages the community to support this initiative by reviewing the investment prospectus (when released) and contacting the Subcommittee for further information.

Attachments: 1. Report for Housing Action Committee 5 March 2025
redacted [2.2.1 - 4 pages]

Options

1. Council determines that it will become a shareholder in the proposed Housing Trust through the provision of two blocks of land at Tower Hill with the value of the land to be converted into shares in the Trust as established by the Housing Investment Model Sub Committee.
2. Council determines not to be involved in the development of housing with the Housing Action: Greater Swan Hill Housing Investment Model Sub Committee.

Recommendation/s

That Council:

1. **Subject to the Housing Action Greater Swan Hill Housing Trust being established, resolves to provide the Trust with two blocks of land – 13 and 15 Tower Avenue on the following basis:**
 - **Council receives 230,000 shares valued at \$1.00 per share being the total value of the land provided to the Housing Trust.**
 - **Council has the land returned to its ownership immediately if the housing project does not proceed.**
 - **The Swan Hill Rural City Council Chief Executive Officer be appointed as a Director to the Housing Trust.**
2. **Undertakes a community information process to advise of its intention to transfer the two blocks of land to the Housing Trust in return for 230,000 shares.**

**Housing Investment Model Working Group
Report for Housing Action: Greater Swan Hill Committee 5 March 2025**

Since the last group meeting in December, our working group has met twice and have had 2 meetings with Council representatives. Our findings are as follows:

Investment models

1. Wimmera Southern Mallee model-Wimmera Housing

-Special Purpose Vehicle (SPV) is a legal entity created for specific projects, isolates financial risk & does project management

-20+ investors need a registered managed investment scheme

-smaller scale single/dual houses built on one block, sometimes council land is a contribution to this.

-very little profit for investors, mainly just to ensure that there is housing in the community to encourage workers and new residents.

-works well in small communities.

2. Ararat Model

-Council and Private Investor contribute 50/50 towards building 4 houses for rent per year over 4 years.

-at the end of year 4, they would sell off the initial houses, and then contribute funds back into the pool to build more houses.

-long term strategy.

-need a large investor, who may not be looking for commercial returns (but still a return), and wanting to ensure that the community continues to thrive.

-local trades involved where possible but goes to tender.

3. Unit trust model

-unit trust buys/develops the property & investors buy units (shares) in the trust

-units could be purchased by super funds

-an accountant & solicitor would set up the trust, legals approx \$7.5K to be paid by investors

-could approach 'affluent' families in the area that are extremely wealthy that would potentially accept a lower rate of return to give back to the community that has been so good to them (similar to Wimmera Southern Mallee model)

4. Sea Lake community model- Mallee Development Group (information provided by Allison McLelland)

- a group of like minded people who identified a need for housing in Sea Lake
- members already involved in hotel/supermarket/hardware stand alone co-operatives
- have purchased several blocks in town off 'outsiders' so that some land is in locals' name
- started with a contribution of \$6,000, a \$1,000 share & the rest is a loan towards building works, members contribute extra as a loan towards project
- first development is 5 units: 3 bed, 2 bath, 2 car, 1 already sold, 2 built, subdivided, will sell as each is built & put proceeds towards next development
- will continue with other developments if there is a need
- 8 shareholders, each are directors, includes local builder, local plumber, local electrician, local solar installer, 4 farmers
- community doing planning, design, bookwork, physically involved in project eg plastering
- when sold funds to be divided up as per loan percentages

Land availability and development

A land availability report was presented to the Housing Action: Greater Swan Hill committee however this was a general report and specific blocks were not identified. At this stage, Council have not identified any land that they would 'contribute' to a housing project.

Different options investigated are:

1. Developing an unserviced lot vs already serviced land

Purchase Land: \$545,000
Stamp Duty: \$29,266.00
Total: \$574,266.00

Block is 1775sqm less 30% (ballpark) for roads and infrastructure 1243sqm of developable area. Designs for 3 bed+ 2 bath homes that would fit on 350sqm blocks are available so you'd end up with about 3 lots at 350sqm and then you'd have 1 at about 200sqm but we'd be able to probably lessen the 30% down so we have 3 at 350sqm and 1 at 300sqm, either way, 4 lots.

So 4 lots, you'd run the feasibility with the Civil cost at about \$65,000 per lot as main infrastructure is already in place and there shouldn't be a need for onsite retention for stormwater. The build price for each would be \$410,000.00. (a building company that has confirmed this using all local trades). So we're looking at \$475,000.00 for the fully constructed lot. Then we're looking at \$143,566.50 per lot for the purchase costs. So we're up around \$618,566.50 cost of completion.

They would retail for \$650,000 - \$675,000 each so we'd be looking at \$31,433.50 - \$56,433.50 profit each lot, which based on my calculations the return on this development if the properties were to be built and sold would be between 7.62% and 13.68%.

These properties would rent for between \$630.00 - \$640.00 per week.

Development is high risk. Already developed land is low risk and is a fixed price contract for the build. \$70K - \$75K for civil and infrastructure works for a block. Developing requires more work, insurances etc.

2. Feasibility study-building on an allotment at Tower Hill

A feasibility study was done to investigate development of a block at Tower Hill (12 Hakea Drive) paying full price for the land and building 2 units (attachment 1). Without Council involvement, the margin on development is very low 1.73% & we would need to attract 'community minded' investors for such a development to proceed.

Note that units cannot be built on blocks at Tower Hill & a large block approx 700m² and building one home would not be effective use of land & would involve extra cost for landscaping.

3. 13 Tower Ave, Tower Hill

A parcel of land at 13 Tower Ave (access via Box Lane) at Tower Hill (attachment 2) owned by Council that was originally set aside as a child care centre currently vacant could be suitable for subdivision into 3 small blocks to build a 3 bedroom house on each block. Currently no rates collected on this land however if development proceeds rates would be collected on \$1.5-\$2mil development.

4. Private development

Another option is a small private development. Purchase a small block 350m² at Heirloom Estate \$120K, build a 3 bed home Nova 160 (GJ Gardner) \$428,702 includes

- ducted reverse cycle heating and cooling
- floorcoverings
- footpaths around home and an allowance for driveway
- 6.6 kw solar power system
- double glazing

plus legal costs, stamp duty on block \$3,132, landscaping. No Council involvement

Worker Accommodation proposal

Transient workers accommodation proposal (attachment 3) is based on every year return on investment situation, with initial costs and ongoing costs. This model proposes lower costs than a residential build. The accommodation is a portable cabin/tiny home/cottage design.

-Costs are based on accommodating around 100 workers based on 2 bed units but would only be at full capacity during peak season and being only 4-5 months of the year.

-Total profit for the total development taking in consideration of ongoing operational costs would be around \$3,000.

-This \$2M investment does not take into consideration land costs; it is based on building and plumbing, sewerage, road etc around \$100K. It doesn't require a builder.

-An advantage to this accommodation could be freeing up other housing in town for professional people.

-Put in \$2M, get a return of \$200K per year for 10 years and get a total of \$2M back.

-Would be hard to get people to invest in this.

-The next step would be to be able to guarantee occupational ratio to make it more feasible.

Would it be more feasible to rent for a 12 month period? There are massive maintenance costs, with the return not making it attractive for investors.

Next steps-meet with Council representatives from planning, economic development and environmental health departments & obtain actual quotes for the cabins, including 1 bedroom units.

If it falls under the caravan act you will need a recreational building permit. If rural worker accommodation is any more than accommodating 10 people; it requires a permit.
Need to factor in land costs. Transient accommodation on land will maintain the land value or will bring it down depending on how it is portrayed. It would require more infrastructure work than a planned subdivision.

Findings

-Require a more affordable approach as opposed to \$620 p/w that is on the market at the moment, the model should reflect the type of housing; worker accommodation, affordable, rental.

-Understanding of working group members was that suitable land would be identified in the Vacant Land Audit Assessment and that the Investment Group would put together a suitable model (depending on the size of the development and any restrictions eg rent or sell homes) to submit to Council for comment and approval.

Investment Working Group next steps

-present this report to Council as soon as possible

-working group to formally (via letter) to ask whether Council is willing to invest in housing and to partner (in some way) with the investment model working group

-Council to decide whether they are willing to contribute land to a housing development and if so, identify land and any potential restrictions and provide a timeline for a decision to Housing
Action: Greater Swan Hill

2.3 Swan Hill Regional Livestock Exchange Advisory Committee Membership

Directorate: Infrastructure

File Number: Records

Purpose: For Decision

Council Plan Strategy Addressed

2. **Prosperity** - We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.

2.1 Effective partnerships for prosperity

2.1.2 Support our key industries

2. **Prosperity** - We will continue to build and strengthen a prosperous local economy, through sustainable growth and education. We will focus on creating jobs and wealth through adding value to existing strengths in all areas of our economy.

2.2 A thriving diverse economy

2.2.1 Encourage the growth and development of our economy

4. **Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

4.1.2 Provide robust governance and effective leadership

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

4. **Leadership** - We will ensure accountable leadership, advocacy and transparent decision making.

4.2 Transparent communication and engagement

4.2.1 Effective and authentic engagement with our community

Current Strategic Documents

No strategic documents applicable.

Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

At the Council meeting held on the 18 February 2025, Council reviewed the terms of reference for the Swan Hill Regional Livestock Exchange (SHRLE) advisory committee. A copy of this document is attached.

As part of this review, Council also resolved to support the advertising and recruitment of new independent members on to the committee to bring further experience and expertise to the discussions.

This report requests Council to now consider the various applications received to join the committee and to make an adjustment to the terms of reference in regard to membership numbers.

Discussion

The membership requirements in the terms of reference are as follows under clause 3:

The Committee will consist of:

- *A minimum of one Councillor, with a maximum of two, appointed by the Council.*
- *A minimum of one Council Officer responsible for the management of the SHRLE, with a maximum of three.*
- *A representative of Agriculture Victoria, or other Government Agency with responsibility in the area of operations of the SHRLE.*
- *A minimum of three external independent members, and a maximum of eight, with a view to maximising diversity and inclusion. Those are to be drawn from:*
 - *A minimum of one representative, if interested, from the following organisations: Selling Agents Association; Transporters; Producers and local business.*
 - *One independent member*

The current composition of the committee includes:

- ♦ one councillor – one voting member (not two)
- ♦ three council staff - one voting member (not three)
- ♦ one representative from Agriculture Victoria – one voting member
- ♦ three agents, two transporters and one producer – independent members, up to eight voting member positions available

Attendance numbers at each meeting varies.

Under clause 4, the following administrative arrangements are stipulated for appointments and tenure:

Appointments and Tenure

- *The CEO, in consultation with the Mayor, can appoint external independent Committee members to fill any vacancy that occurs within the Council term and cannot reasonably be left vacant until the beginning of the next Council term.*
- *The Chair of the Committee must be a Councillor Representative.*
- *Appointment of external members shall be made by the Council by way of a public advertisement, and Council Resolution.*
 - *Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well balanced Committee.*
 - *People wishing to serve as an external independent member may nominate for successive terms without restriction.*

Council advertised for new members on the advisory committee, and submissions from the following were received:

Wayne Murray (primary producer)
Bill Moar (primary producer)
Dennis Walker (primary producer)
Kim Kelly (independent)

Copies of submissions are shown in Attachment 2 for Council consideration. It is believed that all submissions are suitable and would be appropriate to be on the SHRLE committee.

Council then contacted all the existing members of the committee, asking for confirmation that they were willing to be retained on the committee. The following existing members affirmed that they would like to continue to be on the committee:

Gerald O'Loughlin (primary producer)
Darren Mirtschin (stock agent)
Robyn Leishman or Beryn Squire – proxy (Agriculture Victoria)
Jason Pickering (stock agent)
Matt Rowlands (stock agent)
Jason Tilbrook (transporter)

The following committee member indicated that they no longer wanted to be on the committee:

Jorja McDonald

The current terms of reference caps the external independent membership at 8. However, as Council has received 9 submissions, it is suggested to change the terms of reference so that all 9 submissions can be accepted.

In summary, the committee would then have 9 external independent members and 1 from Agriculture Victoria plus the Councillor and Council staff.

Consultation

Council advertised for expressions of interest from the community to be considered for the SHRLE advisory committee as follows:

The Guardian – 28 February, 2025 and 7 March, 2025

The Weekly Times – 5 March 2025 and 12 March 2025

Sentinel – 6 March 2025 and 13 March 2025

On the 25 February, 2025 Council also published information to our website and our Facebook page.

Financial Implications

There are only minimal costs associated with the advertising for external members to the SHRLE advisory committee which will be absorbed within Councils existing budgets.

Social Implications

It is essential for the community to understand and have confidence in the role of SHRLE advisory committee and full transparency with membership.

Economic Implications

Nil.

Environmental Implications

Nil.

Risk Management Implications

Nil.

- Attachments:**
1. SHRLE Terms of Reference [2.3.1 - 4 pages]
 2. Swan Hill Regional Livestock Exchange Committee Applications [2.3.2 - 2 pages]

Options

1. That Council alter the current terms of reference increasing the external independent members from 8 up to 9 members.
2. That Council appoint Wayne Murray, Bill Moar, Dennis Walker and Kim Kelly as new members and re-appoint Gerard O'Loughlin, Darren Mirtschin, Robyn Leishman, Jason Pickering, Matt Rowlands and Jason Tilbrook on to the Swan Hill Regional Livestock Exchange advisory committee.
3. That Council does not appoint some or all the listed submissions for consideration.
4. That Council notifies all submitters the outcome of their application.

Recommendation/s**That Council:**

- **Alter the current terms of reference increasing the external independent members from 8 up to 9 members;**
- **Appoint Wayne Murray, Bill Moar, Dennis Walker and Kim Kelly as new members and re-appoint Gerard O'Loughlin, Darren Mirtschin, Robyn Leishman, Jason Pickering, Matt Rowlands and Jason Tilbrook on to the Swan Hill Regional Livestock Exchange advisory committee and;**
- **Notifies all submitters the outcome of their application.**

Date adopted	TBC - 2022
Last review	
Next review	November 2024
Responsible Officer	Director Infrastructure

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



SWAN HILL REGIONAL LIVESTOCK EXCHANGE (SHRLE) ADVISORY COMMITTEE TERMS OF REFERENCE (ToR)

1. Purpose

The Swan Hill Rural City Council (Council) Advisory Committee (the Committee) is a formally appointed Advisory Committee of the Council.

The Committee's role is to provide appropriate advice and recommendations on matters relevant to this Terms of Reference in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

2. Duties and Responsibilities

The Committee will carry out the following duties and responsibilities:

- Provide advice on Stakeholder needs and how the stakeholders can work to solve issues of common interest:
- Ensure compliance with statutory and mandated requirements.
- Suggest potential improvements and efficiency gains.
- Share knowledge gained at other Saleyards to facilitate best practice operations, where possible.
- Agree on priorities for improvements for consideration by the Council.
- Provide appropriate advice and recommendations to officers when requested.

3. Membership

The Committee will consist of:

- A minimum of one Councillor, with a maximum of two, appointed by the Council.
- A minimum of one Council Officer responsible for the management of the SHRLE, with a maximum of three.
- A representative of Agriculture Victoria, or other Government Agency with responsibility in the area of operations of the SHRLE.
- A minimum of three external independent members, and a maximum of eight, with a view to maximising diversity and inclusion. Those are to be drawn from:
 - A minimum of one representative, if interested, from the following organisations: Selling Agents Association; Transporters; Producers and local business.
 - One independent member

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
Version: 1.0	This document is uncontrolled when printed	Page 1 of 4

4. Administrative Arrangements

Reporting Responsibilities

- Minutes of all meetings are to be recorded in Councils record management system
- A review of the Committee will take place at least once every four years at which time the Terms of Reference will also be reviewed.

Decision making

- The committee will generally adopt a consensus approach to decision making, where a majority of members agree, with the remainder content to give way.
- Where consensus cannot be achieved, decisions will be made by majority vote.
- All members shall have full voting rights, with the Chairperson having a casting vote as required.
- Council officers have one vote (not 3), and the Councillor can only have one vote (not 2).

Appointments and Tenure

- The CEO, in consultation with the Mayor, can appoint external independent Committee members to fill any vacancy that occurs within the Council term and cannot reasonably be left vacant until the beginning of the next Council term.
- The Chair of the Committee must be a Councillor Representative.
- Appointment of external members shall be made by the Council by way of a public advertisement, and Council Resolution.
 - Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well balanced Committee.
 - People wishing to serve as an external independent member may nominate for successive terms without restriction.

Disqualification of a Member

- If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.

Members are expected to:

- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and judgement; and
- Express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.

5. Meetings

5.1. Conduct of Meetings

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
Version: 1.0	This document is uncontrolled when printed	Page 2 of 4

- The Chief Executive Officer, or their delegate, will provide the support required to enable the meetings of the Committee and invite members of staff or others to attend meetings to provide pertinent information as necessary.
- 5.2. Attendance and Quorum
- All Committee members are expected to attend each meeting.
 - Quorum will be a majority of Committee members with a least two external independent members and at least one Councillor.
 - In the absence of the Chairperson from a meeting, the meeting shall appoint an acting Chairperson from the independent or Councillor Representatives present.
- 5.3. Meeting Administration
- The Committee will aim to meet once a quarter, with ability to convene additional meetings as circumstances require.
 - To facilitate the operation of the Committee, Council will provide secretariat services and officer advice in respect of matters before the Committee.
 - Meeting agendas will be prepared and provided to members, along with appropriate briefing materials electronically.
- 5.4 Observers / guests
- An observer or subject matter expert can attend a meeting. Committee members will advise the chair or secretariat of the meeting of the attendance of any guest or observer prior to the meeting.

6. Conflicts of Interest

- In accordance with Sections 126 to 131 of the Local Government Act 2020, members of the Committee are required to disclose all conflicts of interests and may not be eligible to vote on a matter or attend a meeting at which the subject of the conflict will be considered, depending on the nature of the conflict.
- Failure to comply with provisions of the Local Government Act 1989 and 2020 with regard to conflicts of interest may result in termination of the Member's appointment.

7. Confidentiality

- All Members are subject to Section 125 of the Local Government Act 2020 in terms of information that the person knows, or should reasonably know, is confidential information as defined by the Act.
- Failure to comply with provisions of the Local Government Act 2020 with regard to confidentiality may result in termination of the Member's appointment.

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
Version: 1.0	This document is uncontrolled when printed	Page 3 of 4

8. Document History

Version Number	Issue Date	Description of Change
1.0	TBC 2022	Initial release
2.0	December 2024	Comprehensive review

Swan Hill Regional Livestock Exchange (SHRLE) Stakeholder Committee Terms of Reference POL/SRLE1202		
Version: 1.0	This document is uncontrolled when printed	Page 4 of 4

Timestamp: 22-03-2025 21:20:13
From:
To: SWANHILL.VIC.GOV.AU\council
CC:
Subject: Expression of Interest - Livestock Exchange Committee Member

Hi Leah,

I am writing to express my interest in the Livestock Exchange committee as an independent member.

Although I am not currently directly involved with the sale yards operations, I did grow up in a farming family and have worked for Woodward Foods in their logistics department.

My interest to maintain or improve the economic, social and environmentally sustainable future of the Livestock Exchange stems from the nostalgia of attending sale days, fuelled by the recent closures of other Livestock Exchanges and how that has impacted the social fabric of their agriculture communities.

I am also a member of the local sustainability group and work in the employment sector. In my previous employment I worked on continuous improvement projects focusing on cost reduction of consumable items.

Kind regards,

Kim Kelly

Timestamp: 27-03-2025 19:57:13
From:
To: SWANHILL.VIC.GOV.AU\council
CC:
Subject: Expression of interest- Livestock Exchange Committee

I wish to apply for a position on the livestock exchange committee.

Positions I have held include: - Trustee of the Little Merran Creek Water Trust
- President of Swan Hill Show Society
- President of Swan Hill Pony Club
- President of Victorian Poll Hereford Society

Kind regards,

Wayne Murray

Timestamp: 27-03-2025 20:46:12
From:
To: SWANHILL.VIC.GOV.AU\council
CC:
Subject: Expression of interest-Livestock Exchange Committee Member.

To Whom It May Concern,

I, William (Bill) Moar, hereby express an interest in a position on the Livestock Exchange Committee.

Kind regards,

Bill Moar.

Timestamp: 28-03-2025 14:42:13

From:

To: SWANHILL.VIC.GOV.AU\council

CC:

Subject: Membership of Swan Hill Regional Livestock Exchange Advisory Committee.

Hi Leah,

As requested, please find my application to join the SHRLE Advisory Committee.

My name is Dennis Walker, I am a livestock producer who uses the SHRLE regularly.

My wife and I have over the past 30 years used the SHRLE buy and sell our cattle and sheep.

My contact details are e-mail

Mob

Kind regards,

Dennis Walker.

2.4 Instruments of Delegation Update

Directorate: Corporate Services
File Number: S16.08.01
Purpose: For Decision

Council Plan Strategy Addressed

4. Leadership - We will ensure accountable leadership, advocacy and transparent decision making.

4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

Current Strategic Documents

No strategic documents applicable.

Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

On 29 January 2025, Maddocks Lawyers provided an update to the Delegations and Authorisations Service that Council subscribes to. The update covers legislative changes – new, amended and deleted provisions - which effect Councils powers, duties and functions, and were assented to, or made, from 21 July 2024 to 31 December 2024.

The January 2025 update is to the S6, S7, S11 and S12 Instruments of Delegation and Instruments of Appointment and Authorisation:

S6 – Instrument of Delegation by Council to other members of Council Staff,

S7 - Instrument of Sub-delegation, from the CEO to Members of Council staff

S11 - Instruments of Appointment and Authorisation

S12 - Instrument of Delegation and Authorisation by the Municipal Building Surveyor

This report is for approval of the S6 Instrument of Delegation.

Discussion

A Municipal Council has significant decision-making powers, duties and functions in various Acts and Regulations. To enable decision-making to be efficient and effective, express powers of delegation may be included in legislative instruments.

The powers conferred on the Council under some legislative instruments cannot be delegated through the Chief Executive Officer and must be delegated by resolution of Council directly to members of Council staff.

Updates to Instruments of Delegation

The following Instrument of Delegation requires Council approval:

S6 – Delegation by Council to other members of Council Staff

- This Instrument delegates Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation to members of council staff.

This update is to provisions in the following legislation:

Legislation	Power of Delegation (Section)
<i>Food Act 1984</i>	58A
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024	524 (<i>Residential Tenancies Act 1997</i>)
<i>Road Management Act 2004</i>	118

The S6 Instrument of Delegation – *Delegation by Council to members of Council staff*, was last approved by Council on 10 September 2024.

The updated S6 Instrument of Delegation (Attachment 1) comes into force immediately upon the resolution of Council and remains in force until varied or revoked.

Review of Instruments of Delegations

Section 11(7) of the *Local Government Act 2020* requires all delegations made by the Council to the CEO to be reviewed within 12 months of a general election. A full review of Instruments of Delegation will be completed by 26 October 2025.

Consultation

The CEO and Directors were provided with a copy of the updates and requested to amend and review as required.

Financial Implications

Nil.

Social Implications

Nil.

Economic Implications

Failure to appropriately delegate powers, duties and functions may cause decision making delays to major initiatives being approved and/or completed.

Environmental Implications

Nil.

Risk Management Implications

Failure to appropriately delegate powers, duties and functions may expose the Council to fraud and corruption.

Attachments: 1. S6 Instrument of Delegation Members of Council Staff (1)
[2.4.1 - 119 pages]

Recommendation

That Council adopt the Instrument of Delegation as presented.



INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION BY COUNCIL TO OTHER MEMBERS OF COUNCIL STAFF

20 MAY 2025

INSTRUMENT OF DELEGATION

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
 - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 20 May 2025; and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately upon the resolution of Council;;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
 - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed for the Swan Hill Rural City Council by
Scott Barber, Chief Executive Officer.

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Date :

Delegation Sources

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Positions

Abbreviation	Position
CEO	Chief Executive Officer
CSRO	Customer Service & Revenue Officer
DCS	Director Corporate Services
DDP	Director Development & Planning
DI	Director Infrastructure
DM	Development Manager
EAM	Enterprise Asset Manager
EHO	Environmental Health Officer
ESPM	Engineering and Strategic Projects Manager

Abbreviation	Position
FM	Finance Manager
MBS	Municipal Building Surveyor
MERO	Municipal Emergency Resource Officer
MFPO	Municipal Fire Prevention Officer
ND	Not Delegated
OM	Operations Manager
PHRSC	Public Health & Regulatory Services Co-ordinator
PM	Project Manager
PO	Planning Officer
PTL	Planning Team Leader
SEHO	Senior Environmental Health Officer
SRO	Senior Revenue Officer

S6 Instrument of Delegation - Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DDP, PHRSC	
r 10	Function of receiving application for registration	PHRSC, SEHO	
r 11	Function of receiving application for renewal of registration	DDP, PHRSC, SEHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	DDP, PHRSC, SEHO	
r 12(1)	Power to refuse to grant the registration if not satisfied that the caravan park complies with these regulations	DDP, PHRSC, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power 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	DDP, PHRSC, SEHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DDP, PHRSC, SEHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	DDP, PHRSC, SEHO	
r 12(4) & (5)	Duty to issue certificate of registration	DDP, PHRSC, SEHO	
r 14(1)	Function of receiving notice of transfer of ownership.	PHRSC, SEHO	
r 14(3)	Power to determine where notice of transfer is displayed	PHRSC, SEHO	
r 15(1)	Duty to transfer registration to new caravan park owner	PHRSC, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(2)	Duty to issue a certificate of transfer of registration	DDP, PHRSC, SEHO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	PHRSC, SEHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	DDP, PHRSC, SEHO	
r 17	Duty to keep register of caravan parks	PHRSC, SEHO	
r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	PHRSC, SEHO	
r 21(2)	Duty to consult with relevant emergency services agencies	PHRSC, SEHO	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	PHRSC, SEHO	

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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	registration, the plan of the caravan park and a copy of the caravan park rules		

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DDP, EHO, PHRSC	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, EHO, PHRSC	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	DDP	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	DDP, EHO, PHRSC	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, PHRSC	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, PHRSC	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DDP, EHO, PHRSC	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	DDP, EHO, PHRSC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution Only in relation to temporary food premises or mobile food premises

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DDP, EHO, PHRSC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, PHRSC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, PHRSC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, PHRSC	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	PHRSC, SEHO	Where Council is the registration authority Subject to s 19FA(2), which requires a time limit for compliance to be specified

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DDP, PHRSC, SEHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DDP, PHRSC, SEHO	Where Council is the registration authority
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DDP, PHRSC, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, PHRSC	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, PHRSC	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, PHRSC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DDP, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, PHRSC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, PHRSC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHO, PHRSC	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO, PHRSC	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, PHRSC	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	DDP, EHO, PHRSC	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, PHRSC	Where Council is the registration authority
	Power to register or renew the registration of a food premises	DDP, EHO, PHRSC	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	DDP, EHO, PHRSC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	DDP, EHO, PHRSC	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, PHRSC	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)	ND	Where Council is the registration authority

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, PHRSC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, PHRSC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DDP, EHO, PHRSC	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	EHO, PHRSC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, PHRSC	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DDP, EHO, PHRSC	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, PHRSC	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DDP, EHO, PHRSC	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, PHRSC	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	DDP, EHO, PHRSC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, PHRSC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, PHRSC	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	EHO, PHRSC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, PHRSC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	ND	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	EHO, PHRSC	
s 40F	Power to cancel registration of food premises	DDP, PHRSC	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, PHRSC	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, PHRSC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DDP, PHRSC	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))

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

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DDP, DM	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	ND	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DDP, DM, PO, PTL	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DDP, DM	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	DDP, DM, PO, PTL	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DDP, DM, PTL	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	ND	
s 8A(5)	Function of receiving notice of the Minister's decision	DDP, DM, PTL	
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	DDP, DM	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DDP, DM, PTL	
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	DDP, DM, PO, PTL	
s 12B(1)	Duty to review planning scheme	ND	
s 12B(2)	Duty to review planning scheme at direction of Minister	ND	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	ND	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	ND	
s 17(1)	Duty of giving copy amendment to the planning scheme	DDP, DM, PO, PTL	
s 17(2)	Duty of giving copy s 173 agreement	DDP, DM, PO, PTL	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DDP, DM, PO, PTL	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DDP, DM, PO, PTL	Until the proposed amendment is approved or lapsed

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PTL	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DDP, DM, PTL	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	DDP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DDP, DM, PO, PTL	Until the end of 2 months after the amendment comes into operation or lapses

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	DDP, DM, PO, PTL	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	DDP, DM	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	DDP, DM	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DDP, DM	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DDP, DM, PO, PTL	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DDP, DM, PTL	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DDP, DM, PO, PTL	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	DDP, DM, PTL	
s 28(1)	Duty to notify the Minister if abandoning an amendment	DDP, DM, PTL	Note: the power to make a decision to abandon an amendment cannot be delegated

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(2)	Duty to publish notice of the decision on Internet site	DM, PO, PTL	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DM, PO, PTL	
s 30(4)(a)	Duty to say if amendment has lapsed	DDP, DM, PO, PTL	
s 30(4)(b)	Duty to provide information in writing upon request	DDP, DM, PO, PTL	
s 32(2)	Duty to give more notice if required	DDP, DM, PO, PTL	
s 33(1)	Duty to give more notice of changes to an amendment	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	DDP, DM, PO, PTL	
s 38(5)	Duty to give notice of revocation of an amendment	DDP, DM, PTL	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	ND	
s 40(1)	Function of lodging copy of approved amendment	DDP, DM, PO, PTL	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DM, PO, PTL	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DDP, DM, PM, PO	
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	ND	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	DDP	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	DDP, DM	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	DDP, DM, PO, PTL	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	DDP, DM, PO, PTL	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DDP, DM	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
Provision	Power 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	DDP, DM	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDP, DM	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DDP, DM	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDP, DM	
s 46GP	Function of receiving a notice under s 46GO	DDP, DM	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	DDP, DM	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DDP, DM	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDP, DM	
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	ND	
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	DDP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DDP	
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	DDP, PM	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DDP, PM	
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	DDP, PM	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DDP, PM	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDP, PM	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)	DDP, PM	Where Council is the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDP, PM	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	DDP, DM	
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	DDP, DM	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	DDP, DM	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DDP, DM	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	DDP, DCS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DDP, DCS	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	DDP, DCS	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	DDP, DCS	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power 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	DDP, DM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DI, DDP, FM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DDP	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	DDP	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	DDP	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	DDP	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)	DDP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report	DDP	If the VPA is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	and provide reports on the use of the infrastructure contribution to the VPA		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)	DDP	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)	DDP	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)	DDP	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	DDP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DDP, DM	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)	DDP, DM	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	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DDP, DM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	DDP, DM	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DDP, DCS	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)	DDP, DCS	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DCS	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	DDP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DDP	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)	DDP, DCS	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DDP, DM, PO, PTL	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DDP, DM, PTL	
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	DDP, DM, PTL	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, PTL	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDP, DM, PTL	
s 46Q(1)	Duty to keep proper accounts of levies paid	DM, PO, SRO, PTL, DCS	
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	DDP, DM, PTL	
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	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DDP, DM, PTL	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DDP, DM, PTL	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DDP, DM, PTL	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	DDP, DM, PTL	With the consent of, and in the manner approved by, the Minister

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	DDP, DM, PTL	
s 46QD	Duty to prepare report and give a report to the Minister	DDP	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ND	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DDP, DM, PTL	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DDP, DM, PO, PTL	
s 50(4)	Duty to amend application	DDP, DM, PO, PTL	
s 50(5)	Power to refuse to amend application	DDP, DM, PTL	
s 50(6)	Duty to make note of amendment to application in register	DM, PO, PTL	
s 50A(1)	Power to make amendment to application	DDP, DM, PO, PTL	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(4)	Duty to note amendment to application in register	DDP, DM, PO, PTL	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DDP, DM, PO, PTL	
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	DDP, DM, PO, PTL	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DDP, DM, PO, PTL	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PO, PTL	
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	DDP, DM, PO, PTL	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DDP, DM, PO, PTL	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(3)	Power to give any further notice of an application where appropriate	DDP, DM, PO, PTL	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DDP, DM, PO, PTL	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DDP, DM, PO, PTL	
s 54(1)	Power to require the applicant to provide more information	DDP, DM, PO, PTL	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DDP, DM, PO, PTL	
s 54(1B)	Duty to specify the lapse date for an application	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DDP, DM, PO, PTL	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DDP, DM, PO, PTL	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DDP, DM, PM, PO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DDP, DM, PTL	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	DDP, DM, PO, PTL	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DDP, DM, PO, PTL	
s 57A(5)	Power to refuse to amend application	DDP, DM, PTL	
s 57A(6)	Duty to note amendments to application in register	DDP, DM, PO, PTL	
s 57B(1)	Duty to determine whether and to whom notice should be given	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DDP, DM, PO, PTL	
s 57C(1)	Duty to give copy of amended application to referral authority	DDP, DM, PO, PTL	
s 58	Duty to consider every application for a permit	DDP, DM, PO, PTL	
s 58A	Power to request advice from the Planning Application Committee	DDP, DM, PO, PTL	
s 60	Duty to consider certain matters	DDP, DM, PO, PTL	
s 60(1A)	Duty to consider certain matters	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power 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	DDP, DM, PO, PTL	
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	DDP, DM, PTL	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>This Notice of Refusal would follow Councils resolution to refuse the application.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DDP, DM, PTL	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DDP, DM, PTL	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DDP, DM, PO, PTL	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, PTL	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DDP, DM, PO, PTL	
s 62(2)	Power to include other conditions	DDP, DM, PO, PTL	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, PM, PO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DDP, DM, PO, PTL	
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	DDP, DM, PO, PTL	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, PO, PTL	
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)	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	DDP, DM, PO, PTL	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, PO, PTL	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, PO, PTL	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	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DDP, DM, PM, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PO, PTL	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	DDP, DM, PM, PO	This Notice of Refusal would follow Councils resolution to refuse the application.
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DDP, DM, PTL	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PO, PTL	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO	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	DDP, DM, PO, PTL	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	DDP, DM, PM, PO	
s 69(1A)	Function of receiving application for extension of time to complete development	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	DDP, DM, PO, PTL	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	DDP, DM, PO, PTL	
s 71(1)	Power to correct certain mistakes	DDP, DM, PTL	
s 71(2)	Duty to note corrections in register	DDP, DM, PO, PTL	
s 73	Power to decide to grant amendment subject to conditions	DDP, DM, PO, PTL	
s 74	Duty to issue amended permit to applicant if no objectors	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, PTL	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DDP, DM, PTL	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DDP, DM, PO, PTL	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	DDP, DM, PM, PO	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PO, PTL	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	DDP, DM, PO, PTL	
s 83	Function of being respondent to an appeal	DDP, DM, PTL	
s 83B	Duty to give or publish notice of application for review	DDP, DM, PTL	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PO, PTL	
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	DDP, DM, PTL	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	DDP, DM, PTL	
s 84AB	Power to agree to confining a review by the Tribunal	DDP, DM, PO, PTL	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	DDP, DM, PTL	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DDP, DM, PTL	
s 91(2)	Duty to comply with the directions of VCAT	DDP, DM, PTL	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DDP, DM, PTL	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DDP, DM, PO, PTL	
s 93(2)	Duty to give notice of VCAT order to stop development	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(3)	Function of referring certain applications to the Minister	DDP, DM, PO, PTL	
s 95(4)	Duty to comply with an order or direction	DDP, DM, PO, PTL	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DDP, DM, PO, PTL	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DDP, DM, PO, PTL	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DDP, DM, PO, PTL	
s 96F	Duty to consider the panel's report under s 96E	DDP, DM, PTL	
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	DDP, DM, PTL	
s 96H(3)	Power to give notice in compliance with Minister's direction	DDP	
s 96J	Duty to issue permit as directed by the Minister	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DDP, DM, PO, PTL	
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	DDP, DM, PO, PTL	
s 97C	Power to request Minister to decide the application	ND	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DDP, DM, PTL	
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	DDP, DM, PTL	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	DDP, DM, PTL	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DDP, DM, PTL	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DDP, DM, PTL	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DDP, DM, PTL	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DDP, DM, PTL	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DDP, DM, PTL	
s 97Q(4)	Duty to comply with directions of VCAT	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DDP, DM, PTL	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DDP, DM, PTL	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DDP, DM, PTL	
s 101	Function of receiving claim for expenses in conjunction with claim	DDP, DM, PTL	
s 103	Power to reject a claim for compensation in certain circumstances	DDP, DM, PTL	
s.107(1)	Function of receiving claim for compensation	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 107(3)	Power to agree to extend time for making claim	DDP, DM, PTL	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	ND	
s 114(1)	Power to apply to the VCAT for an enforcement order	DDP, DM, PTL	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DDP, DM, PO, PTL	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DDP, DM, PO, PTL	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DDP, DM, PTL	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	ND	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	DDP, DM, PTL	
s 130(5)	Power to allow person served with an infringement notice further time	DDP, DM, PTL	
s 149A(1)	Power to refer a matter to the VCAT for determination	DDP	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DDP, DM, PTL	
s 149B	Power to apply to the Tribunal for a declaration.	ND	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	DDP, DM, PTL	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DDP	
s 171(2)(g)	Power to grant and reserve easements	DDP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DDP	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)	DDP	Where Council is a collecting agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DDP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	ESPM, DI, DDP, DM, PTL	
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	ND	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	ESPM, DI, DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	DDP, DM	
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	DDP, DM	
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	DDP, DM	
s 178A(1)	Function of receiving application to amend or end an agreement	DDP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DDP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DDP	
s 178A(5)	Power to propose to amend or end an agreement	DDP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, PTL	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PTL	
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	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	DDP, DM, PTL	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DDP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	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	CEO, DDP	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	CEO, DDP	If no objections are made under s 178D

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DDP	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	CEO, DDP	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DDP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DDP	
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	CEO, DDP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	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	CEO, DDP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DDP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	DDP, DM, PO, PTL	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DDP, DM, PTL	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DDP, DM, PTL	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 182	Power to enforce an agreement	CEO, DDP, DM, PTL	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DDP, DM, PO, PTL	
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	CEO, DDP	
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	CEO, DDP	
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	DDP, DM, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDP, DM, PTL	
s 184G(2)	Duty to comply with a direction of the Tribunal	DDP, DM, PTL	
s 184G(3)	Duty to give notice as directed by the Tribunal	DDP, DM, PTL	
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	DDP, DM, PTL	
s 198(1)	Function to receive application for planning certificate	DDP, DM, PO, PTL	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	DDP, DM, PO, PTL	
s 201(1)	Function of receiving application for declaration of underlying zoning	DDP, DM, PO, PTL	
s 201(3)	Duty to make declaration	DDP, DM, PTL	
	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	DDP, DM, PO, PTL	
	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	DDP, DM, PO, PTL	

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

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DDP, MBS, PHRSC	
s 522(1)	Power to give a compliance notice to a person	EHO, MBS, PHRSC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO	
s 526A(3)	Function of receiving report of inspection	EHO, MBS, PHRSC	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MBS, PHRSC	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	ND	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	ND	
s 11(9)(b)	Duty to advise Registrar	ESPM, DI, EAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	ESPM, DI, EAM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	ESPM, DI, EAM	Where Council is the coordinating road authority
s 12(2)(b)	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	DI	
s 12(10)	Duty to notify of decision made	ESPM, DI, EAM	<p>Duty of coordinating road authority where it is the discontinuing body</p> <p>Does not apply where an exemption is specified by the regulations or given by the Minister</p>
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	ESPM, DI, EAM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	ESPM, DI, EAM	
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	ESPM, CEO, DI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	ESPM, CEO, DI	
s 15(2)	Duty to include details of arrangement in public roads register	ESPM, DI, EAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	ESPM, CEO, DI	
s 16(8)	Duty to enter details of determination in public roads register	ESPM, DI, EAM	
s 17(2)	Duty to register public road in public roads register	ESPM, DI, EAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	ESPM, DI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	ESPM, DI, EAM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	ND	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	ESPM, EAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	ESPM, DI, EAM	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	ESPM, DI, EAM	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	ESPM, DI, EAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)	Duty to specify details of discontinuance in public roads register	ESPM, DI, EAM	
s 19(5)	Duty to ensure public roads register is available for public inspection	ESPM, DI, EAM	
s 21	Function of replying to request for information or advice	ESPM, DI, EAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	ESPM, DI, EAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	ESPM, DI, EAM	
s 22(5)	Duty to give effect to a direction under s 22	ESPM, DI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Duty to inspect, maintain and repair a public road.	ESPM, DI, OM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	ESPM, DI, OM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	ESPM, EAM	
s 42(1)	Power to declare a public road as a controlled access road	ESPM, DI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	ESPM, DI	Power of coordinating road authority and sch 2 also applies

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	ESPM, DI, EAM	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	ESPM, DI	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)	ESPM, DI, EAM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	ESPM, DI, EAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49	Power to develop and publish a road management plan	ESPM, DI, EAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	ESPM, DI, EAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	ND	
s 54(2)	Duty to give notice of proposal to make a road management plan	ESPM, DI, EAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	ESPM, DI, EAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(6)	Power to amend road management plan	ESPM, DI, EAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	ESPM, DI, EAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	ESPM, DI, EAM	
s 63(1)	Power to consent to conduct of works on road	ESPM, DI	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	ESPM, DI	Where Council is the infrastructure manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to comply with cl 13 of sch 7	ESPM, DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	ESPM, DI	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	ESPM, DI, EAM	Where Council is the coordinating road authority
s 67(3)	Power to request information	ESPM, DI, EAM	Where Council is the coordinating road authority
s 68(2)	Power to request information	ESPM, DI, EAM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	ESPM, DI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72	Duty to issue an identity card to each authorised officer	ND	
s 85	Function of receiving report from authorised officer	ESPM, DI	
s 86	Duty to keep register re s 85 matters	ESPM, DI	
s 87(1)	Function of receiving complaints	ESPM, DI	
s 87(2)	Duty to investigate complaint and provide report	ESPM, DI, EAM	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DDP	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 112(2)	Power to recover damages in court	ESPM, DI, EAM	
s 116	Power to cause or carry out inspection	ESPM, DI, EAM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	ESPM, DI, EAM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	ESPM, DI	
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)	ESPM, DI, EAM	
s 121(1)	Power to enter into an agreement in respect of works	ESPM, DI	

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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 5	Duty to publish notice of declaration	ESPM, DI, EAM	
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	ESPM, DI, OM	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	ESPM, DI, OM	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	ESPM, DI, EAM, OM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ESPM, DI, EAM	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	ESPM, DI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	ESPM, DI, OM	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	ESPM, DI, OM	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	ESPM, DI, OM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(5)	Power to recover costs	ESPM, DI, OM	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)	ESPM, DI, EAM, OM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	ESPM, DI, EAM	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)	ESPM, DI, EAM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	ESPM, DI, OM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(4)	Duty to consult	ESPM, DI, EAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	ESPM, DI, EAM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	ESPM, DI, EAM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	ESPM, DI, EAM	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	ESPM, DI, EAM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	ESPM, DI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	ESPM, DI, EAM, OM	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	ESPM, DI, OM	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	ESPM, DI, OM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	ESPM, DI	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	ESPM, DI	Where Council is the responsible road authority

Road Management Act 2004			
Provision	Power 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	ESPM, DI, EAM	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	ESPM, DI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	ND	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	ND	

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	ND	
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	ND	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	ND	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	ND	
r 30(2)	Power to release cremated human remains to certain persons	ND	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	ND	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	ND	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	ND	

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	ND	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	ND	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	ND	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	ND	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	ND	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	ND	
r 40	Power to approve a person to play sport within a public cemetery	ND	
r 41(1)	Power to approve fishing and bathing within a public cemetery	ND	

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 42(1)	Power to approve hunting within a public cemetery	ND	
r 43	Power to approve camping within a public cemetery	ND	
r 45(1)	Power to approve the removal of plants within a public cemetery	ND	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	ND	
r 47(3)	Power to approve the use of fire in a public cemetery	ND	
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	ND	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	ND	

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ND	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	ND	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	ND	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	ND	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	ND	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	ND	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	ND	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	ND	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	ND	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	ND	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	ND	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	ND	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	ND	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP, DM	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	DDP, DM, PTL	

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	DDP	Where Council is the responsible authority
r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	DDP	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	DDP, DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	ESPM, DI, EAM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	ESPM, DI, EAM	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	ESPM, DI, EAM	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	ESPM, DI, EAM	
r 13(1)	Duty to publish notice of amendments to road management plan	ESPM, DI, EAM	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	ESPM, DI, EAM	
r 16(3)	Power to issue permit	ESPM, DI, EAM, OM	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 18(1)	Power to give written consent re damage to road	ESPM, DI, EAM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	ESPM, DI, OM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	ESPM, DI, EAM, OM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	ESPM, DI, OM	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	ESPM, DI, OM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DI, DDP	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DI	Where Council is the coordinating road authority

3 Officer Report for Noting

3.1 Audit and Risk Committee Meeting Minutes 2 April 2025

Directorate: Corporate Services
File Number: S15-28-01
Purpose: Information Only

Council Plan Strategy Addressed

4. Leadership - We will ensure accountable leadership, advocacy and transparent decision making.

4.1 Excellent management and administration

4.1.2 Provide robust governance and effective leadership

Current Strategic Documents

Council Plan

Declarations of Interest

Council Officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

Council's Audit and Risk Committee met on 2 April 2025, and this report summarises the items that were discussed at the meeting.

Discussion

The Audit and Risk Committee met on 2 April 2025 and, as well as the usual procedural items, the agenda included:

- Departmental Presentation – Cat Containment Order in the Swan Hill Municipality
- Internal audit updates – Total Asset Management System
- Internal audit updates – Capital Projects
- Internal audit updates – Budget monitoring and management controls
- Internal Audit Reviews (AFS)
- Audit Strategy Memorandum
- Councillor Expenses October to December 2024
- Quarterly Review of Financial Performance and Position to 31 December 2024
- VAGO Management Letter findings update
- Position Paper for Amendments to AASB 13
- Review of Risk Register
- Quarterly Risk Report
- Review Risk Management Framework
- Bi-annual Report of Audit Committee Activities

- Suspected and Actual Frauds, Thefts and Breaches of the Law by Management
- Drag Strip Update
- Swan Hill Art Gallery and Visitation Centre and Swan Hill Tourism and Cultural Hub Update
- *General Business* – verbal update on the Swan Hill Livestock Exchange

Consultation

Not applicable

Financial Implications

The sitting fee paid to independent members of the Audit and Risk Committee is adjusted annually by CPI. Sitting fees are included in Council's budget.

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

The Audit and Risk Committee helps to oversee Council's risk management practices. Internal and other audits are routinely done to reduce the risk to Council.

Attachments: 1. Audit Risk Attachment Placeholder [3.1.1 - 1 page]

Options

1. Not applicable

Recommendation/s

That Council note the contents of this report.

Confidential attachment

- Audit and Risk Committee - Confidential Unconfirmed Minutes 2 April 2025 (attachment will be included into the in-camera agenda)

4 Decisions Which Need Action / Ratification

4.1 Sign and Seal

Directorate: Chief Executive Officer
File Number: S16-05-01
Purpose: For Noting

Declarations of Interest:

Council officers affirm that no general or material conflicts need to be declared in relation to the subject of this report.

Summary

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

Discussion

During any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/ sealed
1185	Section 173 Agreement – PLN2023080 (Condition 6) 300 River Road, Swan Hill 3585.	Between Swan Hill Rural City Council and D.M.Jennings and R.Jennings.	15/04/25
1186	Contract of the ten steps and reinstate of retaining walls contract 2550413	Between Swan Hill Rural City Council and Civil and Earth Australia Pty Ltd	06/05/25

Note: A Section 173 Agreement is typically a contract between the Council and a landowner that places use or development restrictions on the land.

They are intended to ensure compliance with conditions contained in permits granted by the Council and are often used in subdivision matters. These agreements refer to Section 173 of the Planning and Environment Act 1987.

Consultation

Council authorise the signing and sealing of the above documents.

Recommendation/s

That Council notes the actions of signing and sealing the documents under delegation as scheduled.

4.2 Councillor Briefings - Record of Attendance and Agenda Items

Directorate: Chief Executive Officer
File Number: S15-05-06
Purpose: For Noting

Declarations of Interest:

Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

Summary

The following report provides attendance details of Councillor Briefings on a monthly basis.

Discussion

Whilst Minutes have not been recorded, Agenda items and those in attendance are reported and presented to Council.

A briefing of Councillors is defined as a meeting that is planned or scheduled and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at a briefing but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent briefings of Council are attached.

Council Plan Strategy Addressed

4. Leadership - We will ensure accountable leadership, advocacy and transparent decision making.

4.1 Excellent management and administration

4.1.1 Well managed resources for a sustainable future

4.1.2 Provide robust governance and effective leadership

4.1.3 Sound, sustainable:

- Financial management • Excellence in service delivery • Strategic planning

Current Strategic documents

No strategic documents applicable.

Key Legislation

There is no key legislation applicable

Attachments: 1. COUNCILLOR BRIEFINGS ATTENDANCE AND AGENDA
May (1) [4.2.1 - 4 pages]

Options

Council Briefings are reported to ensure good governance and transparency.

Recommendation

That Council note the contents of the report.

COUNCILLOR BRIEFINGS ATTENDANCE AND AGENDA

15 April 2025 at 3.25pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Council Plan consultation sessions starting
- Livestock Selling Centre - extension to consultation request
- Child Care updates
- Robinvale Hotel - update
- **ADDITIONAL ITEMS DISCUSSED**
- Nil

ATTENDANCE

Councillors

- Cr Stuart King
- Cr Les McPhee
- Cr Philip Englefield
- Cr Hugh Board
- Cr Terry Jennings
- Cr Lindsay Rogers
- Cr Peta Thornton

Apologies / Leave of Absence

- Nil

OFFICERS

- Michelle Grainger, Acting Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Bhan Pratap, Director Corporate Services
- Awais Sadiq, Director Development and Planning
- Ash Free, Finance Manager
- Helen Morris, Organisation Development Manager

Other

- Nil

CONFLICT OF INTEREST

- Nil

COUNCILLOR BRIEFINGS ATTENDANCE AND AGENDA

22 April 2025 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- RDA Loddon Mallee RDA
- Revenue and Rating Plan
- Instrument of Delegations Update
- 64-66 McCrae Street
- 37-39 Campbell St Liquor licence
- Councillor/Directors question time

ADDITIONAL ITEMS DISCUSSED

- Swan Hill Saleyards
- VHM
- Social Media
- Community Plan sessions
- VCAT 5332 Murray Valley Highway

ATTENDANCE

Councillors

- Cr Les McPhee
- Cr Stuart King (online)
- Cr Philip Englefield
- Cr Hugh Board
- Cr Lindsay Rogers

Apologies / Leave of Absence

- Cr Peta Thornton
- Cr Terry Jennings

OFFICERS

- Michelle Grainger, Acting Chief Executive Officer
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Bhan Pratap, Director Corporate Services
- Awais Sadiq, Director Development and Planning
- Ash Free, Finance Manager
- Nathan Keighran, Economic Development Coordinator
- Dennis Hovenden, Manager Economic & Community Development

Other

- Leanne Rosewall and James Sorahan (Regional Development Australia Loddon Mallee)

CONFLICT OF INTEREST

- Cr Lindsay Rogers – declared a material conflict of interest in “VCAT 5332 Murray Valley Highway” and left the Chambers for this item.

COUNCILLOR BRIEFINGS ATTENDANCE AND AGENDA
29 April 2025 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Revenue and Rating Plan
- MacKillop College Development Plan Overlay
- VHM
- Speed Zoning review

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Les McPhee
- Cr Stuart King (online)
- Cr Philip Englefield
- Cr Hugh Board
- Cr Lindsay Rogers
- Cr Peta Thornton

Apologies / Leave of Absence

- Cr Terry Jennings

OFFICERS

- Scott Barber, Chief Executive Officer
- Michelle Grainger, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Ash Free, Acting Director Corporate Services
- Awais Sadiq, Development Manager
- Nathan Keighran, Economic Development Coordinator
- Dennis Hovenden, Manager Economic & Community Development
- Peter Ross, Engineering & Strategic Projects Manager

Other

- Graham Jarvis – AEC Group Rating and Revenue Plan
- McKillop College
- Phil Joyce

CONFLICT OF INTEREST

- Nil

COUNCILLOR BRIEFINGS ATTENDANCE AND AGENDA
6 May 2025 at 1.00pm, Swan Hill Town Hall – Council Chambers

AGENDA ITEMS

- Area 4 & 5 Lake Boga
- Caravan Leases
- Housing Action Swan Hill Investment Model
- Tower Hill Stage 16
- Council's Lease and Licence Policy - Use of Community Halls/lease agreements
- Audit and Risk – Committee Member
- SHRLE committee report
- Potential Sale
- Councillor only session

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Stuart King
- Cr Les McPhee
- Cr Philip Englefield
- Cr Hugh Board
- Cr Terry Jennings
- Cr Lindsay Rogers
- Cr Peta Thornton

Apologies / Leave of Absence

- Nil

OFFICERS

- Scott Barber, Chief Executive Officer (online)
- Bruce Myers, Director Community and Cultural Services
- Leah Johnston, Director Infrastructure
- Ash Free, Acting Director Corporate Services
- Michelle Grainger, Director Development and Planning
- Helen Morris, Organisation Development Manager
- Jess Chislett, Procurement and Properties Coordinator
- Dennis Hovenden, Manager Economic & Community Development

Other

- Nil

CONFLICT OF INTEREST

- Nil

5 Notices of Motion

6 Foreshadowed Items

7 Urgent Items Not Included In Agenda

8 To Consider and Order on Councillor Reports

9 In-Camera Items

RECOMMENDATION

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

Audit and Risk Committee - Membership Renewal - Rosanne Kava

CONFIDENTIAL ITEM This item is to be considered at an In Camera meeting in accordance with Section 3(1) (f) of the Local Government Act 2020, on the grounds that the item concerns personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Audit and Risk Committee Confidential Unconfirmed Minutes 2 April 2025 (attachment only)

CONFIDENTIAL ITEM This item is to be considered at an In Camera meeting in accordance with Section 3(1) (h) of the Local Government Act 2020, on the grounds that the item concerns confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

10 Close of Meeting