

COUNCIL MEETING AGENDA



6:00 PM on Monday, 15 November 2021

Livestreaming at <https://www.bendigo.vic.gov.au>

Broadcast live on Phoenix FM 106.7 ***

COMMUNITY VISION 2021–2031

*Greater Bendigo celebrates our diverse community.
We are welcoming, sustainable and prosperous.
Walking hand-in-hand with the Traditional Custodians of this land.
Building on our rich heritage for a bright and happy future.*

The community vision is underpinned by five values – transparency, sustainability, inclusion, innovation and equity.

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

The [Council Plan](#) (Mir wimbul) is based on seven outcomes, which are the main focus of the Council Plan.

Each outcome has a set of goals, objectives and actions that will help to achieve the community vision, and indicators to measure achievement against each goal:

1. Lead and govern for all
2. Healthy, liveable spaces and places
3. Strong, inclusive and sustainable economy
4. Aboriginal reconciliation
5. A climate-resilient built and natural environment
6. A vibrant, creative community
7. A safe, welcoming and fair community

STAFF VALUES AND BEHAVIOURS

The City of Greater Bendigo's [values and behaviours](#) describe how Councillors and staff will work together to be the best we can for our community.

They are aligned to our strategic documents, such as the Council Plan, which ensures they are meaningful for Council and the organisation.

A shared commitment to living our values and behaviours will help us to build the type of culture we need to be able to work together and support each other to deliver the best possible outcomes for our community.



This Council Meeting is conducted in accordance with the

- Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020,
- [Governance Rules](#); and
- [Local Law Process of Municipal Government 2020](#)

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1. ACKNOWLEDGEMENT OF COUNTRY

2. TRADITIONAL LANGUAGE STATEMENT

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Recommendation: that the Apologies be accepted

6. SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to allow the conduct of the Community Recognition Section and Public Question Time.

7. COMMUNITY RECOGNITION

8. PUBLIC QUESTION TIME

9. RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

10. CR ROD FYFFE REPORT

11. DECLARATIONS OF CONFLICT OF INTEREST

Section 130 of the *Local Government Act 2020* (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

The procedure for declaring a conflict of interest at a Council Meeting is set out at rule 18.2.4 of the Governance Rules.

Section 126 of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** or a **material conflict of interest**.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an *affected person* would gain a benefit or suffer a loss depending on the outcome of the matter.

12. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the [Minutes](#) of the Council Meeting held on Monday October 18, 2021, as circulated, be taken as read and confirmed.

13. PETITIONS AND JOINT LETTERS

13.1. Petition: Public Independent External Review

Purpose

[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA). Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officers reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories].

Summary

The following petition has been received from residents and ratepayers as outlined below:

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal".

Signatures - 55

Recommended Motion

That Council receive the petition and a response be prepared within three (3) meetings.

Attachments

1. Petition

Attachment 1 - Petition from Ted Coleman and Michael McKenzie for Public Independent External Review_Redacted

Greater Bendigo City Council
15 Hopetoun Street,
Bendigo 3550

Ted Coleman and
Michael McKenzie

[REDACTED]
Strathfieldsaye, 3551

4 November 2021

Dear Councillors,

Please find enclosed a Petition to the Greater Bendigo City Council to facilitate a Public Independent External Review of the City of Greater Bendigo to be completed no later than June 30, 2023.

Also attached is the proposal - *A 2022-23 Search for Improvement Ideas* – that supports the petition.

We seek your support. We are prepared to meet with Council (Councillors) to further the cause of the Review.

Yours sincerely,

Michael McKenzie

[REDACTED]

[REDACTED]

Ted Coleman

[REDACTED]

[REDACTED]

RECEIVED

4 NOV 2021

City of Greater Bendigo

Petition - Greater Bendigo City Council Proposal

A 2022-23 Search for Improvement Ideas **Public Independent External Review**

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November 2021

1

Introduction:

In December 2012 the Greater Bendigo City Council (*Council*) authorised Public Independent External Review (Review) of the City of Greater Bendigo (*council* administration). The Review was a constructive search for improvement ideas to enhance effectiveness, efficiency, accountability, and performance. It was completed in June 2013

Outstanding organisations conduct external reviews cyclically. Back in 2011-12 we suggested a seven to ten-year cycle. We now propose another Review to commence late 2022 to be completed by June 2023.

History

From 2011 to late 2012, a small number of residents attempted to have Greater Bendigo City Council conduct a Review of the City of Greater Bendigo.

Those attempts met entrenched resistance from CoGB's CEO, senior officers and compliant GBCC Councillors.

In November 2011 a public petition seeking a CoGB Review was presented to the Council. The purpose of the Review was to constructively search for improvement ideas to enhance both Council and council effectiveness, efficiency, accountability and performance. Review proponents informed a Councillors' forum efficiencies and savings of between \$1m to \$2M were possible.

In response, council officers in a 12-page report to the 25 January 2012 Council Meeting, bucketed the petition, and in a 7-2 decision resolved: *Moved Cr Reade, seconded Cr Lyons. Council resolve to advise the proponents of the petition that the independent review as proposed is not supported because existing reviews and specific independent reviews initiated from time to time are considered adequate and the cost of a wide-ranging review is not warranted.* Subsequently that was proved to be poorly judged and very inadequate. A Review was warranted.

2

Fortunately, following a Council election in late 2012, the new Council led by Cr's Cox and Ruffell, despite strong officer resistance, resolved to conduct a Review from January to June 2013. The Review terms of reference and model were agreed upon. The Review budget \$250,000.

The Review's June 2013 Final Report delivered 69 recommendations finding numerous operational efficiencies and improvements, and saving residents millions of dollars

Council's response - *Implementation of the Independent Review of the City of Greater Bendigo, July 2016*, page 2 - best describes the Review outcomes. Then Mayor Fyffe and CEO Niemann, strong opponents of a Review, noted the benefits - *"As you will see the achievements have been considerable and far reaching. There are the obvious and easily measured benefits including substantial annual savings in expenditure, considerable operating efficiencies and improvements in services and systems. The final result is arguably one of Council's most significant achievements in a period of important milestones."* See Appendix 1 - Key Achievements.

Today

Council has many things to be proud of, yet, it recognises there are things it can do better, and improvement is possible. Residents, even though their perceptions may be different to that of Councillors and council officers, can identify success, and know of things council can do better.

We know Councillors and senior staff work to the best of their ability within a complex and bewildering system. However, all residents want a council that is continually improving; striving to be better, even if council was currently the best council in Australia.

We, the petitioners, believe there is further opportunity to improve council's effectiveness, efficiency, accountability, and performance particularly when current council performance is measured against its past performance. The 2021 Community Satisfaction Survey Report gives a lead, "... overall performance ... remains lower than that achieved back in 2012 to 2014 -- demonstrating higher results are achievable." The CSS Report's ten-year graphs are devastatingly revealed that truth.

We also believe there needs to be an assessment of the effectiveness of council's implementation of the 2013 Independent Review Report's recommendations.

Future Processes

It is again time for Council to be bold and as open as it was in 2013. Council's commitment to continuous improvement to generate a positive net community benefit must be delivered. The proposed Review will assist in that process. A Review will establish an externally verifiable performance benchmark for Councillors and the public.

To meet the late 2022 - June 2023 timeframe, we propose Council develop Review operational guidelines and a timeline. The attached guidelines and chart provides a model for Council to consider (see appendix 2, 'GBCC Review Model - Operational Guidelines and Flow Chart.')

Despite any differences, the Review model put forward presents an opportunity for Councillors and staff to move forward with the community in a team search for positive ideas to strengthen and improve the CoGB.

An important process would be Councillors transparently form a community weighted Independent Review Advisory Committee (IRAC – Role, see Appendix 2, 1c).

3

Initially IRAC would provide recommendations to the Council on the Review's terms of reference based on broad resident consultation. Councillors have the final say as to the terms.

Examples only of areas that could be blended in to the Review's terms of reference (to be developed through IRAC's community consultation) include:

1. Council's performance implementing the 2013 review recommendations.
2. Determine if suburbs, townships, and rural areas receive a fair share of services, infrastructure, facilities, resources, and road sealing and maintenance
3. Assess CoGB's use of analysis tools in officers' reports to Council like: cost benefit analysis, opportunity cost analysis, comparative analysis, diminishing returns,
4. Provide advice on the use of flow-on and multiplier effect in priority project economic analysis.
5. Determine the appropriateness of the Neighbourhood policy.
6. Assess the results of Township and Community Plans including Strathfieldsaye 2009,
7. Council's overall economic development performance, including evaluating the present arrangement of the Economic Development, Tourism and Major Events, Bendigo Art Gallery, and Bendigo Venues and Events within the Strategy and Growth directorate, against placing the units outside the CoGB into a separate independent entity.
8. Provide advice on improving staff retention rates,
9. Setting long-term aspirational goals for Community Satisfaction Survey outcomes, execute appropriate plans and track progress annually.
10. Search and identify future improvements for:
 - transparency,
 - accountability
 - major project develop & delivery,
 - key Plan and Policy document presentation and effectiveness,
 - directorate management structure and operations,
 - services and systems,
 - operating efficiencies,
 - annual & on-going savings,

- strategy and policy development, implementation, and evaluation,
 - adequacy of public engagement and communication on matters that go before Council.
11. Notify the IRAC of important issues that arise that are outside of the terms of reference.

Who Conducts the Review and Who Can Participate and Contribute?

An independent firm of accredited reviewers working with Council's appointed Review Advisory Committee that would involve and engage the public, Councillors and officers through submissions, interviews, public meetings, and surveys if required.

Independent and External?

An independent external accredited reviewer, working within 'terms of reference', brings a fresh set of professional impartial eyes to build on the City's knowledge to deliver the best possible outcomes, confirm excellence, and recommend identifiable and justifiable improvements. In part this was achieved with the 2013 Review.

Open and Public?

To undertake the Review successfully the reviewer needs open access to Councillors, staff, council documents, and to source ideas from the public. It is a public review, and must reflect public issues.

The Review would engage the public, Councillors and staff in the development of the 'terms of reference', and in the Review's public process via meetings, submissions and hearings

The role of the public is paramount, and consistent with council's community engagement framework, and values' statement, "*Council will achieve its vision by working with the community and business, displaying leadership in its decision-making, operating in an open manner and basing decisions on sound information.*", to "*Live our Potential*".

4

Transparency is essential. Release Review reports simultaneously to council and the public.

Conclusion

A public independent external Review remains innovative; GBCC can again be a leader in this endeavour. The Review seeks a constructive pathway to improve local government outcomes for Greater Bendigo. There is real public and business support.

The Review's strengths are the independent reviewer is external and non-government, the public involvement, and transparency. *Council* can continue to be a State leader in effectiveness and community accountability.

Subject to the 'terms of reference', anticipated improvements, efficiencies and savings will exceed the cost of the Review. And at the **very** least, they will endorse any existing best practice.

A number of Greater Bendigo residents endorse and support this paper, and petition the Council to conduct the Review (Appendix 3).

Recommendation

Council conduct a public independent external Review of the City of Greater Bendigo within an agreed 'terms of reference' with the aim to complete the Review no later than June 30, 2023. Council give fair consideration to the proposal, the operational ideas and the timeline flowchart.

[2013 Review] **Implementation of the Independent Review of the City of Greater Bendigo – July 2016, Executive Summary** – page 4 extract

Appendix 1

Key Achievements

The Independent Review of the Council and organisation has created a more efficient and responsive, better-governed organisation equipped to engage with and meet the needs of its growing community. Since the Final Report of the Review was released in June 2013 action on its findings and recommendations has resulted in:

Governance

- Improved systems and processes for the good governance of the organisation,
- Increased support for Councillors, including training and education, to undertake demanding and increasingly time-consuming roles.

Income and Expenditure and Economic Development

- Net savings predicted to reach more than \$4.2 million for the four years to 30 June 2017,
- Significant improvements to the annual budget process including improved expenditure scrutiny measures resulting in the removal of \$3.67 million of expenditure items from the 2016-17 budget,
- The retention and 'refreshment' of the City Futures Directorate as the City's primary vehicle for driving Greater Bendigo's economic development and jobs growth,
- Substantially increased support for small business.

Quality of Service Delivery, Management and Staffing, Structure and Innovation

- The introduction of an ongoing service review program to reach all parts of the organisation over the next three years,
- Improvements to a range of services including statutory and strategic planning,
- A new system for measuring the performance of Directorates, Business Units and individuals to encourage a culture of high performance at all levels of the organisation,
- A better system for recording, tracking and responding to customer inquiries, requests and complaints,
- The consolidation of Bendigo and Heathcote customer support phone systems,
- An offer to work with the State Government to explore the feasibility of providing a single building or one-stop-shop to house a range of State and Council services

5

Prioritising Capital and Major Works

- A more transparent, objective and rigorous approach to evaluating and prioritising projects to be funded through the Capital Works program,
- An overhaul of asset management resulting in:
 - An increase of approximately \$5 million in annual spending on asset renewal,
 - An estimated \$60 million reduction in the forecast asset renewal funding gap over the next 10 years. (Source: City of Greater Bendigo: Asset Management: Projected 10 Year Renewal Funding Profile, 2016.)

Communication and Community Engagement

- Better guidelines and standards to improve the organisation's ability to engage residents in the decision-making process.

Appendix 2

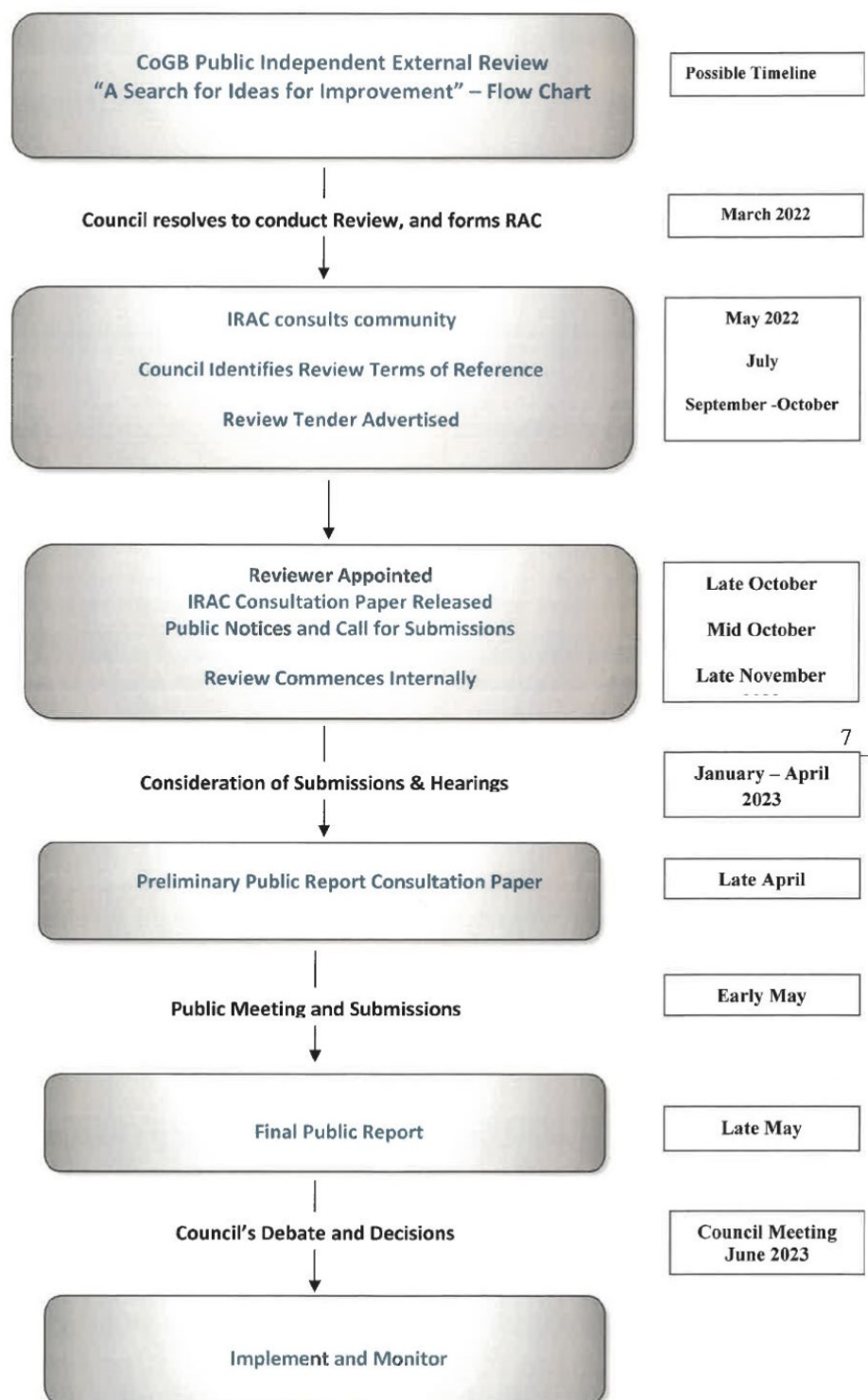
GBCC Review - Operational Guidelines - Model

1. GBCCouncil:
 - a. Meet with the petitioners to discuss and reach consensus on the Review's implementation.
 - b. Keep public informed. Transparency, information, notices and consultation is essential throughout Review
 - c. Form an Independent Review Advisory Committee (IRAC) - 2 councillor, 3 public members (and Reviewer) to provide advice on terms of reference, work with the Reviewer, and provide advice on the conduct and management of the Review to Council to ensure compliance with due process and the Review 'ToR'. Further IRAC roles are noted below.
 - d. Councillors resolve Terms of Reference based on advice from the IRAC. Instruct the CEO to Tender out the Review. Councillors formally select the Independent Reviewer from the applicants.
 - e. Appoint a council officer as an impartial Review administrative officer to assist the Review and IRAC for the duration of the Review.
 - f. Authorise an Information Paper based on advice from the IRAC, to guide the public, Councillors, and council staff.
 - g. IRAC conduct a pre-Review public information forum to explain the Review and give the public the opportunity to raise general issues.
 - h. Council administration undertake its own self-assessment and identify those things it believes it does well, and those requiring attention and the means by which it intends to improve, and present that assessment to Reviewer.
2. Reviewer conducts Review within the organisation with access to Councillors, staff and council documentation. This is the bulk of Review. Note, the 'terms of reference' would direct the reviewer, not the CEO or Councillors.
3. Public Submissions and Hearings: IRAC calls for public submissions around the terms of reference (including from Councillors and council staff) in a search for general ideas to improve GBCC. The Reviewer may consider public submissions even if they are outside the ToR. Pro-forma should be used for staff and public submissions. Initially submissions should be no more than 250 words, then, if the reviewer requires more detail, the reviewer or IRAC would make individual contact.

All submissions to be made public and available online. IRAC to conduct a public hearing to 'hear' those who wish to have their submission heard. Hearings open to the public. IRAC also interviews a random sample of residents and staff.
4. Reports: All reports simultaneously available to *Council* and the public. Preliminary Report: In response to research and public submissions/hearings, the Reviewer will prepare a preliminary report including improvement recommendations. Public comment/submissions sought.

Final Report: After assessment of public comment, the Reviewer/Board prepares a final report for *Council* including performance improvement recommendations - presented unmodified at a public *Council* meeting. The Councillors debate publicly to decide implementation of the Review Report.
5. Implement approved recommendations and establish follow-up monitoring regime.

6



Appendix3

Review Public Petition

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

Name	Address	Signature
Colin J. CARRINGTON	[REDACTED]	[REDACTED]
JOHN D. WALLACE	[REDACTED]	[REDACTED]
RICHARD S. PIESIK	[REDACTED]	[REDACTED]
WILLIAM LACK	[REDACTED]	[REDACTED]
DON L. JARVIS	[REDACTED]	[REDACTED]
GREGG L. MATTHEWS	[REDACTED]	[REDACTED]
ARON SPONG	[REDACTED]	[REDACTED]
FODDER CAFE	[REDACTED]	[REDACTED]
D. Smedholm (DATE)	[REDACTED]	[REDACTED]

Appendix 3

Review Public Petition

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

Name	Address	Signature
ALAN HOWARD	[REDACTED]	[REDACTED]
PETER McKENZIE	[REDACTED]	[REDACTED]
IAN HIRKE	[REDACTED]	[REDACTED]
IAN McINDOE	[REDACTED]	[REDACTED]
JARRON BUTLER	[REDACTED]	[REDACTED]
LINDA CURRIE	[REDACTED]	[REDACTED]
BRENDAN CURRIE	[REDACTED]	[REDACTED]
Fiona Smethurst	[REDACTED]	[REDACTED]
Lisa Howard	[REDACTED]	[REDACTED]

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Name

Address

Signature

Name	Address	Signature
T. Smayda	[REDACTED]	[REDACTED]
S. T. Smayda	[REDACTED]	[REDACTED]

Appendix3

Review Public Petition

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

Name	Address	Signature
Margaret McDonald		
Kevin McDonald		
MAX TURNER		

Appendix3

Review Public Petition

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Name	Address	Signature
Alan Ellis	[REDACTED]	[REDACTED]
Shirley Turner	[REDACTED]	[REDACTED]
ALAN BOWLES	[REDACTED]	[REDACTED]
LOUISE MORGAN	[REDACTED]	[REDACTED]
WAYNE BLANDFORD	[REDACTED]	[REDACTED]

Appendix3

Review Public Petition

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

Name	Address	Signature
Bill KNIGHT		
JESS SARGEANT		
LUCY SARGEANT		
Marie Guttridge		

Appendix3

Review Public Petition

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Name

Address

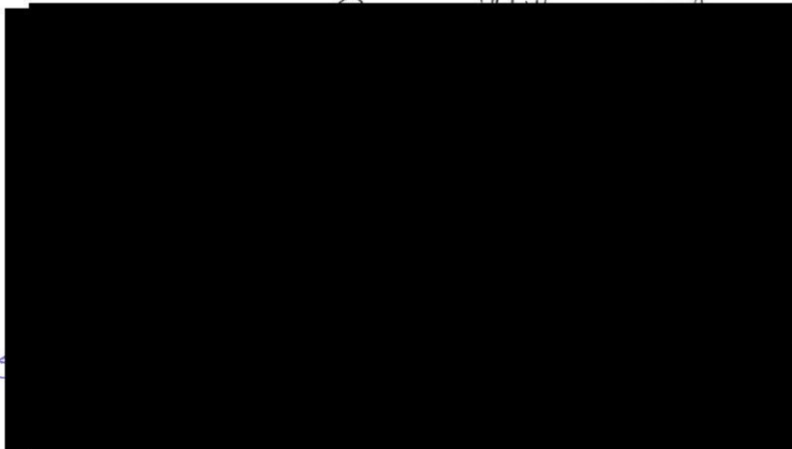
Signature

L. SARGEANT



[Handwritten signature]

H SARGEANT



Garry Mawby

Peter Moyle

Marko Hall

Wanda Hall

Appendix3

Review Public Petition



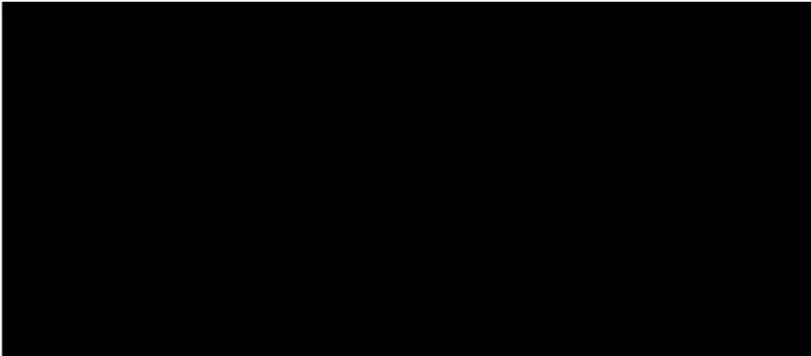
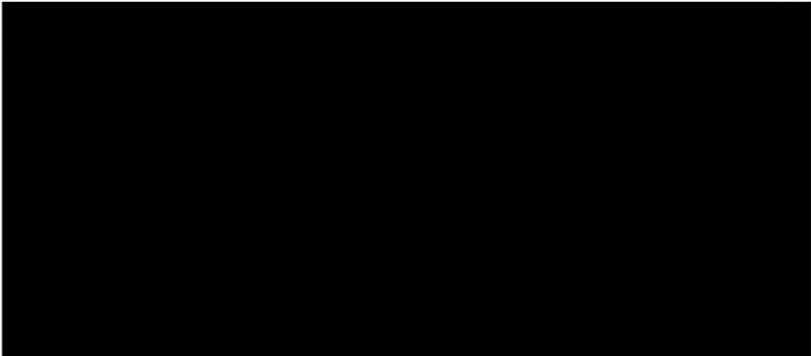


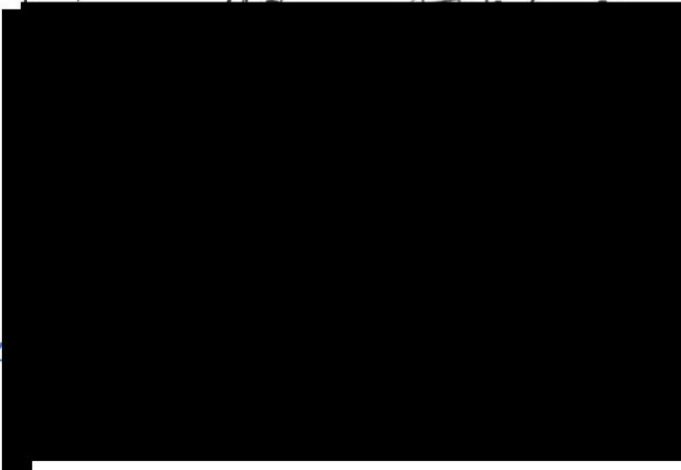
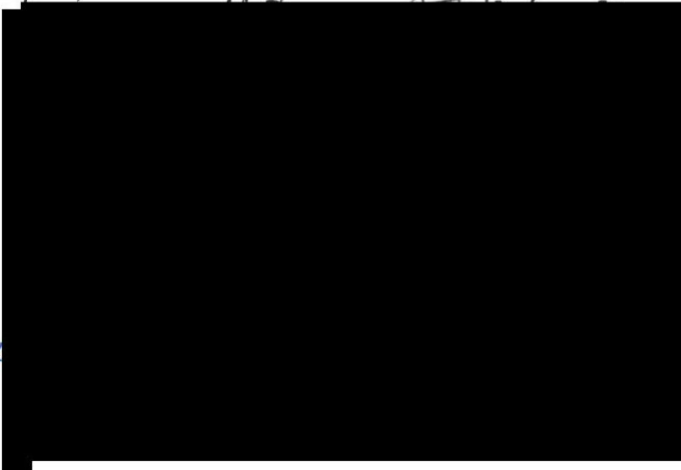


"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

Name	Address	Signature
MARILYN INNES		

Appendix3

Review Public Petition

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Name	Address	Signature
Oue Baeck		
GEOFF BAECK		
17 WRIGHT		
Rosely Joseph		
KEVIN UMINA		
Kevin Rose		
Donna Speechley		
PAT GUTHRIE		
Mary Corbett.		
Richard Logan		
John Barry		
Rick McNAMEE		
JULIENNE PRICE		
Kevin Lane		
MICHAEL MCKENZIE		
Ted Coleman		

14. LEAD AND GOVERN FOR ALL

14.1. Audit and Risk Committee Minutes

Author	Anna Connolly, Risk and Assurance Advisor
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The Audit and Risk Committee Charter as per the Governance Rules, Public Transparency principles and Governance principles in the Act, states that the unconfirmed minutes of the Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and noting.

Summary

The Audit & Risk Committee's (Committee) Charter requires that the unconfirmed minutes of each Committee meeting will be reported to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and noting.

RECOMMENDATION

That Council:

1. Notes the unconfirmed minutes of the Audit and Risk Committee held on the 9 September 2021; and
2. Notes that the minutes will be endorsed by the members of the Committee at the next Committee meeting on 11 November 2021, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.

Policy Context

Primary Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 - Lead and govern for all

Background Information

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Audit and Risk Committee has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee comprises of seven members (three Councillors and four independent, external members), appointed by Council and is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions
 - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal audit function
- oversee external audit functions.

The Committee engage with management in discharging its responsibilities and formulating its advice to the Council. The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

The committee meet at least four times per year. In addition to these meetings, one or more special meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee.

Report

The Committee Chair approved the Audit and Risk Committee minutes for the meeting held on the 9 September 2021 on the 27 September 2021. The unconfirmed minutes of the meeting are attached to this report.

Consultation/Communication

As part of its commitment to good governance, Council's Audit and Risk Committee acts as an independent advisory committee to Council, established under Section 53 of the Local Government Act 2020. The Audit & Risk Committee Charter requires the Committee meet with Council's Internal and External Auditors in reviewing Council's financial and non-financial reporting as well as risk management.

The Chairperson also prepares a report to Council on the Committee's activities twice per annum including the Committee's findings and recommendations along with agreed actions.

Resource Implications

N/A

Attachments

1. Unconfirmed Audit and Risk Committee Meeting Minutes for the 9 September 2021

Attachment 1 - 2021 Audit and Risk Committee 9 September 2021 - Unconfirmed Minutes

**AUDIT AND RISK COMMITTEE MEETING
MINUTES 9 September 2021 3.00pm-
5.00pm LOCATION: MS TEAMS**

Present:

Members: Warren Pollock (Chair)
Stephen Brown
Jovana Obradovic-Tantra
Mayor Cr Jennifer Alden
Cr Margaret O'Rourke
Cr Andrea Metcalf

Officers:	Craig Niemann	Chief Executive Officer
	Andrew Cooney	Director Corporate Performance
	Steve Hamilton	Director Strategy and Growth
	Nathan Morsillo	Manager Financial Strategy
	Jessica Clarke-Hong	Manager Governance
	Ben Devanny	Manager Business Services and Economic Development (for Agenda Item 7 only)
	Daniella McClure	Manager Property Services (for Agenda Item 7 to 9 only)
	Vicki Bayliss	Bendigo Airport Manager (for Agenda Item 7 only)
	Mark Eeles	Coordinator Financial Reporting and Operations
	Anna Connolly	Risk and Assurance Advisor
	Rosemary Broad	Risk and Assurance Officer

Attendees:	Brad Ead	Internal Auditor, AFS and Associates
	Pty Ltd	
	Kathie Teasdale	External Auditor, RSD Chartered Accountants
	Mahesh Silva	External Auditor, RSD Chartered
	Accountants	Cr Julie Sloan Councillor

Apologies: Shannon Buckley

2. Welcome

Warren Pollock opened the meeting and welcomed all in attendance.

Warren gave a brief update that Robert Stephenson (subject to Council approval) will commence his term as a new independent member on 1 October 2021, due to the recent departure of Shannon Buckley. Jovana Obradovic-Tantra will be reappointed (subject to Council approval) for a further three year term.

3. Acknowledgement of Country

4. Declarations of Conflict of Interest and Pecuniary Interest

Committee recommendations must be transparent and accountable, to protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly. If a conflict of interest exists, it must be declared and managed.

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. A member has a **conflict of interest**

if they have:

- (a) a general conflict of interest within the meaning of section 127 of the Act
- (b) a material conflict of interest within the meaning of section 128 of the Act

Members of the Committee will provide declarations in accordance with statutory requirements.

At the beginning of each committee meeting, members are required to declare any conflict of interest that may apply to matters on the meeting agenda and will then be required to leave the room while those items are considered. Declared conflicts will be appropriately recorded in the minutes.

Stephen Brown declared that he is an employee of the Bendigo and Adelaide Bank.

5. Previous Minutes

The minutes of the Audit and Risk Committee meeting held on 13 May 2021 were previously circulated.

Motion: That the minutes of the Audit and Risk Committee meeting of 13 May 2021 be accepted.

**Moved: Cr Andrea Metcalf
Brown**

Seconded: Stephen

6. External Auditor and Finance Update

An introduction and commentary for the financial papers was given by Nathan Morsillo.

- The Finance Report shows an operating surplus.
- The most significant movement in asset valuation was with buildings.
- There was general discussion on the financial statements on intangible assets and how they are valued.

Draft Financial Statements and Performance Statements 30 June 2021

There was general discussion on the reports.

Action: To clarify if the Workforce turnover of 10.7% for 2021 includes Working for Victoria figures

Action: To review benchmarking with other Council's on amount of unused leave balances

Draft Management Letter

The Draft Management Letter noted an audit recommendation in relation to a centralised grant register. Assessment is generally completed at end of year.

Three findings from 2019 and 2020 were completed and two remain outstanding.

Draft Closing Report

The closing report notes that the draft financial statements have been presented fairly, and that the audit has been substantially completed. There was no material audit differences, and minimal impacts on the audit process due to COVID-19.

Motion: That the Audit and Risk Committee approve “in principle” the draft Financial Statements and the draft Performance Statement as presented.

That the Chair of the Audit and Risk Committee be notified of any material changes proposed to be made to any of the Statements. If the changes are notable the Chair will decide whether the Audit and Risk Committee requires a further meeting to consider the changes prior to two Councillors signing off on the Statements.

Moved: Cr Andrea Metcalf

Seconded: Jovana Obradovic-Tantra

Quarterly Finance Report 30 June 2021

Nathan Morsillo provided an overview of the Q4 results and report.

The Finance Report shows an operating surplus, with some one-off adjustments for sale of land and grants received, leaving the forecast result close to the original (COVID-19 amended) budget for the financial year. Capital delivery (expenditure) was noted as behind forecasts, however there was additional scrutiny and reporting of this within the report to set up for next year.

It was noted that there are potential COVID-19 issues still materialising, but that this has not appeared to have had a significant impact on rate collection. The hardship policy for COVID-19 remains in place.

Meeting without Management

7. Internal Auditor Update

Council's Internal Auditor from AFS, Brad Ead provided an overview of the reports which were tabled as read.

Internal Audit Program Status

Update

AFS suggested the following changes to the current program for consideration by the Audit and Risk Committee. The changes were escalated as a result of consultation with management and the Executive Team:

- The Livestock Exchange review is considered for removal from the program (currently in year 4) as accreditation and internal review processes are planned and being prepared for the Livestock Exchange, to avoid duplication of activity in this area.
- The Payroll topic is removed from the program (currently in year 4) given the current review work being undertaken over Payroll, to avoid duplication of activity in this area.
- If the above topic areas are removed, we would suggest that the Native Vegetation removal and Low Value Procurement topics are brought forward in the program from year 5.

The following is a status update on audits:

Upcoming Audit	Commencement of Fieldwork	Status
Airport Operations	8 June 2021	Completed and presented at the Audit and Risk Committee on the 9 September 2021

Past Issues audit – Depot	8 June 2021	Completed and presented at the Audit and Risk Committee on the 9 September 2021
Occupational Health and Safety and Wellbeing	14 September 2021	Internal Audit Planning document tabled at the Audit and Risk Committee on 13 May 2021
Fees and Charges	9 November 2021	Internal Audit Planning Document tabled at the Audit and Risk Committee on the 9 September 2021

Recent Reports and Publications

Recent reports and publications were presented to the Committee.

Past Issues Depot Operations

The Past Issues Depot Operations Internal Audit was completed in June 2021 with four recommendations accepted as being actioned and it identified that three are still in progress.

Airport Operations

The Airport Operations Internal Audit was completed in June 2021 with six recommendations accepted by Management.

The City's existing processes effectively support the delivery of its objectives in the Bendigo Airport Strategic Plan 2017, however there's scope to further optimise this. A review of the Strategic Plan to span 2022-2027 will address the changing environment of operations, the terminal redevelopment and the potential growth of flight services.

There was a general discussion on some recommendations with assurance from the Bendigo Airport Manager that the new requirements for the Transport Security Act were reviewed by the Department of Home Affairs.

Fees and Charges

A review is to be undertaken on Fees and Charges in November 2021 with a request for benchmarking to be included.

8. Risk and Assurance

Anna Connolly provided an overview of the reports which were tabled as read.

Risk and Assurance Report

An update on Risk and Assurance activities was provided:

- Review of the City's insurance renewals for 2021/2022
- Face to face Fraud and Corruption Awareness training is continuing to be rolled out
- A desktop exercise for Business Continuity has been postponed until 25 November 2021.

Other matters to be reviewed from the Audit and Risk Committee Workplan:

Taken as read.

- Matters arising from previous minutes
- Review of key policies
- Recruitment process - Independent Member

Action: To circulate the Self-Assessment Questionnaire to Councillors and independent members of the Committee

Internal Overdue Audit

Actions Report was

tabled as read.

The extension requests were approved for overdue actions for Management of Contaminated Land, Leases and Licences and other forms of Agreements, Payroll and Accounts Payable and Internal Credit Cards.

Motion: That the request for an extension for the internal Overdue Audit Actions be accepted

Moved: Cr Andrea Metcalf Seconded: Cr Margaret O'Rourke

9. Management of Contaminated Land Policy

Daniella McClure provided an overview of the policy which was approved by EMT earlier in the year, which was an outstanding action of the Contaminated Land Internal Audit. Since the policy was endorsed, new legislation has come into effect, which will be included in the next review scheduled for April 2022.

10. CEO Report

The report was taken as read.

The budget was adopted at the Council meeting on the 24 June 2021.

Steve Hamilton has been appointed as the Director Strategy and Growth following the resignation of Bernie O'Sullivan.

An update was provided on the Land Use Activity Agreements and general discussion followed.

11. Workplan

The ARC Workplan was attached to the Agenda and is taken as read.

12. General Business

A query during Agenda Item 6 on Workforce turnover of 10.7% for 2021 was clarified that it did not include Working for Victoria figures.

A query during Agenda Item 6 on Work leave balances of the City were compared with Ballarat and Geelong Council's in the below table:

Employee Provisions/ Employee Costs 2019/2020			
	Bendigo \$000	Ballarat \$000	Geelong \$000
Total Employee Provisions	\$16,590	\$16,924	\$34,610

Employee Costs	\$68,653	\$67,499	\$163,273
	24.17%	25.07%	21.20%

Upcoming 2021 meetings

Date	Time	Comments
Thursday 11 November 2021	2-4pm	Bendigo Town Hall

Meeting closed at 5.00pm**Distribution**

Members: Warren Pollock
Stephen Brown
Shannon Buckley
Jovana Obradovic-
TantraMayor Cr
Jennifer Alden
Cr Andrea Metcalf
Cr Margaret O'Rourke

Officers: Craig Niemann Chief Executive Officer
Andrew Cooney Director Corporate Performance
Steve Hamilton Director Strategy and Growth
Jessica Clarke-Hong Manager Governance
Ben Devanny Manager Business
Services and Economic Development
Daniella McClure Manager Property
Services
Vicki Bayliss Bendigo Airport Manager
Nathan Morsillo Manager Financial Strategy
Mark Eeles Coordinator Financial Reporting and Operations
Anna Connolly Risk and Assurance
AdvisorRosemary Broad Risk and Assurance
Officer

Attendees: Cr Julie Sloan Councillor
Brad Ead Internal Auditor, AFS and
Associates Pty Ltd Katie Dempster Internal Auditor, AFS and
Associates Pty Ltd Kathie Teasdale External Auditor, RSD
Chartered AccountantsMahesh Silva External Auditor, RSD
Chartered Accountants

Copy of minutes to be distributed to all Councillors

14.2. Update to Instruments of Delegation

Author	Ryan Millard, Coordinator Legal Services
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to seek Council adoption of an updated Instrument of Delegation (S6) from Council to members of Council staff.

Summary

The S6 instrument delegates certain powers directly from Council to members of Council staff and has been updated to reflect legislative and organisational changes. The updated instrument requires approval from Council.

Recommended Motion

That Council approve the attached S6 Instrument of Delegation from Council to members of Council staff which will come into force immediately upon the common seal of Council being affixed to the instrument.

Policy Context

Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Accountable, financially responsible, equitable, transparent decision making

Other Reference(s):

Council Policy Reference: [Delegations and Authorisations Policy](#)

Background Information

An instrument of delegation is a written document that specifies what powers are delegated and to whom.

Delegations empower employees with the authority to make binding decisions on behalf of the Council. This enables timely decisions to be made on the front line, by employees or committees with the required specialised knowledge. For example, most decisions on planning permit applications are made by planning officers with the right level of expertise or qualification, subject to appropriate oversight.

Council currently delegates:

- Duties and powers to the CEO (subject to several limitations). The delegation is set out in the [S5 Instrument of Delegation from Council to Chief Executive Officer](#) authorised by Resolution of Council on 19 August 2020 and reviewed and approved by Council on 19 July 2021;
- Legislative powers to specific members of staff. These delegations are set out in the S6 Instrument of Delegation from Council to Members of Council Staff authorised by Resolution of Council on 19 July 2021; and

- [S18 Instrument of Sub-Delegation from Council to Members of Council Staff under the Environment Protection Act 2017](#) authorised by Resolution of Council on 19 July 2021.

Previous Council Decision(s) Date(s): 19 August 2020, 19 July 2021

Report

The S6 instrument relates to 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. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

Some of the changes to the S6 include:

- section 36A, 36B and 40F of the *Food Act 1984* are now in force;
- sections 4H, 4I, 18, 21(2), 26(1), 26(2), 28(1), 28(2), 28(4), 41(1), 41(2), 42(2), 49(2), 51, 57(5), 70, 97G(6), 179(2) of the *Planning and Environment Act 1987* have been amended to reflect the changes made under the *Planning and Environment Amendment Act 2021*, in particular the new requirement to make certain information/documents available in accordance with the public availability requirements;
- sections 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3), 206AZA(2), 207ZE(2) of the *Residential Tenancies Act 1997* are now in force;
- the *Residential Tenancies Regulations 2021* has been inserted and is in force

Consultation/Communication

A period of consultation was undertaken across the organisation. The draft instrument was circulated to managers for review. With the feedback received, the instruments were revised prior to a final draft being developed. The suite of instruments was then considered by EMT.

Resource Implications

The suite of instruments of delegation is based on the Maddocks' local government delegation service. Impact on the budget is negligible. The subscription to the Maddocks' service costs \$4,000 per year, which includes access to all materials relating to delegations and authorisations and bi-annual updates to ensure the instruments accurately reflect changes and additions to legislation.

Attachments

1. S6 – Instrument of Delegation by Council to Members of Staff (updated)

Attachment 1 - Att. 1 DOCSETID 4630998 S6 Instrument of Delegation Council to Staff_Council Meeting 15.11.21



S6 Instrument of Delegation – Members of Staff

Greater Bendigo City Council

Instrument of Delegation

to

Members of Council Staff

S6 Instrument of Delegation – Members of Staff

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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 18 October 2021; and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 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 2.3, 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; or
 - 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) strategy,adopted by Council;

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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.

APPROVED under the COMMON SEAL)
of the GREATER BENDIGO CITY COUNCIL)
in the presence of:)

.....
Chief Executive Officer

.....
Full name

.....
Date

.....
Usual address

SCHEDULE

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog.	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations 	Council may delegate this power to a Council authorised officer.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	If s 19(1) applies.
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	If s 19(1) applies.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	<p>If s 19(1) applies.</p> <p>Only in relation to temporary food premises or mobile food premises.</p>
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	If s 19(1) applies.
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	If s 19(1) applies.
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	If s 19(1) applies.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution.
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Where Council is the registration authority.
s 19CB(4)(b)	Power to request copy of records.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19E(1)(d)	Power to request a copy of the food safety program.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician • Administration Systems and Support Officer 	Where Council is the registration authority.
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Where Council is the registration authority.
s 19NA(1)	Power to request food safety audit reports.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Where Council is the registration authority.

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations 	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Except for an assessment required by a declaration under s 19C or an inspection under s 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Where Council is the registration authority.
---	Power to register, renew or transfer registration.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority. Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2)).
s 36A	Power to accept an application for registration or notification using online portal.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	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).	<ul style="list-style-type: none"> • Not delegated 	Where Council is the registration authority. Fees are determined in the Council's annual budget process.
s 38A(4)	Power to request a copy of a completed food safety program template.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b).	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d).	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(3)	Power to request copies of any audit reports.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.
s 38E(2)	Power to register the food premises on a conditional basis.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer 	Where Council is the registration authority.
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c).
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act</i> 2008.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.
s 40D(1)	Power to suspend or revoke the registration of food premises.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Technician 	Where Council is the registration authority.
s 40F	Power to cancel registration of food premises.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations • Environmental Health Officer • Environmental Health Technician 	Where Council is the registration authority.
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations 	Where Council is the registration authority.

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers.	<ul style="list-style-type: none"> • Not delegated 	<p>Must first obtain Executive Director's written consent.</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.</p>



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	<ul style="list-style-type: none"> • CEO 	The only member of staff who can be a delegate is the CEO

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	If authorised by the Minister.
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner • Planner Amendments 	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner • Planner Amendments 	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner • Planner Amendments 	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planners 	
s 8A(5)	Function of receiving notice of the Minister's decision.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner • Planner Amendments 	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Strategic Planner • Planner Amendments 	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner • Planner Amendments 	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner 	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12B(1)	Duty to review planning scheme.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 12B(2)	Duty to review planning scheme at direction of Minister.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner • Planner Amendments 	
s 17(1)	Duty of giving copy amendment to the planning scheme.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner • Planner Amendments 	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(2)	Duty of giving copy s 173 agreement.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners • Subdivision Officer 	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Senior Strategic Planner • Strategic Planner • Planner Amendments 	
s 18	Duty to make amendment etc. available in accordance with public availability requirements.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit Planner Amendments • Senior Strategic Planner • Strategic Planner 	
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.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth • Manager Statutory Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	Power to not give notice is delegated only to Chief Executive Officer and Director.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	<p>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.</p>
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 21(2)	Duty to make submissions available in accordance with public availability requirements.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	
s 21A(4)	Duty to publish notice.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Coordinator Amendments and Heritage • Planner Amendments • Senior Strategic Planner • Strategic Planner 	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22	Duty to consider all submissions.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	Except submissions which request a change to the items in s 22(5)(a) and (b).
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D).	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	<p>Includes to instruct legal providers or consultants with the required expertise to represent Council.</p> <p>Planner may only exercise power subject to prior consultation with Coordinator in the Strategic Planning Unit.</p>
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	
s 27(2)	Power to apply for exemption if panel's report not received.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments 	
s 28(1)	Duty to notify the Minister if abandoning an amendment.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	Note: the power to make a decision to abandon an amendment cannot be delegated.
s 28(2)	Duty to publish notice of the decision on Internet site	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	
S 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planner Amendments • Senior Strategic Planner • Strategic Planner 	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 30(4)(a)	Duty to say if amendment has lapsed.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 30(4)(b)	Duty to provide information in writing upon request.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 32(2)	Duty to give more notice if required.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 33(1)	Duty to give more notice of changes to an amendment.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	
s 36(2)	Duty to give notice of approval of amendment.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit Planners 	
s 38(5)	Duty to give notice of revocation of an amendment.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	
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.	<ul style="list-style-type: none"> • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planners 	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • Planning Coordinator • Planners 	
s 46AW	Function of being consulted by the Minister.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is a responsible public entity.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy. Power to endorse the draft Statement of Planning Policy.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is a responsible public entity.
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit • 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Coordinators in the Strategic Planning Unit 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	
s 46GP	Function of receiving a notice under s 46GO.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	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.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ.	<ul style="list-style-type: none"> • Manager Strategic Planning • Development Contributions Coordinator 	
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.	<ul style="list-style-type: none"> • Manager Strategic Plan 	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference.	<ul style="list-style-type: none"> • Manager Strategic Planning 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	

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PLANNING AND ENVIRONMENT ACT 1987			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer 	Where Council is the collecting agency.
s 46GV(3)(b)	Power to enter into an agreement with the applicant	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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)	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the collecting agency.

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PLANNING AND ENVIRONMENT ACT 1987			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the collecting agency.
s 46GY(1)	Duty to keep proper and separate accounts and records.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Manager Financial Strategy 	Where Council is the collecting agency.
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> .	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Financial Strategy • Manager Strategic Planning • Development Contributions Coordinator 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	<p>Where Council is the development agency specified in the approved infrastructure contributions plan.</p> <p>This provision does not apply where Council is also the collecting agency.</p>
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	<p>If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4).</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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	<p>Where Council is the development agency under an approved infrastructure contributions plan.</p> <p>This duty does not apply where Council is also the collecting agency.</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> .	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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)	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	<p>If the VPA is the collecting agency under an approved infrastructure contributions plan.</p> <p>Where Council is a development agency under an approved infrastructure contributions plan.</p>



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	<p>Where Council is the development agency under an approved infrastructure contributions plan.</p> <p>This duty does not apply where Council is also the collecting agency.</p>
s 46GZE(2)	Function of receiving the unexpended land equalisation amount.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	<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>

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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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZF(3)	S 46GZF(3)(a) function of receiving proceeds of sale.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	Where Council is the collecting agency under an approved infrastructure contributions plan.



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Planners 	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Planning Coordinator • Development Contributions Coordinator 	

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s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning • Manager Engineering 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning 	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning 	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	
s 46Q(1)	Duty to keep proper accounts of levies paid.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	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).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Strategic Planning 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	Must be done in accordance with Part 3.
s46Q(4)(e)	Duty to expend that amount on other works etc.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning 	With the consent of, and in the manner approved by, the Minister.
s 46QC	Power to recover any amount of levy payable under Part 3B.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46QD	Duty to prepare report and give a report to the Minister.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Strategic Planning • Development Contributions Coordinator 	Where Council is a collecting agency or development agency.
s 47	Power to decide that an application for a planning permit does not comply with that Act.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 50(4)	Duty to amend application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 50(5)	Power to refuse to amend application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 50(6)	Duty to make note of amendment to application in register.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 50A(1)	Power to make amendment to application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 50A(4)	Duty to note amendment to application in register.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 52(3)	Power to give any further notice of an application where appropriate.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 54(1)	Power to require the applicant to provide more information.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1A)	Duty to give notice in writing of information required under s 54(1).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 54(1B)	Duty to specify the lapse date for an application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planners 	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57A(5)	Power to refuse to amend application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 57A(6)	Duty to note amendments to application in register.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57B(1)	Duty to determine whether and to whom notice should be given.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 57C(1)	Duty to give copy of amended application to referral authority.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 58	Duty to consider every application for a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 58A	Power to request advice from the Planning Application Committee.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60	Duty to consider certain matters.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 60(1A)	Duty to consider certain matters.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Senior Planner 	<p>Power is subject to the following conditions:</p> <p>(a) Delegates may only approve an application if six (6) or fewer valid objections have been received;</p> <p>(b) Delegates may only refuse an application:</p> <p>(i) where an application has been inactive for a period of 6 months or more and the applicant has failed to provide reasonable justification for a lack of action; or</p> <p>(ii) where an application is for a use or development which is prohibited.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Senior Planner 	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit.	<ul style="list-style-type: none"> • Not delegated 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Senior Planner 	
s 62(1)	Duty to include certain conditions in deciding to grant a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 62(2)	Power to include other conditions.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
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).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected).	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	This provision applies also to a decision to grant an amendment to a permit - see s 75.



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority.
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 69(1A)	Function of receiving application for extension of time to complete development.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 69(2)	Power to extend time.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Senior Planner 	
s 70	Duty to make copy permit available in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 71(1)	Power to correct certain mistakes.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	Planners have delegation only to make corrections following consultation with the Planning Coordinator or Manager Statutory Planning.



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s 71(2)	Duty to note corrections in register.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 73	Power to decide to grant amendment subject to conditions.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 74	Duty to issue amended permit to applicant if no objectors.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 83	Function of being respondent to an appeal.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	The ability to settle a matter at VCAT (at a Compulsory Conference or Hearing) is limited to the settlement being generally in accordance with a decision of Council or the Delegated Planning Panel.
s 83B	Duty to give or publish notice of application for review.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	<ul style="list-style-type: none"> • Not delegated 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 working days.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 84AB	Power to agree to confining a review by the Tribunal.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 86	Duty to issue a permit at order of Tribunal within 3 working days.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 91(2)	Duty to comply with the directions of VCAT.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 93(2)	Duty to give notice of VCAT order to stop development.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 95(3)	Function of referring certain applications to the Minister.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 95(4)	Duty to comply with an order or direction.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land.	<ul style="list-style-type: none"> • Chief Executive Officer • Directors • Manager Engineering • Manager Parks and Open Space • Manager Property Services • Manager Active and Healthy Lifestyle 	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land.	<ul style="list-style-type: none"> • Chief Executive Officer • Directors • Manager Engineering • Manager Parks and Open Space • Manager Property Services • Manager Active and Healthy Lifestyle 	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 96F	Duty to consider the panel's report under s 96E.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	<ul style="list-style-type: none"> • Not delegated 	
s 96H(3)	Power to give notice in compliance with Minister's direction.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 96J	Power to issue permit as directed by the Minister.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 96K	Duty to comply with direction of the Minister to give notice of refusal.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
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	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97C	Power to request Minister to decide the application.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
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.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth • Manager Statutory Planning 	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 97L	Duty to include Ministerial decisions in a register kept under s 49.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 97MH	Duty to provide information or assistance to the Planning Application Committee.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	<ul style="list-style-type: none"> • Chief Executive Officer • Directors • Manager Statutory Planning • Planning Coordinator 	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 97Q(4)	Duty to comply with directions of VCAT.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 101	Function of receiving claim for expenses in conjunction with claim.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 103	Power to reject a claim for compensation in certain circumstances.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 107(1)	Function of receiving claim for compensation.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 107(3)	Power to agree to extend time for making claim.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	
s 114(1)	Power to apply to the VCAT for an enforcement order.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Compliance Officer 	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Compliance Officer 	
s 123(1)	Power to carry out work required by enforcement order and recover costs.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Compliance Officer 	
s 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1).	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	Except Crown Land.
s 129	Function of recovering penalties.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 130(5)	Power to allow person served with an infringement notice further time.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Compliance Officer 	
s 149A(1)	Power to refer a matter to the VCAT for determination.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Manager Property Services 	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
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)	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	Where Council is the relevant planning authority.
s 171(2)(f)	Power to carry out studies and commission reports.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 171(2)(g)	Power to grant and reserve easements.	<ul style="list-style-type: none"> • Manager Statutory Planning • Manager Engineering • Planning Coordinator • Conveyancing Services Officer 	Delegation for Conveyancing Services Officer to lodge documents.
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer 	<p>Where Council is a development agency specified in an approved infrastructure contributions plan.</p> <p>Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements.</p>
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).	<ul style="list-style-type: none"> • Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer 	<p>Where Council is a collecting agency specified in an approved infrastructure contributions plan.</p> <p>Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements</p>
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).	<ul style="list-style-type: none"> • Chief Executive Officer • Director Presentation and Assets • Manager Engineering • Conveyancing Services Officer 	<p>Where Council is the development agency specified in an approved infrastructure contributions plan.</p> <p>Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements</p>
s 173(1)	Power to enter into agreement covering matters set out in s 174.	<ul style="list-style-type: none"> • Chief Executive Officer • Director Strategy and Growth 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
---	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Director Presentation and Assets • Manager Engineering • Manager Statutory Planning • Manager Property Services • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Chief Executive Officer • Subdivision Officer • Conveyancing Services Officer 	
s 178A(1)	Function of receiving application to amend or end an agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(5)	Power to propose to amend or end an agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Planners • Subdivision Officer • Conveyancing Services Officer 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under s 178C(2).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Planners • Subdivision Officer • Conveyancing Services Officer 	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	If no objections are made under s 178D. Must consider matters in s 178B.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	If no objections are made under s 178D. Must consider matters in s 178B.
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	After considering objections, submissions and matters in s 178B.
s 178E(3)(d)	Power to refuse to amend or end the agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	After considering objections, submissions and matters in s 178B.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d).	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Subdivision Officer • Conveyancing Services Officer 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer • Conveyancing Services Officer 	
s 179(2)	Duty to make available a copy of each agreement available in accordance with the public availability requirements.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer 	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer 	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer 	
s 182	Power to enforce an agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Coordinator Legal Services • Lawyer • Subdivision Officer • Conveyancing Services Officer 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 184G(2)	Duty to comply with a direction of the Tribunal.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 184G(3)	Duty to give notice as directed by the Tribunal.	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
s 198(1)	Function to receive application for planning certificate	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer 	
s 199(1)	Duty to give planning certificate to applicant	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer 	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201(1)	Function of receiving application for declaration of underlying zoning	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator • Subdivision Officer 	
s 201(3)	Duty to make declaration	<ul style="list-style-type: none"> • Director Strategy and Growth • Manager Statutory Planning • Planning Coordinator 	
-	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
	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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
-	Power to give written authorisation in accordance with a provision of a planning scheme.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Manager Property Services 	Where Council is a public statutory authority engaged in the provision of housing.
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Manager Property Services 	Where Council is a public statutory authority engaged in the provision of housing.
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Manager Property Services 	Where Council is a public statutory authority engaged in the provision of housing.
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Manager Property Services 	Where Council is a public statutory authority engaged in the provision of housing.

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142D	Function of receiving notice regarding an unregistered rooming house.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer 	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • System and Support Officer 	
s 142G(2)	Power to enter certain information in the Rooming House Register.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician • System and Support Officer 	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 206AZA(2)	Function of receiving written notification.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
s 207ZE(2)	Function of receiving written notification.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
s 311A(2)	Function of receiving written notification.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
s 317ZDA(2)	Function of receiving written notification.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
s 522(1)	Power to give a compliance notice to a person.	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case).	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer 	
s 525(4)	Duty to issue identity card to authorised officers.	<ul style="list-style-type: none"> • Director Health and Wellbeing 	
s 526(5)	Duty to keep record of entry by authorised officer under s 526.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 526A(3)	Function of receiving report of inspection.	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Inspections • Coordinator Investigations 	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case).	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments 	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(9)(b)	Duty to advise Registrar.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Subject to s 11(10A).
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Where Council is the coordinating road authority.
s 12(2)	Power to discontinue road or part of a road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Where Council is the coordinating road authority.
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Power of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(5)	Duty to consider written submissions received within 28 days of notice.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(6)	Function of hearing a person in support of their written submission.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Function of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(7)	Duty to fix day, time and place of meeting under ss (6) and to give notice.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(10)	Duty to notify of decision made.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister.
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate.
s 14(4)	Function of receiving notice from the Head, Transport for Victoria.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 15(2)	Duty to include details of arrangement in public roads register.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 16(7)	Power to enter into an arrangement under s 15.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 16(8)	Duty to enter details of determination in public roads register.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 17(2)	Duty to register public road in public roads register.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Where Council is the coordinating road authority.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Power to decide that a road is reasonably required for general public use.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Where Council is the coordinating road authority.
s 17(4)	Power to decide that a road is no longer reasonably required for general public use.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18(1)	Power to designate ancillary area.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	
s 19(4)	Duty to specify details of discontinuance in public roads register.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	
s 19(5)	Duty to ensure public roads register is available for public inspection.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering • Transportation Engineer • Traffic and Infrastructure Engineer • Conveyancing Services Officer 	
s 21	Function of replying to request for information or advice.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Obtain consent in circumstances specified in s 11(2).

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22(2)	Function of commenting on proposed direction.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 22(5)	Duty to give effect to a direction under s 22.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 40(1)	Duty to inspect, maintain and repair a public road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 42(1)	Power to declare a public road as a controlled access road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Power of coordinating road authority and sch 2 also applies.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 49	Power to develop and publish a road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 51	Power to determine standards by incorporating the standards in a road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc. of document in road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 54(2)	Duty to give notice of proposal to make a road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 54(6)	Power to amend road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 54(7)	Duty to incorporate the amendments into the road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 63(1)	Power to consent to conduct of works on road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the infrastructure manager.
s 64(1)	Duty to comply with clause 13 of sch 7.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Where Council is the infrastructure manager or works manager.
s 66(1)	Power to consent to structure etc.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Where Council is the coordinating road authority.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 67(3)	Power to request information.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Where Council is the coordinating road authority.
s 68(2)	Power to request information.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 72	Duty to issue an identity card to each authorised officer.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 85	Function of receiving report from authorised officer.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 86	Duty to keep register re s 85 matters.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 87(1)	Function of receiving complaints.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 87(2)	Duty to investigate complaint and provide report.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	
s 112(2)	Power to recover damages in court.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Engineering 	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to cause or carry out inspection.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 119(2)	Function of consulting with the Head, Transport for Victoria.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
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).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 121(1)	Power to enter into an agreement in respect of works.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 122(1)	Power to charge and recover fees.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
s 123(1)	Power to charge for any service.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
sch 2 cl 3(1)	Duty to make policy about controlled access roads.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
sch 2 cl 5	Duty to publish notice of declaration.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the infrastructure manager or works manager.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.
sch 7, cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 12(5)	Power to recover costs.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the works manager.
sch 7 cl 13(2)	Power to vary notice period.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the infrastructure manager.
sch 7 cl 16(1)	Power to consent to proposed works.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 16(4)	Duty to consult.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
sch 7 cl 16(5)	Power to consent to proposed works.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(6)	Power to set reasonable conditions on consent.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 16(8)	Power to include consents and conditions.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 18(1)	Power to enter into an agreement.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
sch 7 cl 19(1)	Power to give notice requiring rectification of works.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 2	Power to cause street lights to be installed on roads.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the responsible road authority.
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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 clauses 3(2) and 4.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs).



PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	<p>Where Council is not the planning authority and the amendment affects land within its municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.</p>
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	
r.25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	Where Council is the responsible authority.
r.25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator • Planners 	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
r.42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	<p>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.</p>



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	Power to waive or rebate a fee relating to an amendment of a planning scheme.	<ul style="list-style-type: none"> • Manager Strategic Planning 	
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	<ul style="list-style-type: none"> • Manager Statutory Planning • Planning Coordinator 	
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.	<ul style="list-style-type: none"> • Manager Statutory Planning • Manager Strategic Planning 	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	Power to enter into a written agreement with a caravan park owner	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer 	
r.10	Function of receiving application for registration	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<ul style="list-style-type: none"> • Environmental Health Technician • System and Support Officer 	
r.11	Function of receiving application for renewal of registration.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician • System and Support Officer 	
r.12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations.	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<ul style="list-style-type: none"> • Environmental Health Technician 	
r.12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations.	<ul style="list-style-type: none"> • Director Health and Wellbeing • Manager Safe and Healthy Environments 	
r. 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.12(4) & (5)	Duty to issue certificate of registration.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.14(1)	Function of receiving notice of transfer of ownership.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.14(3)	Power to determine where notice of transfer is displayed.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<ul style="list-style-type: none"> • Environmental Health Officer • Environmental Health Technician 	
r.15(1)	Duty to transfer registration to new caravan park owner.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.15(2)	Duty to issue a certificate of transfer of registration.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.17	Duty to keep register of caravan parks.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.18(4)	Power to determine where the emergency contact person's details are displayed.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.18(6)	Power to determine where certain information is displayed.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.22(2)	Duty to consult with relevant emergency services agencies.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.25(3)	Duty to consult with relevant floodplain management authority.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.26	Duty to have regard to any report of the relevant fire authority.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.41(4)	Function of receiving installation certificate.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	
r.43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments 	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<ul style="list-style-type: none"> • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Municipal Building Surveyor • Coordinator Building Services • Building Inspector 	
Sch 3 clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling.	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Municipal Building Surveyor • Coordinator Building Services • Building Inspector 	

RESIDENTIAL TENANCIES REGULATIONS 2021			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	<ul style="list-style-type: none"> • Manager Safe and Healthy Environments • Coordinator Investigations • Coordinator Inspections • Environmental Health Officer • Environmental Health Technician 	

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	Duty to conduct reviews of road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
r.9(2)	Duty to produce written report of review of road management plan and make report available.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
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).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	
r.13(1)	Duty to publish notice of amendments to road management plan.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(3)	Power to issue permit.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
r.18(1)	Power to give written consent re damage to road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
r.23(2)	Power to make submission to Tribunal.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
r.23(4)	Power to charge a fee for application under s 66(1) Road Management Act.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the coordinating road authority.
r.25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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)).	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	Where Council is the responsible road authority.
r.25(5)	Power to recover in the Magistrates' Court, expenses from person responsible.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	Power to exempt a person from requirement under clause 13(1) of Sch 7 of the Act to give notice as to the completion of those works.	<ul style="list-style-type: none"> • Director Presentation and Assets • Manager Works • Manager Engineering 	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.	<ul style="list-style-type: none"> • Director Presentation and Assets 	Where Council is the coordinating road authority.

14.3. Contracts Awarded Under Delegation Report November 2021

Author	Lee Taig, Contract & Procurement Officer, Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Policy Context

Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Outcome 1 - Lead and govern for all

Recommended Motion

That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.

Attachments

1. Contracts Awarded

Attachment 1 - Contracts Awarded Under Contract Council Report Running Report 2021 (version 3).xlsb

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Practical Completion	Budget
CT000582	Strathfieldsaye Sports Club Building Redevelopment Works – Zone 1	Searle Bros	Craig Niemann	12/08/2021	\$729,442.62	31/12/2021	20/21 - \$600,000.00 21/22 - \$800,000.00
CT000590	Supply & Delivery of One (1) Water Truck	Ron Poyser Motors Pty Ltd	Brian Westley	2/09/2021	\$284,193.17	14/04/2022	\$250,000.00
CT000589	Supply & Delivery of Two (2) Tipper Trucks	Ron Poyser Motors Pty Ltd	Brian Westley	9/09/2021	\$429,111.16	19/05/2022	\$420,000.00
CT000583	Woodvale Recreation Reserve Community Hub	BLR Provincial Construction Pty	Craig Niemann	9/09/2021	\$587,500.00	31/12/2021	\$496,916.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price	Contract Term & Options	Budget
CT000586	Provision of Essential Safety Measures (ESM) for Fire & Access and Electrical Services	Elliot's Fire & Safety Services	Craig Niemann	9/09/2021	Schedule of Rates	Initial Term - 3 Years Option to extend - 1 X 2 years	Full contract Term \$1,225,000.00
CT000573	Provision of Bridge Testing (Level 2 & 3) and Inspection Services	Panel - 3 - Pitt & Sherry (Operations) Pty Ltd - Integrity Testing (INTL) Pty Ltd - ARRB Group Ltd	Brian Westley	23/09/2021	Schedule of Rates	Initial Term - 3 Years Option to extend - 1 X 2 years	Full contract Term \$220,000.00

14.4. Domestic Animal Management Plan 2021-2025

Author	Sam Johnston, Coordinator Investigations
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

This report considers the submissions received in response to the public exhibition of the draft Domestic Animal Management Plan 2021 – 2025 and recommends that Council adopts the final Domestic Animal Management Plan 2021 - 2025.

Summary

The Domestic Animal Management Plan 2021-2025 (DAMP) was developed in accordance with the requirements of the **Domestic Animals Act 1994** (Act). A draft DAMP was developed following a review of the current DAMP and a community survey, with governance provided by an internal working group. This approach was used to ensure that the new DAMP would include actions necessary to guide the City's management of domestic animals in the municipality, for the benefit of all over the next four years.

Council endorsed the draft DAMP at its meeting on 20 September 2021, and it was released on public exhibition for 21 days inviting submissions. A total of 40 written submissions were received. As expected, the submissions reflected the diverse views held in the community. The inclusion of a 24-hour cat containment requirement received the most feedback with more in support than against. The proposal to default to an on-leash municipality also received more submissions for than against.

A review of the actions in the draft plan and the submissions resulted in no substantive changes made in the final version presented for adoption.

Recommended Motion

That the Greater Bendigo City Council adopt the Domestic Animal Management Plan 2021-2025.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and govern for all

Objective 1.2 Explain the reason for its decisions

Goal 2 Wellbeing and fairness

Objective 2.5 Create safe and resilient communities

Goal 4 Presentation and managing growth

Objective 4.4 Keep Greater Bendigo attractive with good quality public facilities and places

Goal 6: Embracing our culture and heritage

Objective 6.2 Build pride in and shared responsibility for our public spaces

Greater Bendigo Health and Wellbeing Plan 2017-2021

Goal 1 Healthy and Well

Objective Promote healthy lifestyles

Goal 2 Safe and Secure

Objective Increase community safety

Goal 5 Liveable

Objective Facilitate supportive built and natural environments

Background Information

The City of Greater Bendigo (City) has a legislative requirement under the ***Domestic Animals Act 1994*** (the Act) to prepare a Domestic Animal Management Plan (DAMP) every four years.

Council must have a DAMP to satisfy the clauses set out in Part 5A of the Act to consider the following:

- Set out a method for evaluating whether the animal control services are adequate
- Outline programs for training of authorised officers so as to properly administer and enforce the Act
- Outline programs to:
 - Promote and encourage responsible pet ownership
 - Ensure the community understand the obligations of responsible pet ownership
 - Minimise risk of dog attacks
 - Address any over-population and high euthanasia rates for dogs and cats
 - Encourage registration and identification of dogs and cats
 - Minimise potential for dogs and cats to create a nuisance
 - Effectively identify and manage all dangerous dogs, menacing dogs and restricted breed dogs
- Review existing orders and Local Laws
- Provide platform for review of any other matters related to the management of dogs and cats
- Periodic evaluation of the DAMP

The objective is that Council will have a comprehensive plan, informed by community engagement, that promotes responsible pet ownership and guides the management of domestic animals across the municipality, that aligns with and meets the expectations of the community.

The key issues identified when reviewing the previous DAMP and developing this iteration were that the City needs to identify a way forward for:

- Attitudes to responsible cat ownership in the community
- Animal hoarding, particularly cats
- Impact of cats on the indigenous fauna population

- Barriers to responsible pet ownership being registration, microchipping and de-sexing
- Management of domestic animals in the public domain

Previous Council Decision(s) Date(s):

At its meeting of 20 September 2021, Council endorsed the draft DAMP 2021-2025 and released

Report

The Domestic Animal Management Plan 2021-2025 (DAMP) presented to Council for adoption was developed in accordance with the requirements of the **Domestic Animals Act 1994** (Act). A draft DAMP was developed following a review of the current DAMP and community survey, with governance provided by an internal working group. This approach was used to ensure that the new DAMP 2021-2025 would include actions and approaches necessary to guide the City's management of domestic animals in the municipality, for the benefit of all over the next four years.

The DAMP 2021-2025 is the fourth DAMP developed by the City and will replace the current DAMP which was adopted by Council in 2016.

The City's draft DAMP 2021-2025 was released on public exhibition for 21 days which closed on Monday 11 October 2021. During the exhibition period the draft DAMP was forwarded to all respondents of the survey conducted in July 2021 who had registered their interest via the "Let's Talk" platform and promoted through the City's social media.

In addition to the issues and initiatives Council had already reviewed, which were received as part of developing the draft DAMP, a total of 40 written submissions were received following the 21 days exhibition period. For context, the previous DAMP prepared in 2016 received a total of 48 written submissions.

The 40 submissions received have been coded to protect identities and covered a range of areas. Many contained reference to several topics or issues. The submissions are summarised in the table in the external consultation section below, with the City's response comments and what changes if any have been made to the plan.

The proposal for cat containment received the most responses (25) with more in favour than against. The proposal to default to an on-lead municipality for dogs also received submissions of support with only 2 against.

A Gender Impact Assessment (GIA) of the draft DAMP 2021 – 2025 was also undertaken with recommendations to commence collecting gender statistics for registered pet owners. This will enable the City to identify any gender inequality issues and address any barriers.

Consideration of the submissions has resulted in only minor wording changes in the final version of the Greater Bendigo City Councils Domestic Animal Management Plan 2021-2025 presented to Council for adoption.

Priority/Importance:

It is a high priority that Council has an adopted Domestic Animal Management Plan. Councils are required to submit a Domestic Animal Management Plan to the Secretary of the Department of Jobs, Precincts and Regions (DJPR) every 4 years with the next submission required to the Secretary on 4 December 2021.

Options/Alternatives:

Council is required by the ***Domestic Animals Act 1994*** to have a Domestic Animal Management Plan. Not having one is not an option. The only other option considered would be to apply for an extension of time within which to prepare the required plan.

Timelines:

September 2021 – Council endorsed the draft DAMP 2021 – 2025 and released the plan for public exhibition for a period of 21 days seeking community feedback.

October 2021 – The City considers submissions and finalises the DAMP 2021 - 2025.

November 2021 – Council considers the final DAMP 2021 - 2025 for adoption.

December 2021 – Adopted plan submitted to Minister

Progress:

Development of the new DAMP 2021 – 2025 is on track to meet legislative obligations.

Risk Analysis:

Council must have a Domestic Animal Management Plan in place by 4 December 2021 or risk not complying with the ***Domestic Animals Act 1994***.

There is significant risk if Council does not have rigorous management processes in place to manage dog attacks and other nuisance issues, with the relevant delegations in place.

Consultation/CommunicationInternal Consultation:

The DAMP 2021 - 2025 has been developed with broad internal consultation and collaboration with relevant units and key positions, detailed in the following table:

Unit	Key contributors
Health and Wellbeing	Director Health and Wellbeing
Communications	Media & Communications Specialist
Parks and Open Space	Coordinator Arboriculture and Environmental Management
Community Wellbeing	Early Years Senior Coordinator
Climate Change and Environment	Senior Environment Officer
Safe and Healthy Environments	Manager Safe and Healthy Environments Coordinator Investigations Coordinator Parking Strategy Team Leader Local Laws Operations Manager - BARC

Direct consultation has also been undertaken with the Local Laws team involved in delivering the City's animal services, to ensure a thorough review has been undertaken.

External Consultation:

As part of the initial consultation, residents were invited to participate in an online survey to provide feedback including experiences and opinions to provide guidance on the direction of the next Domestic Animal Management Plan. The survey was open for almost four weeks and received a total of 1131 contributions from the community to inform the drafting of the Plan.

The draft DAMP 2021 - 2025 was on public exhibition for 21 days. The draft plan was advertised through the "Let's Talk" platform.

The submissions received highlight the following reasons for not implementing 24/7 cat containment:

- It is much more difficult and costly to confine a cat which may make it prohibitive for some people to own a cat.
- No clear compliance framework to enforce cats wandering at large during the day
- It is very difficult to catch a cat which does not wish to be caught.
- Additional controls may provide a disincentive to register and/or microchip, resulting in more cats not being reclaimed and euthanized.
- There are welfare considerations with 24/7 confinement as many residents would need to lock their cat indoors.
- Difficult to introduce and enforce at the local level.
- Suggestion to allow cats to roam during the daytime if microchipped, registered, de-sexed

The submissions highlighted the following reasons for implementing 24/7 cat confinement.

- Reduce nuisance issues between neighbours.
- Reduction in impact on native fauna.
- Positive welfare consideration in relation to reduction in fighting and disease transfer.
- Less opportunity for spraying and faecal matter to be left in public areas and neighbouring properties.
- Cat kept in a safe house often live longer.
- Cats who roam are at risk of injury from cars, human cruelty, poison baits, attacks from other animals and unwanted pregnancies.

There was some initial confusion in the community about the cat containment proposal, with the concept mis-represented in the Bendigo Advertiser. The proposal does not restrict cats to 'indoors' 24/7 as reported, rather cats must be contained to the property 24/7. The City clarified this point on social media and some submissions reflect this misunderstanding.

This table summarises the submissions received and officer comments on the submission.

Submitters Topic/Issue	Officer comments	Submitter ID
		24/7 Cat Containment
		Against - reasons
<p>It will be cruel and be overkill/too far.</p> <p>It will mean most cats will be kept inside and not let outside unless significant fencing/runs are constructed.</p> <p>Other strategies in Plan will minimise need to mandate 24/7 cat containment.</p> <p>Not supportive and would expect support for current owners to comply.</p> <p>Not supportive of cats being contained 24/7.</p> <p>Support a night curfew only.</p>	<p>Disagree – action to consider 24/7 cat containment will remain in the Plan.</p> <p>Disagree – this is the current requirement and is no longer effective.</p>	<p>1, 4</p> <p>1, 4, 34</p> <p>29</p> <p>15</p> <p>12, 35, 36</p> <p>9, 31</p>
		For - reasons
<p>Supportive of regulations to keep cats contained to property to limit impact on native wildlife and impacts on other properties/owners.</p> <p>Limit spread of disease (toxoplasmosis).</p> <p>Support pets (both dogs and cats) to be contained to their own property.</p> <p>Supportive of cat containment however must be adequate assistance, support, time made available.</p> <p>Enforcement should be used as a deterrent for owners to not allow cats to roam.</p>	<p>Agree – Action to consider 24/7 cat containment will remain in the Plan. Should 24/7 cat containment be introduced, we will provide residents a reasonable amount of time and educational resources to support them to make the necessary changes.</p>	<p>2, 3, 6, 7, 10, 17, 30</p> <p>2</p> <p>20, 26</p> <p>7, 16, 24</p> <p>25</p> <p>13</p> <p>11</p> <p>35</p>

Submitters Topic/Issue	Officer comments	Submitter ID
<p>Cats only allowed outside property on a lead.</p> <p>Remove word “consider” when discussing 24/7 cat containment proposed control.</p> <p>Supportive of 24/7 cat containment with exemption for older, de-sexed, microchipped cats.</p>		
		Registration/Responsible pet ownership
<p>Registering animals occur once like other states not each year.</p> <p>Increased registration costs for animals not de-sexed/Discount for de-sexed pets to encourage behaviour.</p> <p>Support the decision bring pound and shelter services in-house to further develop proactive opportunities for responsible pet ownership.</p> <p>Implement online payment option for registration.</p>	<p>Annual registration is a requirement of the Domestic Animals Act 1994.</p> <p>Discount registrations are provided for de-sexed animals.</p> <p>Agree.</p> <p>Agree – to be implemented in 21/22 year.</p>	<p>5</p> <p>11, 24</p> <p>37</p> <p>28</p>
		Breeding
<p>No permission for anyone to allow animals to breed under any circumstances.</p> <p>All dogs to be de-sexed unless belonging to registered breeder.</p>	<p>Not a requirement of Domestic Animals Act and is a disincentive to registration.</p>	<p>5</p> <p>9, 18</p>
		Lead requirements for dogs
<p>Dogs terrorise people when they are off leash and owners have little regard.</p>	<p>Action within DAMP is to undertake a review into the current lead requirements and off lead designated areas.</p>	<p>1, 8</p> <p>14, 17, 20, 25, 28, 32</p> <p>22</p>

Submitters Topic/Issue	Officer comments	Submitter ID
Support dogs to be on lead in public areas unless designated otherwise. Support dogs on lead on golf course. Increase areas for dogs on lead. Better management of dogs off lead in unauthorised areas. Does not support default on lead.		11 9 34, 36
		Nuisance
Actively manage feral cats. Dogs be kept away from property boundaries to avoid rush incidents. More controls in place for dogs to control barking, dog faeces, minimum yard sizes.	Controls proposed in Plan to manage feral cats through community cat program and desexing initiatives. Out of scope. Local Laws receive and action more than 500 requests each year pertaining to barking/dog faeces. Minimum yard sizes is not in scope.	24 13 1
		Livestock
Errant stock and fencing concerns. Livestock wandering after hours. Clerical error in wording in item 1.5.	Matters pertaining to livestock are managed under the Impounding of Livestock Act. After hours matters are handled as per policy and procedures and limited to certain situations. Amended.	27 23 10
		BARC (Bendigo Animal Relief Centre)
Contribute to operating costs of pound and shelter service. Expand network of rescue organisations.	BARC is a Council operated service available to all residents.	27 28

Submitters Topic/Issue	Officer comments	Submitter ID
		Dangerous dogs/restricted breeds
Dangerous breeds must be de-sexed, not allowed in off lead designated areas, must complete obedience training each year. Dedicated phone number advertised to report dangerous breeds and attacks.	It is a requirement under the DAA for dangerous dogs to be de-sexed and to be on lead/muzzled when in public. Training is not a current requirement. Animal management are available 24/7 to deal with dog attacks.	18 18
		Community cat programs
Implement community desexing clinics.	Current trial of community desexing program with advice from Banyule City Council.	28
		Dog Parks
Establish additional dog parks (Huntly-Epsom and Strathfieldsaye areas noted).	Will form part of the review of designated areas when reviewing lead requirements and be subject to subsequent budget submission process.	11, 40
		S26 Order
Prohibit dogs from the playing surface of ovals at Epsom-Huntly Recreation Reserve. Ban dogs from the fenced off track area of Tom Flood velodrome.	Orders prohibiting dogs from areas will form part of the review of designated areas for off lead areas.	33 19
		Dog Waste
Bins at all sporting and recreation spaces and dog waste bag dispensers at all off lead areas. Increase use of environmentally friendly dog waste bags in strategic dog walking areas.	Disagree – owners are required to carry dog waste bags when walking their dogs. Use of environmentally friendly dog waste bags will increase in line with other Council policies.	34 39
		Staff training
Ensure staff working in this area are pet friendly.	Agree.	34

Submitters Topic/Issue	Officer comments	Submitter ID
Support training for staff in regard to family violence.	Agree.	37
Inclusion of breakdown of training in annual reporting.	Evaluation amended for this action.	37
Support animal management staff to complete Fear Free Animal Management training.	Agree.	28
		Family Violence
Emergency housing/accommodation for pets facing family violence.	BARC is currently not set up to provide this service, however the City accepts that this should be explored.	28, 37, 38
84Y Agreements		
Investigate implementing 84Y agreements with local vets, registered shelters, foster carers.	Limitations on the extent of 84Y agreements in regard to rehoming and reclaiming. Recent bill introduced to parliament to allow vets to manage reclaims.	28
Advisory Network		
Establish a BARC volunteer community advisory network.	Disagree, however all opportunities for volunteers to support the service are welcome.	28
Pound and shelter reform		
Implement recommendations of the <i>Pound and Shelter Reform</i> relating to initiatives around kill count, breeding blitz and reuniting rights.	<i>Pound and Shelter Reform</i> is not yet finalised, but all recommendations will be considered as part of BARC operations.	38
		Evaluation
Lack of rigour in evaluation for section 3, objectives 3 and 7. Overall lack of clear compliance framework for cat curfew, dog walking etc.	The City has a compliance policy to guide its compliance activities.	39
Extensive evaluation on the implementation of DAMP.	DAMP will continue to be reviewed every 12 months with information reported in the City's Annual Report.	28
		General Comments

Submitters Topic/Issue	Officer comments	Submitter ID
Provide animal sentence statement in executive summary to align with new State legislation.	Agree.	28
Rural issues are completely excluded and ignored.	Rural community members contributed to the initial DAMP survey.	27
Noise which causes distress to animals is not covered under the Domestic Animals Act and therefore not part of the Plan.	Animal Welfare Victoria and the RSPCA have legal authority to investigate issues under the Prevention of Cruelty to Animals Act 1986 which may include deliberate actions to cause an animal unnecessary stress.	21
Provide companion documents.	Implement ways to provide user friendly information to the community on the DAMP.	28
Council to introduce strategies to reduce wild cats, dogs and foxes within municipality.	Foxes are a declared pest species managed in other legislation.	25, 27

Resource Implications

The DAMP 2021 – 2025 has been developed using existing resources.

Attachments

1. Greater Bendigo City Council Domestic Animal Management Plan 2021 - 2025

Attachment 1 - Domestic Animal Management Plan 2021-2025 FINAL



Domestic Animal Management Plan

2021-2025

EXECUTIVE SUMMARY

Companion animals have been part of our lives since recorded history. Dogs and cats are imbedded in day to day activity for many Greater Bendigo residents and are considered part of society. Therefore, it is vital that Council undertakes sensible planning to ensure that pets, pet owners and non-pet owners can coexist in a harmonious way.

Over the past 4 years, more than 50% of Customer Service Requests received by the Health and Wellbeing Directorate are related to domestic animals, indicating that many Bendigo residents are impacted by the dogs and cats that reside in our community.

This will be Council's fourth Domestic Animal Management Plan (DAMP). The new Plan will build on the achievements and work from the previous Plans and establish a framework to guide future service programs and actions up to and including the year 2025 (appendix A).

The Plan has been prepared by the City of Greater Bendigo Animal Services Team in response to Council's responsibilities under the Domestic Animals Act.

Key Initiatives from past Plans and Programs

- Changed delivery of Animal Services from a contract provider to in-house staff
- Provided a flexible 24/7 service delivery model
- Introduced noise recorders and software to assess noise nuisance
- Introduced a designated Compliance Team
- Introduced policies to enable more dogs to be taken home instead of to the animal shelter
- Development of 4 dog parks
- Introduced laws to require dogs to be leashed at popular recreation areas, shopping areas and around children's play areas
- Introduced laws to prevent dogs from exercising on the playing surface of the QEO
- Introduced laws to require dog walkers to carry a bag to pick up their dog waste
- Introduced laws to regulate the keeping of animals according to regulatory planning land use principles
- Introduced a sunset to sunrise Cat Curfew to minimise wondering cats
- Developed a plan to deal with animals in emergencies
- Developed and implemented procedure to provide guidance to staff who may be working with victims of family violence
- Developed and introduced various work processes to assist in dealing with dog attack and nuisance complaints
- Introduced subsidised desexing and discounted micro-chipping for cats and dogs
- Introduced a rewards program for owners displaying responsible pet ownership
- Promoted the need to register not only dogs but cats as well
- Raised awareness in the community in relation to being a responsible pet owner
- Improved community safety in public areas
- Introduced GPS vehicle monitoring and duress alert process to assist with field officer safety and allocation of jobs to officers according to their location.

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1 INTRODUCTION & CONTEXT

1.1 PURPOSE OF DOMESTIC ANIMAL MANAGEMENT PLAN

The *Domestic Animals Act 1994* (the Act) requires council to prepare a Domestic Animal Management Plan every four years. The purpose of the new DAMP is to build on the achievements of the previous Plans and to provide the City of Greater Bendigo with a strategic framework that helps deliver policy direction, service programs, initiatives and action plans for animal management for the period 2021-2025. The Animal Services team have the aspirational goal that every domestic animal in the municipality is responsibly owned.

The plan sets out a method for evaluating whether the animal management services provided by council are adequate to give effect to requirements of the Act and the Domestic Animal Regulations 2015.

The Plan applies to any land within the City of Greater Bendigo where domestic animals are kept or proposed to be kept.

The Plan is informed by evidence, and action orientated. It sets priorities that are achievable and measurable within allocated resources.

It has long been recognised that animals are sentient beings. Animal sentience refers to the ability of animals to feel and experience emotions such as joy, pleasure, pain and fear.

The Plan recognises that animals have a capacity to feel both positive and negative states, and as such our Plan is developed to ensure that animals are treated humanely, with a focus on minimising stress, fear and anxiety for animals.

The plan must also outline programs for the training of authorised officers along with programs, services and strategies to:

- ensure that people comply with the Act, the regulations and any related legislation; and
- minimise the risk of attacks by dogs on people and animals; and
- address any over-population and high euthanasia rates for dogs and cats; and
- encourage the registration and identification of dogs and cats; and
- minimise the potential for dogs and cats to create a nuisance; and
- effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Council is also required to review and where appropriate amend the Plan and publish an evaluation of the implementation of the plan in the council annual report.

The following guiding principles will continue to underpin the delivery of domestic animal management services at The City of Greater Bendigo:

- Working towards achieving best practice in domestic animal management
- Achieving lasting improvements and rewarding responsible pet ownership
- Proactive animal management and education
- Balance the needs of pet owners with the needs of other members of the community and the environment
- Protecting the environment from any negative impacts from domestic animals
- Recognising the physical, mental and social benefits of pet ownership
- Reducing the number of unwanted animals in society
- Council to play a key leadership role in animal management
- Adopting a whole of community approach to animal management

1.2 PROCESS APPLIED IN DEVELOPING THE PLAN

Public consultation has provided the community with the opportunity to express their views on matters pertaining to how domestic animals are managed by The City. Residents were invited to participate in an online survey to provide feedback including experiences and opinions to help provide guidance on the direction of the next Domestic Animal Management Plan (DAMP).

The survey was open for almost four weeks, and received a record number of online responses, with a total of 1131 contributions from the community.

In addition, over 70 stakeholders, mostly organisations and businesses including domestic animal related businesses, land care groups, support for wildlife, and sporting associations were contacted in relation to the DAMP and invited to make a submission or provide feedback via the survey.

In excess of 50 notices with scannable QR codes were placed in public spaces to provide people with fast and direct access to information about the DAMP and the opportunity to contribute their feedback.

It was important to consider the views and opinions of people who do not own pets as well as those who do. Fortunately, the survey did identify a reasonable portion (20%) of people contributed who did not own a cat or a dog.

The information received through the community consultation will guide the City of Greater Bendigo in ensuring its service meets the expectations of the community, including the needs of pet owners, domestic animals, as well as those that who don't own pets but may be impacted by them.

Key findings from the community survey revealed that:

- 98% believe there are positive health and wellbeing benefits associated with owning a pet
- 71% feel public spaces are safe from nuisance pets
- 87% feel animals not used for breeding should be desexed
- 80% support a 24/7 cat containment law
- 8% are feeding community cats
- 76% support dogs on leads at all times unless designated otherwise

A Working Group was established with representatives across council, to ensure that all connections with our community were considered. This included staff from across the organisation in the Community Wellbeing, Parks and Open Spaces, Communications, Active and Healthy Lifestyles, and Safe and Healthy Environments Units.

Greater Bendigo City Council is committed to achieving better outcomes for everyone in the municipality, including both pet owners and non-pet owners.

1.3 DEMOGRAPHIC AND PROFILE OF COUNCIL

The City of Greater Bendigo is situated in Central Victoria and its geographical position provides links between the Melbourne metropolitan area and the north of the State. Greater Bendigo is approximately 150km from Melbourne. Bendigo is the major regional centre for north central Victoria.

Greater Bendigo covers almost 3,000 square kilometres and includes the urban centre of Bendigo and smaller towns such as Heathcote, Axedale, Huntly, Marong, Elmore, Goornong and Redesdale. The City of Greater Bendigo has a population of approximately 120,000 residents.

The Dja Dja Warrung and Taungurung are recognised as the Traditional Owners of the land. There are two appointed registered Aboriginal parties for the area – Dja Dja Warrung Clans Aboriginal Corporation and Taungurung Clans Aboriginal Corporation.

Bendigo is described as a city within a forest as it is surrounded by natural bushland and Box Ironbark forests. The area has a strong historical link to the mining of gold, since gold was discovered in the 1850s.

1.4 CONTEXT AND CURRENT SITUATION

Animal Services are provided as part of the Health and Wellbeing Directorate within the City. The Animal Services Team consistently reviews industry trends and animal management initiatives to keep abreast of new and improved ways of providing the service.

Animal Attendants working within the shelter facility (Bendigo Animal Relief Centre- BARC) provide industry acknowledged “fear free” housing and management of animals. The City of Greater Bendigo’s animal management staff have been recognised as being subject matter experts, and have been invited to participate and contribute to multiple external programs with a focus on animal welfare and animal ethics

The City’s service delivery includes:

Program/Service:	Service level for 2020/2021 period
Identification & registration.	Currently 19,801 cats and dogs registered.
Managing domestic animal complaints.	Received 4177 customer service requests.
Pound and shelter services.	BARC is open to the public for adoptions 7 days a week, excluding public holidays. In the last year it has provided care for 2671 animals and provided rehoming opportunities for 1086 of these animals.
Micro-chipping and/or	Discounts for micro-chipping are offered year-round when combined with a

desexing programs.	new pet registration. Discount cat desexing offered in partnership with National Deseing Network has sterilised 72 cats in the 20/21 period.
Responsible Pet Ownership (RPO) school information sessions.	Recent addition of in-house pound and shelter services has provided an opportunity to focus on RPO programs provided by the shelter. This has been heavily affected by COVID recently.
Animal management officer accessibility.	Two full time positions that provide “community patrol” and respond to customer requests, as well as an after-hours emergency service available outside of business hours, seven days a week.

These services are provided by the following roles.

LOCAL LAWS OFFICERS

Local Laws Officers are responsible for functions including:

- Active patrols and pickups to reunite dogs with their owners and to discourage wandering at large
- Managing unwanted animals
- Patrolling popular walk areas for dog faeces management
- Impounding of livestock found or reported wandering
- Trespassing cats
- Animal registration and identification process
- Providing advice to pet owners and the community
- Providing an after-hours service
- Assisting victims of family violence in relation to managing their pets.

SENIOR LOCAL LAWS OFFICERS

The City has four Senior Local Laws Officers who are responsible for functions including:

- Investigating dog attacks
- Investigating problem barking and other nuisance issues
- Investigating animal welfare concerns
- Promoting responsible pet ownership
- Dealing with restricted breeds and dangerous dogs
- Auditing properties where dangerous, menacing or restricted breed dogs are kept
- Registration and management of domestic animal businesses
- Management of various neighbourhood issues and complaints relating to animals
- Ensuring compliance to various legislation and codes of practice relevant to pets and livestock.

ANIMAL ATTENDANTS

The Bendigo Animal Relief Centre (BARC) operates 7 days a week and has a team of animal attendants, including senior animal attendants specific to cattery and kennels, to ensure appropriate care is provided to animals every day of the week. Animal Attendants are responsible for:

- Cleaning animal housing areas
- Providing feed, medication and other daily requirements for animals in care
- Providing exercise and environmental enrichment
- Liaising with the public in relation to surrendering animals into care
- Assisting with reuniting stray animals with their owners
- Assessment of animals' suitability for adoptions including behavioural assessments
- Managing adoptions of animals
- Providing education to animal owners on how to best manage their pets.

VETERINARY NURSE AND STAFF WITH ASSOCIATED SKILL SET

Staff at the Bendigo Animal Relief Centre are required to provide medical care and attention to animals, including micro-chipping. A designated veterinary nurse is employed full time and is supported by other staff with veterinary nurse and animal technician experience. This ensures that the BARC has a team of people capable of providing a service which includes:

- Initial assessment of animal health and veterinary requirements
- Micro-chip implanting
- Dispensing medication under the direction of a vet
- Assessing and monitoring animals requiring intensive veterinary care.

THE ANIMAL SERVICES MANAGEMENT TEAM

The Animal Services Management Team consists of a Team Leader of Local Laws, Operations Manager for BARC, and an overarching Coordinator. The Animals Services Management team is responsible for:

- Planning service delivery
- Managing income and expenditure
- Developing work plans, policy and work instructions
- Managing risk and workplace health and safety
- Mentoring, coaching, training and supervising staff
- Maintaining a process for the issuing of permits where there are more than the prescribed number of animals being kept
- Developing a new Domestic Animal Management Plan on 4-year cycles
- Reporting of statistical data to the Attorney Generals Department and the Office of Local Government
- Maintaining a data base of all customer interactions and requests for service
- Promotion of health, leisure and social capital associated with pet ownership
- Managing dog access to public places (parks, reserves and streets)

- Maintaining a process for dealing with animals in the event of an emergency
- Managing the impacts of cats, including compulsory confinement
- Assessing and reviewing open space planning for dogs and associated laws and orders.
- Developing and maintaining a Health Management Plan for pound and shelter services
- Implementation of community focused programs to support responsible pet ownership
- Increasing reclaiming rates and rehoming rates of stray and surrendered animals.

CUSTOMER SERVICE

The City's Customer Service Charter is the guiding document for responding to requests for animal services. The average response time across the previous 12 months was following a request for service, for first contact with the customer is approximately 1.32 days. The Local Government Performance Reporting Framework has a target of 2 days.

What customers can expect from our Customer Service team:

- We will listen carefully to them
- We will be friendly and professional, and treat them with courtesy, respect and understanding
- We will keep them informed
- We will provide accurate and consistent information delivered in a way that is easy to understand and in a timely manner
- We will respect and protect their personal information and adhere to privacy requirements
- We will provide a 24-hour emergency service
- We will provide a website which contains current, quality, easily accessible information.

What we expect from our customers:

- Being courteous and respectful to our staff
- Respecting the rights of other customers
- Providing us with complete and accurate information
- Working with us to resolve problems
- Providing feedback on our services.

1.5 DOMESTIC ANIMAL STATISTICS

Key statistics at a glance for the financial year period 2020/2021

Dogs	
Number of registered dogs	14,653
Number of impounded dogs (by Rangers & public)	757
Number of impounded dogs returned to owner	638
Number of dogs rehomed	295
Number of dogs euthanised	55
Number of active declared dogs (dangerous, menacing, restricted)	12
Cats	
Number of registered cats	5,148
Number of impounded cats: (by Rangers & public)	754
Number of impounded cats returned to owner	159
Number of cats rehoused	673
Number of domestic cats euthanised	44
Number of wild cats euthanised	472
Domestic Animal Businesses	
Breeding and/or rearing establishments	2
Dog training establishments	3
Pet shops	7
Shelters and pounds	2
Boarding establishments	10
Customer Service Requests and Complaints	
Dogs at large	428
Dog rush (person or animal)	80
Dog attack	185
Dog – barking	568
Request for collection dogs	932
Dog registration follow up	238
Management of Keeping of Animals Local Law enquiries	132
Cat management	934
Other, including, injured animals, restricted breed, loan of citronella collars, dog waste, livestock wandering and business registration	674
Prosecutions	6
Total requests for service	4177

2. TRAINING OF AUTHORISED OFFICERS

2.1 CONTEXT AND CURRENT SITUATION

The objective of training and development is to ensure all staff involved in animal management have the knowledge and skills necessary to carry out their work in a safe and professional manner. The City of Greater Bendigo is committed to ensuring all staff involved in animal management are equipped for the demands of their role and are competent in their job.

All Animal Management Officers receive extensive, on the job training. In addition, they receive additional formal training in:

- customer service including conflict resolution
- dog & cat handling
- bite prevention
- stock handling
- captive bolt use
- traffic control and driver safety
- self-preservation and harm reduction
- family violence
- first aid.

Additional training may be considered for Senior Local Laws officers, and may include:

- prosecutions
- statement taking and evidence gathering
- restricted breed dog identification
- aggressive dog apprehension.

2.2 OUR PLANNED TRAINING FOR AUTHORISED OFFICERS

Staff will continue to receive training in customer service, health and safety, workplace behaviours and the delivery of community education information and will be encouraged to attend industry related information sessions and seminars for networking opportunities and to keep up with latest trends and innovations.

An annual skills audit is undertaken to identify any gaps in the skills available within the Animal Management Team. A professional development plan is prepared each year arising out of this audit.

The annual performance reviews include a review of the staff member's skills and training undertaken in the previous year.

All new staff are taken through an induction program and receive regular updates offering opportunity to undertake training using the City's Learning Opportunities Program.

An inclusion as part of the formal training will now include recognising and responding to family violence. The training will ensure staff understand their interactions with the community to become competent in responding to family violence concerns. Consideration has been given to other avenues the City can respond to family violence situations including respite care for animals and assistance with managing ownership in accordance with recent legislative changes.

2.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Maintain a training register for individual officers detailing completed and proposed training.

Activity	When	Evaluation
Maintain a skills matrix for employed staff, to identify required and proposed training.	Ongoing, will continue for 2021-2025 Plan.	6 monthly review of matrix, to ensure its accuracy and to determine whether proposed training goals have been met for each officer.

Objective 2: Ensure all new Authorised Officers have completed their minimum training requirements within 12 months of appointment.

Activity	When	Evaluation
Identify minimum training requirements for Authorised Officers and record when officers have completed each course.	Ongoing, will continue for 2021-2025 Plan.	Annually review spread sheet and ensure each officer has completed their minimum training requirements.

Objective 3: Provide opportunities for additional training each year.

Activity	When	Evaluation
Identify additional training opportunities e.g. prosecutions training, advanced conflict management and mediation.	Ongoing, will continue for 2021-2025 Plan.	Annually review how many officers have undertaken training that was in addition to their minimum requirements.

Objective 4: Provide and maintain performance training / planning process for individual officers.

Activity	When	Evaluation
Complete annual development plan and review process for each staff member.	Ongoing, will continue for 2021-2025 Plan.	Completion of annual development plan and review process with the intention of identifying training needs to deal with skill gaps and emerging issues or legislative changes.

3. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION

3.1 CONTEXT AND CURRENT SITUATION

On 1st July 2019, The City of Greater Bendigo brought the pound and shelter services back under direction of the council. This provided the opportunity to further develop a proactive approach to responsible pet ownership, tailored to the needs and desires of the community.

This Council delivered service (Bendigo Animal Relief Centre - BARC) has been operational since 1st July 2019. Council can utilise BARC to provide a platform to promote responsible pet ownership, and together they are able to deliver:

- Discount micro-chipping services 5 days of the week, if an animal is registered at the same time
- Assistance with updating microchip details or people who don't understand the requirements of the different microchip databases
- Discount cat desexing opportunities to eligible residents of Bendigo
- Education and assistance around choosing the right type of pet
- Linking people with online courses such as at *Petcademy* to educate pet owners to understand their pets needs
- Online resources to assist with educating owners on their legal obligations

In 2020, BARC was independently audited and found to meet and exceed all industry standards and comply with all legislative requirements.

3.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS:

Council permits dogs to be exercised off leash throughout the municipality except within the following designated on-leash areas where Council has invoked a s26 Order under the Act requiring dogs to be on a leash:

- Rosalind Park
- Lake Weeroona
- Strathdale Park & Kennington Reserve
- White Hills Botanic Gardens
- Rotary Park Strathdale
- Botanical Gardens Kangaroo Flat
- Barrack Reserve Heathcote
- Canterbury Gardens Eaglehawk
- Coinda Park Golden Square
- Lake Neangar & Lake Tom Thumb Eaglehawk
- Council allows shared use of Rodda Field Strathdale
- Dogs must also be on a leash within 10 meters of any public barbeque or outdoor eating areas.

Council also has an order prohibiting dogs from the surface of the Queen Elizabeth Oval.

CURRENT LOCAL LAWS:

Community Local Law prohibits dogs from Crusoe Reservoir.

Local Law No 2 relates to the keeping of animals. It:

- Regulates the numbers of dogs and/or cats that can be kept at a property
- Ensures animals do not cause a nuisance to anyone by noise, dust, odour, or other condition, cause damage to flora or fauna or pollute any drain, watercourse or water catchment
- Keep land occupied by animals clear and clean of any waste, food scraps and excrement
- Ensures fencing is sufficient to contain animals
- Ensures the immediate collection and removal of any excrement left by animals in a public place
- Requires owners carry a bag or similar device to pick up excrement left by animals in a public place.

CURRENT POLICIES AND PROCEDURES:

Current policies and procedures include education and enforcement strategies associated with council's programs to promote and encourage responsible pet ownership.

3.3 OUR PLAN

Over the next 4 years, the City of Greater Bendigo intends to meet the following objectives by completing the associated actions.

Objective 1: Increase pet registrations		
Activity	When	Evaluation
Continue with discounts for desexed pets.	Ongoing, will continue for 2021-2025 Plan.	Increase in the number of newly registered pets and renewed registrations.
Provide education on the purpose of pet registration through increased community presence, and support owners to complete registration details (e.g. assist with sighting desexing tattoos, obtaining microchip numbers).	Ongoing, will continue for 2021-2025 Plan.	
Pound service discounts for registered pets.	2022.	
Online payment options for registrations.	2022.	
Review registration fees to encourage new registrations (e.g. free registration for pets under 6 months of age).	2022.	

Objective 2: Increase pet micro-chipping		
Activity	When	Evaluation
Continue to provide discount micro-chipping 5 days a week, with the intention to increase the service to 7 days a week.	Ongoing, will continue, increased service delivery planned for late 2022.	Increase in the number of stray or surrendered animals received which carry a microchip.
Consider micro-chipping events to reach a wider range of pet owners.	Ongoing, will continue for 2021-2025 Plan.	

Objective 3: Increase dog waste removal		
Activity	When	Evaluation
Empower community to encourage owners to clean up after their dogs.	Ongoing, will continue for 2021-2025 Plan.	Decrease in the amount of customer service requests received in relation to dog waste in public spaces. Decrease in the amount of infringements issued.
Trial the provision of environmentally friendly dog waste bags through the council offices for owners to use, in line with Council's Single Use Plastics policy.	2022.	
Continue with Local Laws Officer presence at popular dog walking/exercise locations.	Ongoing, will continue for 2021-2025 Plan.	

Objective 4: Increase the number of desexed pets not intended for breeding		
Activity	When	Evaluation
Provide discount registration for desexed pets.	Ongoing, will continue for 2021-2025 Plan.	Decrease in the number of unwanted litters, and increase the percentage of registered pets that are desexed.
Provide discount cat desexing to eligible residents.	Ongoing, will continue for 2021-2025 Plan.	
Promote increased sociability and trainability of desexed pets.	Ongoing, will continue for 2021-2025 Plan.	

Objective 5: Assist residents with choosing the right pet

Activity	When	Evaluation
Provide education sessions/presentations to help people analyse what pet might be right for them.	2022.	Decrease in the number of surrendered animals due to the animal not suiting the owner's needs.
Continue to provide advice and guidance for pets being adopted from the shelter.	Ongoing, will continue for 2021-2025 Plan.	

Objective 6: Promote responsible pet ownership to the younger generation

Activity	When	Evaluation
Visiting local schools to educate the next generation of pet owners of the importance of responsible pet ownership.	Ongoing, will continue for 2021-2025 Plan.	Aim to speak to a student cluster in 75% of local schools by 2025.

Objective 7: Increase cat containment

Activity	When	Evaluation
Promote and share existing resources from Safe Cat / Safe Wildlife campaign.	2022.	Decrease in the number of complaints relating to nuisance caused by wondering cats. Decrease in the number of infringements issued.
Provide flyers, information and advice on how to contain cats.	Ongoing, will continue for 2021-2025 Plan.	

4. PROGRAMS TO ADDRESS OVER-POPULATION RATES AND ANY HIGH EUTHANASIA RATES

4.1 CONTEXT AND CURRENT SITUATION

Registration is seen as a solution to reduce high euthanasia rates as registered dogs and cats are almost always reunited with their owners, if picked up by City staff.

The City's promotion of registration requirements has a strong emphasis on the return of lost pets as a key reason to register.

Changes in legislation introduced mid 2018 required pet shops to only sell dogs and cats provided by a rescue group, pound or shelter to assist with the rehoming of animals. These animals are required to be desexed and micro-chipped before being made available to their new homes.

The Domestic Animals Regulation Amendment (2019) limits the number of female dogs a dog breeder may keep from April 2020. Victoria is the first state to introduce this cap on dog numbers and it severely affects the financial viability of puppy farms.

This amendment also saw the introduction of the Pet Exchange Register (PER), managed by Animal Welfare Victoria (DELWP). The PER improves traceability and accountability of all animals sold, providing the public with a means to search the register and check details of the seller.

4.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS:

Currently, Council has a cat curfew under s25 of the Act from sunset to sunrise that applies across the municipality making it an offence for a cat to be outside the owner's property. This is to reduce incidence of breeding to decrease the number of unwanted cat litters in the community and reduce the occurrences of nuisance.

Council also are aware of several covenants placed on the title of properties within several recent residential estates which prohibits the keeping of greyhounds and cats whilst requiring dogs be on leash when outside the owner's property.

CURRENT LOCAL LAWS:

Local Law No 2 regulates the number of animals that can be kept at a property and provides the framework for compliance actions

CURRENT POLICIES AND PROCEDURES:

Compliance policy provides a framework for enforcement action such as issuing of caution and infringement notices for dogs/cats found at large or follow up of registration and identification requirements.

Current policies and procedures include:

- All cats and dogs over the age of 3 months must be registered and those being registered for the first time must also be micro-chipped
- Loaning of humane trigger plate traps under strict guidelines for residents to trap feral and trespassing domestic cats
- All dogs and cats are desexed prior to being adopted and rehomed through BARC
- All dogs and cats reclaimed from BARC are micro-chipped and registered
- All dogs and cats taken to BARC are held for 8 days for the owner to reclaim
- Unclaimed animals become property of the City and are rehomed or euthanised
- All dogs and cats to be rehoused must pass the appropriate temperament tests and veterinarian checks
- Investigate all reports of inappropriate breeders.

4.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Work with the community to further reduce euthanasia rates for impounded cats and dogs.		
Activity	When	Evaluation
Raise awareness of the benefits of desexing pets.	Ongoing, will continue for 2021-2025 Plan.	Increase shelter reclaim rates of cats and dogs found wondering.
Provide discounted registration costs for desexed pets.	Ongoing, will continue for 2021-2025 Plan.	
Educate community on the effect that feeding un-owned cats has on over-population.	Ongoing, will continue for 2021-2025 Plan.	
Promote lost/found pets online and on social media platforms to reunite them with their owner.	Ongoing, will continue for 2021-2025 Plan.	

Objective 2: To provide transparency to our public in relation to overpopulation and high euthanasia rates

Activity	When	Evaluation
Provide access to statistics on the euthanasia rates at the shelter.	Ongoing, will continue for 2021-2025 Plan.	Public awareness of the number of animals which are euthanised (published in the annual report).

Objective 3: Provide discount cat desexing to eligible residents, and encourage ownership of community cats

Activity	When	Evaluation
Continue to work with the National Desexing Network to provide low cost cat desexing to eligible residents.	Ongoing, will continue for 2021-2025 Plan.	Increase in the number of cats entering the program from the previous comparable period.
Complete and lodge a grant application to run a low-cost desexing program to support disadvantaged Victorian families within our municipality.	Ongoing, will continue for 2021-2025 Plan.	

Objective 4: Create more options for animals who are not suitable for adoptions through a shelter

Activity	When	Evaluation
Increase community foster carers to provide care for vulnerable animals such as neonatal kittens which are vulnerable to disease and ill-health in shelters.	Ongoing, will continue for 2021-2025 Plan.	Increased opportunities for animals to enter foster care and options for rehoming.
Continue to expand our network of rescue organisations, providing the option to transfer animals to other organisations which may be better equipped to manage behavioural or medical requirements.	Ongoing, will continue for 2021-2025 Plan.	

5. REGISTRATION AND IDENTIFICATION

5.1 CONTEXT AND CURRENT SITUATION

All dogs and cats over the age of 3 months must be micro-chipped and registered with the Council where it resides.

The registration fees help fund the animal management services provided by Council and the responsible pet ownership campaign and other education programs run by the State Government.

An animal found with a registration or microchip marker has a much higher chance of being reunited with its owner and not being taken to the animal shelter.

It has been identified that the number of registered animals has not increased alongside the estimated increase in pet ownership. Increasing awareness of registration requirements and the benefits of registration has been identified as a priority for the Animal Services team.

5.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS:

Dogs and cats are required to be micro-chipped at time of renewal of registration (s.10C). All dogs and cats over the age of three months must be registered.

CURRENT LOCAL LAWS:

City of Greater Bendigo's Local Law No 2 as mentioned in previous sections regulates the number of dogs and cats that can be kept at a property.

CURRENT POLICIES AND PROCEDURES:

Fees for the registration of cats and dogs is undertaken as part of the City's annual budget process and is subject to the financial policies of Council including Hardship Policy.

City of Greater Bendigo's Local Laws No 2 regulates the number of animals to be kept at a property.

Instrument of delegation provides delegated authority to staff to register or refuse to register a dog or a cat or dangerous or restricted breed dogs.

Relevant procedures include Dog Seizure Procedure and After-Hours Response Procedure. The Compliance Policy provides a framework for enforcement action.

OUR CURRENT COMPLIANCE ACTIVITIES

Compliance activities include:

- Conduct random door knocking each year to check for unregistered cats and dogs
- Ensuring all dogs and cats are registered and micro-chipped prior to their release from BARC
- All registered animals found wandering, where possible, are returned to their owners in the first instance
- All officers carry microchip scanners and public areas are patrolled regularly to undertake random checks for unregistered animals. Officers also have mobile access to registration data in the field to be more efficient in returning animals to their owners
- Registration checks are commonly undertaken on reports where it is suspected that unregistered animals may reside
- Follow up of failure to register or renew animal registration through the issue of caution notices and infringement notices in accordance with the City's Compliance Policy
- Unpaid infringement notices are lodged with Fines Victoria for follow up.

5.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Increase awareness of importance and benefits of pet registration		
Activity	When	Evaluation
Use social media platforms to communicate the benefits of registration, such as increased chances of being reunited with owner.	Ongoing, will continue for 2021-2025 Plan.	Increased animal registrations.
Provide clarity and transparency of how funding from pet registration is utilised by Council.	2023.	

Objective 2: Continue to remind people of the requirement to register their pets		
Activity	When	Evaluation
Issue reminder notices to all pets who have been previously registered and not renewed.	Ongoing, will continue for 2021-2025 Plan.	Increased animal registrations.
Send SMS reminders for all unpaid registrations, along with messaging of its importance.	2022.	

Objective 3: Increase convenience of registration payments		
Activity	When	Evaluation
Provide online platform for pet owners to pay their registration renewal, update details, and submit new animal registrations.	2022.	Increased animal registrations.
Provide assistance to owners to complete their registration by assisting to gather the required information (e.g. microchip numbers).	2022.	

Objective 4: Consider additional incentives for registered pets		
Activity	When	Evaluation
Consider further discounts for pets which have been consistently registered on time and have demonstrated responsible pet ownership (e.g. pay 3 years rego, get the 4 th for free).	2023.	Increased animal registrations.
Consider “no fee” reclaims of registered animals found lost/wondering (with certain time frame).	2022.	

6 NUISANCE

6.1 CONTEXT AND CURRENT SITUATION

The regulations for managing dog and cat nuisance, relating to noise, trespassing and wandering at large are contained within the Domestic Animals Act.

Three common types of nuisance complaints that Animal Management Services deal with are noise from barking dogs, dog faeces in public spaces, and trespass of cats.

EXCESSIVE BARKING

Barking dog complaints can be a source of great irritation within the community and are extremely time consuming and difficult for Officers to resolve. Responses to our recent survey indicate that 50% of residents are impacted by barking dogs, and 20% of these are reported to council.

Investigating such complaints can be a long process as Officers have to gather sufficient evidence to prove the nuisance exists. This is often subjective, and the problem can stop and then start again sometime later.

City Officers can issue notices to the dog owner to abate the nuisance, issue infringement notices or have the matter heard in the Magistrates Court to seek an order from the Court to abate the nuisance.

Excessive barking can have several causes including:

- Housing environment, including inadequate yard space and lack of stimulation
- Inadequate exercise and interactions with people and or other dogs
- Inadequate shelter from weather conditions
- Hunger or thirst
- A medical condition such as illness or injury
- Provocation or disturbance - movement outside the dog's property (e.g. passers-by, other dogs barking, possums, cats)
- Changes to the family structure, routine or territory
- Learned behavior – dogs often bark more if they learn that their owner makes a fuss over them when they bark
- Contact seeking - dogs are social animals, barking and howling are ways that dogs can communicate with each other over distance
- Territorialism (visitors to the property) and communication.

Not all barking dog complaints can be prevented. The objective is to resolve complaints as quickly and smoothly as possible. Sometimes the behaviour is so ingrained that professional advice is required. In these cases, advice from a veterinarian or referral to a qualified behaviourist is recommended. The City has established a list of behaviourists to whom owners of dogs with a barking problem can be referred.

The process for dealing with barking dogs tries to balance the interests and rights of both the dog owner and the resident affected by the noise. Often cases are resolved reasonably quickly after the initial complaint, but some require an investigation to be undertaken which may take some time to determine if a problem exists.

DOG FAECES

The pollution of footpaths, parks and reserves by dog faeces is a concern raised by residents in recent surveys, with 72% of people feeling that dog waste on public streets was a significant issue.

It is generally accepted that dog faeces left in public spaces is smelly, unsightly and unpleasant to step in. However, it can also host disease and or parasites which can infect other dogs that come into contact with it, or worse, be transmitted to people.

Toxocara Canis is the roundworm that can be found in the faeces of infected dogs and can be passed onto humans.

Dog faeces is not a fertiliser and breaks down slowly. Leaving it lying around encourages other dogs to mark their spot. Dog faeces litter can lead to bacteria and algae in our water ways which can harm birds, fish, frogs and insects.

The City presently has a Local Law which requires dog owners to pick up their dog's faeces from public places. There is also a requirement that dog owners take a bag or other suitable device with them for picking up their dog faeces when walking their dog. It is not proposed to modify these requirements. 88% of survey respondents indicated that they are aware of these requirements.

CAT TRESPASS

There is currently a dusk-to-dawn cat containment requirement in The City of Greater Bendigo. Our survey responses show that a majority of residents are aware of the curfew (81%) however nearly the same number of residents observe cats breaking this curfew.

Cats can create a nuisance to residents by leaving faeces in gardens and children's play areas, spraying plants and buildings with their urine, fighting with other cats which often involve loud and disturbing vocalisation, and upsetting resident cats which reside on the property where the other cat is trespassing.

It is important to note that not all these cats would be owned. Research recently conducted by Monash University indicates that 22% of Victorians are feeding or otherwise caring for a community cat which they believe is not owned, but who the cat relies on for food and potentially other additional care.

Our survey supported these finding, with 8% of respondents admitting to feeding or providing care for a cat which was 'unowned' and lived within the community.

Cat trespass can be significantly reduced by increased containment requirements, and a reduction in the number of un-owned cats living among the community.

Cats have a major impact on Victoria's biodiversity, with wild cats being one of the most significant threats to the survival of the state's threatened wildlife. Around 46% of Australia's endangered wildlife can be found in towns and cities (Ives et al. 2015), so it is a topic that requires consideration for both urban and rural cats.

The main environmental impact of wandering cats is through direct predation, but cats also spread diseases that affect humans, livestock and our wildlife. These diseases can cause abortions in livestock which reduced farmers' productivity and create scar tissue in livestock meat which reduces farmers' incomes.

6.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS:

As per Chapter 4.2, Council currently has a cat curfew under s25 of the Act from sunset to sunrise that applies across the municipality making it an offence for a cat to be outside the owner's property. This is to reduce incidence of breeding to decrease the number of unwanted cat litters in the community and reduce the occurrences of nuisance.

As per Chapter 3.2, Council has Orders in place requiring dogs and/or cats to be restrained in a specific manner when in public places.

As per Chapter 3.2, Council also has an Order prohibiting dogs from the playing surface of the Queen Elizabeth Oval.

CURRENT LOCAL LAWS:

As per Chapter 3.2, Council's Local Law No 2 regulates the numbers of dogs and/or cats that can be kept at a property and requires dog owners remove and dispose of faeces deposited by their dogs in public places.

CURRENT POLICIES AND PROCEDURES:

Current policies and procedures relating to management of customer concerns relating to a nuisance caused by pets in the community includes:

- Nuisance Animals Policy
- Investigation Manual for Nuisance
- Compliance Policy
- After Hours Response Procedure
- Trespassing Livestock Procedure
- Issuing of Infringement and Caution Notices Procedure
- Internal Review Procedure
- Guidelines for Dealing with Animal Matters.

OUR CURRENT COMPLIANCE ACTIVITIES

The City has a comprehensive manual and procedures for dealing with nuisance issues and has several trained staff dedicated to managing the nuisance issues that arise from animals. Our staff respond to over 500 barking dog requests per year.

6.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Manage dog nuisance complaints		
Activity	When	Evaluation
Maintain technology such as noise recorders for assessing nuisance.	Ongoing, will continue for 2021-2025 Plan.	Reduction in the number of complaints in relation to a nuisance caused by dogs, including barking and faeces in public spaces.
Continue to use barking dog complaint/investigation policy/manual.	Ongoing, will continue for 2021-2025 Plan.	
Review education material about managing dog nuisance issues on the website.	Ongoing, will continue for 2021-2025 Plan.	

Objective 2: Manage cat nuisance complaints		
Activity	When	Evaluation
Provide education material about cat enclosures.	Ongoing, will continue for 2021-2025 Plan.	Reduction in the number of complaints in relation to a nuisance caused by cats including trespass.
Review education material about managing cat nuisance issues on the website.	2022.	
Participate in the National Desexing Network programs to provide all eligible residents with discount cat desexing.	Ongoing, will continue for 2021-2025 Plan.	
Provide accessible discount micro-chipping.	Ongoing, will continue for 2021-2025 Plan.	
Provide affordable options for residents feeding/caring for community cats to become responsible cat owners.	2021.	
Provide cat traps for hire at no cost (refundable deposit required).	Ongoing, will continue for 2021-2025 Plan.	
Consider 24-hour cat containment to bring the requirement of keeping cats contained in line with that of keeping dogs contained.	2022.	

7 DOG ATTACKS

7.1 CONTEXT AND CURRENT SITUATION

There are several reasons why dogs will roam, including opportunity and boredom. Roaming dogs can be a problem as they can cause traffic hazards, act aggressively towards people and other animals, deposit faeces, be destructive, spread disease, can develop instinctive behaviours and act independently (disobedience). Dogs that are used to roaming and having freedom can develop behavioural problems and are likely to protest when confined, which in turn can lead to residential amenity issues.

Roaming dogs are more likely to be involved in a rush or an attack on a person or another animal. The City treats all dog attacks as a matter of priority and is a vital component of the Animal Management Officer's role.

A majority of dog attack investigations are for attacks on other dogs, followed by attacks on other animals (e.g. other pet animals or livestock).

Our Survey shows that 35% of respondents have experienced a dog rush or attack, however it most likely to go unreported to council for investigation. Development of a program to educate residents on how to identify a dog attack, and the process for reporting it, are considered in the Plan.

7.2 OUR ORDERS, LOCAL LAWS. COUNCIL POLICIES AND PROCEDURES

CURRENT ORDERS:

Chapter 3.2 references the Orders requiring dogs to be restrained in a specific manner when in public places and from being present in specific areas of the municipal district.

CURRENT LOCAL LAWS:

There are currently no Local Laws relevant to dog attacks. Instead the provisions of the Domestic Animals Act are used when responding to reports of dog attack.

CURRENT POLICIES AND PROCEDURES:

Current policies and procedures relating to management of customer concerns relating to a nuisance caused by pets in the community includes:

- Dog attack procedure
- Destruction Procedure
- Dangerous Dog Declaration Procedure
- Menacing Dog Declaration Procedure
- Procedure for Prosecuting Dog Attack

- Dog Seizure Procedure
- After Hours Response Procedure
- Issuing of Infringements Procedure
- Nuisance Animals Policy
- Compliance Policy.

OUR CURRENT COMPLIANCE ACTIVITIES

Officers respond to reports of dogs wandering at large as a high priority to reduce dog attacks.

All declared dangerous, menacing and restricted breed dogs are recorded on the Victorian Declared Dog Register (VDDR) including type of declaration.

7.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Increase awareness of safety around dogs and reduce number of attacks.		
Activity	When	Evaluation
Maintain a designated dog attack consequence web page which explains the implications for dog and owner if the dog attacks. Also provide information on how to avoid dog bites.	Ongoing, will continue for 2021-2025 Plan.	Reduction in number of dog attacks and increase in compliance of suitable restrain/containment of dogs.
Publicise key dog attack prevention messages (e.g.: confinement of dogs to property, leash laws etc.) through social media articles and website.	Ongoing, will continue for 2021-2025 Plan.	
Undertake letter box drops in areas where a dog has attacked.	Ongoing, will continue for 2021-2025 Plan.	
Ensure annual audits of properties where dangerous, menacing or restricted breed dogs are housed and properties where a Magistrate has imposed an order to contain.	Ongoing, will continue for 2021-2025 Plan.	
Visit schools to educate children on how to be safe around dogs, minimising bites in the home and teaching them how to minimise being bitten or attacked by a dog.	2023.	
Develop an awareness program to increase dog attack reporting.	2023.	

Objective 2: Reduce harassment and wandering by dogs.		
Activity	When	Evaluation
Conduct a feasibility study on the requirement to keep dogs on leashes in public areas unless designated otherwise.	Commence 2022.	Reduced rate of impounded dogs as a result of wandering, and decreased reports of harassment caused by wandering dogs.
Promote the importance of desexing at an early age.	Ongoing, will continue for 2021-2025 Plan.	
Identify and patrol properties where containment is not sufficient and other high-risk areas.	Ongoing, will continue for 2021-2025 Plan.	
Benchmark data of dog attack against previous years to identify trends or useful information.	Ongoing, will continue for 2021-2025 Plan.	
Educate the community about dog confinement and penalties for owners not keeping their dog confined.	2022.	
Increase the use of media to educate the community on the importance of preventing their dog from wandering.	2023.	

8 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

8.1 CONTEXT AND CURRENT SITUATION

The Domestic Animals Act 1994 provides that Council must outline programs, services and strategies to effectively identify all Dangerous, Menacing and Restricted Breed dogs in the district and to ensure that these dogs are kept in compliance with the Act and Regulations.

A dog is considered a **Dangerous Dog** regardless of its breed or actions if It is left to guard non-residential premises, or it has been trained to attack or bite a person or clothing attached to or worn by a person.

Any dog, regardless of its breed or size, can be declared Dangerous if the dog has attacked and bitten a person or other animal and caused serious injury, or has menaced people more than once.

A dog can be declared **Menacing** if the dog causes a non-serious bite injury to a person or animal, or the dog rushes at, or chases a person in an aggressive manner.

Restricted Breed Dogs (RBD's) are five specific breeds of dogs that are considered a higher risk to community safety than other breeds of dogs.

In 2003 the Government introduced Restricted Breed Dog Legislation into Victoria to regulate the ownership and keeping of dogs whose importation is prohibited under the Customs (Prohibited Imports) Regulations 1956 of the Commonwealth.

The following dog breeds are restricted:

- American Pit Bull Terrier (or Pit Bull Terrier)
- Fila Brasileiro
- Japanese Tosa
- Dogo Argentino
- Perro de Presa Canario (or Presa Canario).

Only the American Pit Bull Terrier (or Pit Bull Terrier) and Dogo Argentino are known to be in Victoria.

The State Government has developed a Standard for identifying RBDs and all dogs fitting the Standard including part breeds, except where exemptions are given by the Standard, are considered an RBD. RBDs not registered prior to 30 September 2011 are not allowed to be kept in Victoria.

At July 2021 the City had a total of 8 Dangerous Dogs, 3 Menacing Dogs and 1 Restricted Breed Dog (Pit Bull).

8.2 OUR POLICIES AND PROCEDURES

CURRENT POLICIES AND PROCEDURES:

Current policies and procedures relating to the management of Dangerous, Menacing and RBDs in the community includes:

- Dangerous and Restricted Breed Dogs Inspection Procedure
- Dog Seizure Procedure
- Destruction Procedure
- Dangerous Dog Declaration Procedure
- Menacing Dog Declaration Procedure
- Procedure for Prosecuting Dog Procedure
- Issuing of Infringements Procedure
- Compliance Policy details the enforcement framework for decision making with issuing notices to comply, infringement notices, or filing charges for prosecution.
- Internal procedure requiring two officers to be present when visiting a property where a Dangerous Dog is kept
- Officers are duly authorised and delegated via Council's Instrument of Delegation the provisions to destroy a Dangerous or an RBD under certain circumstances, declare a dog to be Dangerous or Menacing or to register/refuse the registration of an RBD.

CURRENT COMPLIANCE ACTIVITIES:

Staff are trained in identifying RBDs and respond to community reports with inspections conducted of industrial areas for dogs guarding premises.

The City has implemented a formal registration and annual audit program for properties where declared Dangerous or restricted breed dogs reside. Unannounced audits are also undertaken during this time or in response to reports from the community. Any serious breaches of audit requirements are dealt with by enforcement actions.

PRESCRIBED REQUIREMENTS FOR KEEPING DANGEROUS, MENACING AND RESTRICTED BREED DOGS

There are a clear set of requirements which must be met to appropriately house and contain a Dangerous or RBD, and to prevent incidents caused by Menacing Dogs.

The prescribed requirements for keeping RBDs include:

- Desexing
- Microchip identification
- Warning signs on property
- Muzzled and on leash outside property
- Must wear a prescribed collar at all times
- Registered on the Victorian Declared Dog Register (VDDR)
- Housed in an enclosure or secured yard
- Annual inspection by a City Officer
- Requirement to notify the City of change of address, ownership or if the dog dies or goes missing
- Higher rate of registration with no pension concession
- Harsh penalties (Crimes Act) for attacking a person, including 10 years jail if the dog kills a person or 5 years jail if the dog endangers someone's life.

The prescribed requirements for keeping a Dangerous Dog are similar to RBD requirements, however there are colour difference of the warning signs and they also must be in an enclosure on a residential property (not secured yard) or within prescribed perimeter fencing when guarding nonresidential property.

The City may require a declared Menacing Dog to be muzzled when outside the owner's premises to prevent the dog from being able to bite. The City may also require the dog to be under effective control of a person by means of a chain, cord or leash whenever it is outside the owner's premises.

A Menacing Dog Declaration can be upgraded to a Dangerous Dog Declaration if the owner of the Menacing Dog has been issued with two infringement notices for failing to comply with requirements such as leashing or muzzling their dog while in public places.

8.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: To reduce the risk of dog attack by ensuring that all Declared Dangerous, Menacing and Restricted Breed Dogs investigations are managed quickly and efficiently.

Activity	When	Evaluation
Respond to complaints regarding Menacing, Dangerous and RBDs as a matter of priority.	Ongoing, will continue for 2021-2025 Plan.	All complaints are actioned in accordance with the customer service charter, resulting in successful compliance action.
Review policies and delegations in relation to declaring a dog Dangerous or Menacing.	Ongoing, will continue for 2021-2025 Plan.	
Benchmark data of dog attack against previous years to identify trends or useful information.	Ongoing, will continue for 2021-2025 Plan.	

Objective 2: To reduce the risk of dog attack by ensuring that all Declared Dangerous, Menacing and Restricted Breed Dogs are kept in compliance with the Domestic Animals Act requirements.		
Activity	When	Evaluation
Ensure that all properties where Declared dogs and RBDs are kept have random, unannounced inspections annually, and inspect industrial properties where guard dogs may be kept.	Ongoing, will continue for 2021-2025 Plan.	100% of required properties audited annually, with an increase in compliance of suitable restraint/containment of dogs.
Ensure all Declared Dogs are accurately registered on the Victorian Declared Dog Registry.	Ongoing, will continue for 2021-2025 Plan.	

9 DOMESTIC ANIMAL BUSINESSES

9.1 CONTEXT AND CURRENT SITUATION

The City of Greater Bendigo has several registered Domestic Animal Businesses (DABs). These businesses operate under approved Codes of Practice and are subject to regular audit.

Under the provisions of the Domestic Animal Act 1994 a Domestic Animal Business is:

- An animal shelter
- A Council pound (operated by the Council or a contractor on behalf of Council);
- A pet shop;
- A dog and/or cat breeding establishment where there are three or more fertile females and the proprietor is not a member of an applicable organisation. If the proprietor is a member or an applicable organisation, they are allowed up to nine fertile females;
- A dog training establishment (where the business is run for profit); or
- An establishment that is rearing dogs or cats (where the business is run for profit); or
- A dog and/or cat boarding establishment (where the business is run for profit to provide overnight, day-care or homecare boarding).

9.2 OUR POLICIES AND PROCEDURES

CURRENT POLICIES AND PROCEDURES:

Current policies and procedures relating to a Domestic Animal Business include the Instrument of Delegation which provides delegation to staff to implement the DAB provisions of the Act regarding:

- Refuse to register or renew the registration of the premises
- Refuse to transfer the registration to a new premises
- Suspend the registration of the premises; or impose terms, conditions, limitations or restrictions on the registration of a premises
- Revoke the registration of a premises.

Compliance Policy provides the framework to guide compliance and enforcement action including but not limited to issuing notices to comply, infringement notices, refuse to register or revoking the registration or filing charges for prosecution regarding DABs.

In addition, Domestic Animal Business must be audited annually, and must comply with relevant legislation mentioned previously relating to the number of animals which can be kept at a property, and animal registration requirements.

9.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Identify and register all Domestic Animal Businesses in the municipality and ensure that they are in compliance with the Domestic Animals Act.

Activity	When	Evaluation
Inspect and audit all registered domestic animal businesses annually.	Ongoing, will continue for 2021-2025 Plan.	100% of registered DABs inspected annually, with reduced number of non-compliance.
Investigate any reports/complaints of unregistered DAB within 48 hours.	Ongoing, will continue for 2021-2025 Plan.	Number of reports actions within 48 hours.
Provide relevant Code of Practice to proprietors of existing and proposed DABs.	Ongoing, will continue for 2021-2025 Plan.	Relevant information distributed.
Monitor newspapers and online advertisements to identify unregistered businesses and compare information to the Pet Exchange Register.	Ongoing, will continue for 2021-2025 Plan.	Number of new businesses identified and registered.

10 OTHER MATTERS

10.1 CONTEXT AND CURRENT SITUATION

POPULATION OF UN-OWNED CATS

Both community consultation and survey feedback highlighted the many issues caused by an over-population of cats in the community.

There is evidence that community cat populations can be realistically and affordably managed through Trap, Neuter, Release programs (TNR). These programs are not aligned with Council's legislative requirements under the Domestic Animals Act and therefore unable to be realistically considered for inclusion in the 2021-2025 DAMP. It has been suggested that there are similar programs operating in areas across Victoria which would warrant further investigation and possible collaboration.

Desexing is an effective management strategy to reduce stray cat population. The Bendigo Community Cat Program offered by BARC, which provides low cost desexing options for eligible people caring for community cats, aims at reducing community cat populations via the same principal as NTR programs and can be done while meeting compliance under the Domestic Animals Act.

Similar programs have been implemented at Banyule City Council and have demonstrated that free cat desexing has resulted in a significant decrease in not only stray cat admissions to the contracted shelter, but also neighbourhood complaints in relation to the nuisance caused by cats.

The City has also partnered with the National Desexing Network (NDN) to provide discounted cat desexing to eligible residents. This program has proved popular with 72 cats desexed in the last 12 months. This included 42 female cats, of which 5 were pregnant or in-season, and 30 male cats.

As a conservative measure, desexing these 72 cats has prevented at least 720 kittens in the first year, with each female cat able to produce on average 10 kittens and male cats being able to contribute to even more kittens by mating with more than one female.

78% of survey respondents would like support in the form of discounted desexing, and so the partnership with the NDN will continue.

EMERGENCY HOUSING PROVISIONS FOR PETS

There are many situations that might call for emergency housing for an animal when an owner is not able to care for them. In many of these situations, it is best practise to not encourage "surrendering" an animal for rehoming, as the bond between the owner and the pet is vital in supporting the owner through the experience they are managing, which has led to the requirement for emergency boarding. Situations may include escape from family violence, homelessness, or the requirement for medical treatment or rehabilitation.

Emergency housing for pets has been identified as a need and will be further considered and addressed under the service delivery model for BARC.

THE CONTRIBUTIONS PETS MAKE TO HEALTHY LIFESTYLES

98% of respondents to our survey recognised that pets, especially dogs and cats, can improve their owner's health. Benefits of owning a pet have been proved to include a reduction in stress, anxiety, and depression. They can ease loneliness, encourage exercise and playfulness, and even improve your cardiovascular health. Caring for an animal can help children grow up more secure and active. Pets also provide valuable companionship for older adults.

The importance of pets has been widely identified by the City's Health and Wellbeing Directorate and future consideration is being made into how further support can be provided to isolated and vulnerable residents to support a desire for pet ownership.

10.2 OUR POLICIES AND PROCEDURES

CURRENT POLICIES AND PROCEDURES:

The shelter service provided by BARC currently works with several other organisations to provide emergency accommodation to animals whose owners might be experiencing family violence, homelessness, or other significant disruption which threatens the relationships they have with their pet.

There currently is an existing Emergency Animal Welfare Plan that sits as part of the Integrated Municipal Emergency Management Plan that contains Council's actions and responses for animal management and welfare in an emergency.

CURRENT COMPLIANCE ACTIVITIES:

All processes fit within the Victorian Code of Practice for the management of Shelter and Pounds, as well as the Health Management Plan for the Bendigo Animal Relief Centre.

Discount cat desexing is delivered in accordance with the Domestic Animal Act by ensuring that all desexed cats are micro-chipped and registered.

10.3 OUR PLAN

Considering above, the activities and objectives for the next 4 years are listed below:

Objective 1: Support the community to manage community cats responsibly		
Activity	When	Evaluation
Provide support to residents who are feeding/caring for a community cat by providing affordable desexing, micro-chipping and registration.	2021-2022.	The Bendigo Community Cat Program has commenced trial and aims to provide a desexing, micro-chipping and registration service for 50 cats being cared for by eligible residents.
Continue to partner with the National Desexing Network to provide discount cat desexing.	Ongoing, will continue for 2021-2025 Plan.	
Provide education and resources on the effect feeding a stray cat can have to increased disease transmission and over population.	Ongoing, will continue for 2021-2025 Plan.	

Objective 2: Establish a community centric emergency management plan for animals		
Activity	When	Evaluation
Investigate options to support people experiencing homelessness who own pets.	2023.	Successful service provision.
Increase community awareness and promote services available for people and animals exposed to family violence.	2022.	
Consider support options for people and pets required to evacuate (e.g. flood, fire).	2024.	

Objective 3: Encourage pet ownership as a means of health and wellbeing of the City's residents		
Activity	When	Evaluation
Provide assistance to people seeking companionship with an animal by providing guidance and assistance on choosing the right animal.	Ongoing, will continue for 2021-2025 Plan.	Increase pet ownership, especially by those living in isolation and those living with disabilities.
Increase community awareness and of the benefits of owning a pet through targeted campaigns.	2022.	

11 ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

Under section 68A (3) of the Domestic Animals Act, Council must:

- Review its DAMP annually and, if appropriate, amend the Plan;
- Council must provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan, including any amendments to the Plan;
- Publish an evaluation of its implementation of the Plan in its annual report.

The actions of the Domestic Animal Management Plan will be reported and monitored via the City's business planning software which assists in monitoring strategic plan actions.

The DAMP will continue to be monitored annually against several key performance indicators. A number of these indicators form part of the Local Government Performance Reporting Framework (LGPRF) and infringement activity is reported to the Attorney General. All performance indicators are reported in the City's annual report. The performance indicators are:

- Number of dog and cat registrations
- Number of dogs and cats entering BARC
- Number of dog and cats reclaimed from BARC
- Number of dogs and cats rehoused from BARC
- Number of dogs and cats euthanised
- Number of dog management requests
- Number of cat management requests
- Total requests for animal services
- Number of prosecutions undertaken
- Number of successful prosecutions
- Number of infringement notices
- Response times for service delivery.

EVALUATION OF IMPLEMENTATION OF THE DOMESTIC ANIMAL MANAGEMENT PLAN

Activity	When	Evaluation
Conduct annual review of Domestic Animal Management Plan.	Annually as part of Plan.	Ensure actions are delivered as per Plan and the content remains current with the needs of the Community and the Act.
Update DAMP as required.	As required.	Provide the DAMP to Department of Jobs, Precincts and Regions including if amendments are undertaken.
Report on the implementation of the DAMP in Council Annual Report.	Annually.	Report completed.

APPENDIX A – ACTIVITY SUMMARY

2. TRAINING OF AUTHORISED OFFICERS

OBJECTIVE	ACTIVITY
1: Maintain a training register for individual officers detailing completed and proposed training.	Maintain a skills matrix for employed staff, to identify required and proposed training.
2: Ensure all new Authorised Officers have completed their minimum training requirements within 12 months of appointment.	Identify minimum training requirements for Authorised Officers and record when officers have completed each course.
3: Provide opportunities for additional training each year.	Identify additional training opportunities e.g. prosecutions training, advanced conflict management and mediation.
4: Provide and maintain performance training / planning process for individual officers.	Complete annual development plan and review process for each staff member.

3. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION

OBJECTIVE	ACTIVITY
1: Increase pet registrations.	Continue with discounts for desexed pets.
	Provide education on the purpose of pet registration through increased community presence, and support owners to complete registration details (e.g. assist with sighting desexing tattoos, obtaining microchip numbers).
	Pound service discounts for registered pets.
	Online payment options for registrations.
	Review registration fees to encourage new registrations (e.g. free registration for pets under 6 months of age).
2: Increase pet micro-chipping.	Continue to provide discount micro-chipping 5 days a week, with the intention to increase the service to 7 days a week.
	Consider micro-chipping events to reach a wider range of pet owners.
3: Increase dog waste removal.	Empower community to encourage owners to clean up after their dogs.
	Trial the provision of environmentally friendly dog waste bags through the council offices for owners to use, in line with Council's Single Use Plastics policy.
	Continue with Local Laws Officer presence at popular dog walking/exercise locations.

4: Increase the number of desexed pets not intended for breeding.	Provide discount registration for desexed pets.
	Provide discount cat desexing to eligible residents.
	Promote increased sociability and trainability of desexed pets.
5: Assist residents with choosing the right pet.	Provide education sessions/presentations to help people analyse what pet might be right for them.
	Continue to provide advice and guidance for pets being adopted from the shelter.
6: Promote responsible pet ownership to the younger generation.	Visiting local schools to educate the next generation of pet owners of the importance of responsible pet ownership.
7: Increase Cat Containment.	Promote and share existing resources from Safe Cat / Safe Wildlife campaign.
	Provide flyers, information and advice on how to contain cats.

4. PROGRAMS TO ADDRESS OVER-POPULATION RATES AND ANY HIGH EUTHANASIA RATES

OBJECTIVE	ACTIVITY
1: Work with the community to further reduce euthanasia rates for impounded cats and dogs.	Raise awareness of the benefits of desexing pets.
	Provide discounted registration costs for desexed pets.
	Educate community on the effect that feeding un-owned cats has on over-population.
	Promote lost/found pets online and on social media platforms to reunite them with their owner.
2: To provide transparency to our public in relation to overpopulation and high euthanasia rates.	Provide access to statistics on the euthanasia rates at the shelter.
3: Provide discount cat desexing to eligible residents and encourage ownership of community cats.	Continue to work with the National Desexing Network to provide low cost cat desexing to eligible residents.
	Complete and lodge a grant application to run a low-cost desexing program to support disadvantaged Victorian families within our municipality.
4: Create more options for animals who are not suitable for adoptions through a shelter.	Increase community foster carers to provide care for vulnerable animals such as neonatal kittens which are vulnerable to disease and ill-health in shelters.
	Continue to expand our network of rescue organisations, providing the option to transfer animals to other organisations which may be better equipped to manage behavioural or medical requirements.

5. REGISTRATION AND IDENTIFICATION

OBJECTIVE	ACTIVITY
1: Increase awareness of importance and benefits of pet registration.	Use social media platforms to communicate the benefits of registration, such as increased chances of being reunited with owner.
	Provide clarity and transparently of how funding from pet registration is utilised by Council.
2: Continue to remind people of the requirement to register their pets.	Issue reminder notices to all pets who have been previously registered and not renewed.
	Send SMS reminders for all unpaid registrations, along with messaging of its importance.
3: Increase convenience of registration payments.	Provide assistance to owners to complete their registration by assisting to gather the required information (e.g. microchip numbers)
	Provide online platform for pet owners to pay their registration renewal, update details, and submit new animal registrations.
4: Consider additional incentives for registered pets.	Consider further discounts for pets which have been consistently registered on time and have demonstrated responsible pet ownership (e.g. pay 3 years rego, get the 4 th for free).
	Consider "no fee" reclaims of registered of animals found lost/wondering (with certain time frame).

6 NUISANCE

OBJECTIVE	ACTIVITY
1: Manage dog nuisance complaints.	Maintain technology such as noise recorders for assessing nuisance.
	Continue to use barking dog complaint/investigation policy/manual.
	Review education material about managing dog nuisance issues on the website.
	Provide accessible discount micro-chipping.
2: Manage cat nuisance complaints.	Provide education material about cat enclosures.
	Review education material about managing cat nuisance issues on the website.
	Participate in the National Desexing Network programs to provide all eligible residents with discount cat desexing.
	Provide accessible discount micro-chipping.
	Provide affordable options for residents feeding/caring for community cats to become responsible cat owners.
	Provide cat traps for hire at no cost (refundable deposit required).
	Consider 24-hour cat containment to bring the requirement of keeping cats contained in line with that of keeping dogs contained.

7 DOG ATTACKS

OBJECTIVE	ACTIVITY
1: Increase awareness of safety around dogs and reduce number of attacks.	Maintain a designated dog attack consequence web page which explains the implications for dog and owner if the dog attacks. Also provide information on how to avoid dog bites.
	Publicise key dog attack prevention messages (e.g.: confinement of dogs to property, leash laws etc.) through social media articles and website.
	Undertake letter box drops in areas where a dog has attacked.
	Ensure annual audits of properties where dangerous, menacing or restricted breed dogs are housed and properties where a Magistrate has imposed an order to contain.
	Visit schools to educate children on how to be safe around dogs, minimising bites in the home and teaching them how to minimise being bitten or attacked by a dog.
	Develop an awareness program to increase dog attack reporting.
2: Reduce harassment and wandering by dogs.	Conduct a feasibility study on the requirement to keep dogs on leashes in public areas unless designated otherwise.
	Promote the importance of desexing at an early age.
	Identify and patrol properties where containment is not sufficient and other high-risk areas.
	Benchmark data of dog attack against previous years to identify trends or useful information.
	Educate the community about dog confinement and penalties for owners not keeping their dog confined.
	Increase the use of media to educate the community on the importance of preventing their dog from wandering.

8 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

OBJECTIVE	ACTIVITY
1: To reduce the risk of dog attack by ensuring that all Declared Dangerous, Menacing and Restricted Breed Dogs investigations are managed quickly and efficiently.	Respond to complaints regarding Menacing, Dangerous and Restricted Breed dogs as a matter of priority.
	Review policies and delegations in relation to declaring a dog Dangerous or Menacing.
	Benchmark data of dog attack against previous years to identify trends or useful information.
2: To reduce the risk of dog attack by ensuring that all Declared Dangerous, Menacing and Restricted Breed Dogs are kept in compliance with the Domestic Animals Act requirements.	Ensure that all properties where Declared and Restricted Breed Dogs are kept have random, unannounced inspections annually, and inspect industrial properties where guard dogs may be kept.
	Ensure all Declared Dogs are accurately registered on the Victorian Declared Dog Registry.

9 DOMESTIC ANIMAL BUSINESSES

OBJECTIVE	ACTIVITY
1: Identify and register all Domestic Animal Businesses in the municipality and ensure that they are in compliance with the Domestic Animals Act.	Inspect and audit all registered domestic animal businesses annually.
	Investigate any reports/complaints of unregistered DAB within 48 hours.
	Provide relevant Code of Practice to proprietors of existing and proposed DABs.
	Monitor newspapers and online advertisements to identify unregistered businesses and compare information to the Pet Exchange Register.

10 OTHER MATTERS

OBJECTIVE	ACTIVITY
1: Support the community to manage community cats responsibly.	Provide support to residents who are feeding/caring for a community cat by providing affordable desexing, micro-chipping and registration.
	Continue to partner with the National Desexing Network to provide discount cat desexing.
	Provide education and resources on the effect feeding a stray cat can have to increased disease transmission and over population.
2: Establish a community centric emergency management plan for animals.	Investigate options to support people experiencing homelessness who own pets.
	Increase community awareness and promote services available for people and animals exposed to family violence.
	Consider support options for people and pets required to evacuate (e.g. flood, fire).
3: Encourage pet ownership as a means of health and wellbeing of The City's residents.	Provide assistance to people seeking companionship with an animal by providing guidance and assistance on choosing the right animal.
	Increase community awareness and of the benefits of owning a pet through targeted campaigns.

11 ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

OBJECTIVE	ACTIVITY
1: Evaluation of implementation of the Domestic Animal Management Plan.	Conduct annual review of Domestic Animal Management Plan.
	Update DAMP as required.
	Report on the implementation of the DAMP in Council Annual Report.

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Version: 2, Version Date: 25/10/2021

15. HEALTHY, LIVEABLE SPACES AND PLACES

15.1. Bendigo Regional Employment Precinct - Victorian Planning Authority as Planning Authority

Executive Summary

The City has purchased 155 hectares of land south of the Marong township to progress the Bendigo Regional Employment Precinct (or BREP). It is now time to commence the technical planning studies for the project. These technical planning studies will inform a masterplan and development plan which will provide more detail around the key elements and staging of the precinct, and enable more meaningful engagement to be undertaken with the Marong and broader community. The technical planning studies, the masterplan and development plan will then ultimately inform a planning scheme amendment for the precinct which will seek to rezone the land to enable the delivery of an employment precinct.

The BREP is intended to provide economic security and future employment opportunities not only for Greater Bendigo but the region and will ultimately provide around 6,000 direct and indirect jobs. Given the State and Regional significance of this project and the need to engage different State agencies, it is recommended that the Victorian Planning Authority (VPA) lead this project as the Planning Authority for the precinct.

The VPA is a statutory authority that reports to the Minister for Planning. One of the roles that the VPA is tasked with is taking on the role of Planning Authority for projects (the authority with the power to prepare a planning scheme amendment). This includes *'a mandate to lead the project and deliver outcomes (including recommending a planning scheme amendment to the Minister), in partnership with the relevant council(s) and government agencies'*. (VPA, Business Plan 2020/21).

A draft governance framework is provided in figure 1 based on the VPA becoming the Planning Authority for the BREP. This is subject to review following the Planning Authority decision and one of the first steps following this will be to refine the arrangement with Council, VPA and other stakeholders as appropriate.

By becoming the Planning Authority for the project this would mean that the VPA would take over the day to day running of the project including project managing consultants, drafting a masterplan and development plan, preparing and progressing the planning scheme amendment. The City and Council would, however, remain heavily involved in the project with a strong governance framework implemented. There would also be key decision points for Council. This includes providing support for the masterplan and amendment documents.

Recommendation

That Council fast track the delivery of the BREP and request the Minister for Planning to appoint the VPA as the Planning Authority for the proposed BREP.

Report

The City has now purchased 155 hectares of land within a broader 280 hectare precinct to the south of the Marong township to progress BREP.

All landowners and residents within the Marong township have now been notified that this purchase has taken place. As the project progresses and further detail is available, there will be more comprehensive engagement with the community and opportunities to provide feedback.

The next step is to complete detailed technical planning studies to inform a masterplan for the precinct, which will provide further detail around the staging and how this project will be delivered. These planning studies and masterplan and a development plan will inform a future planning scheme amendment which will propose to rezone the land to enable the BREP to develop. This is required as the current zoning of the land is Farming which is predominantly focused around agricultural uses.

With less than 10 years of industrial land supply remaining and current businesses in Greater Bendigo already unable to find suitable industrial land, the timely delivery of more land to meet growing business needs will be essential to providing employment opportunities for residents and regional economic growth. It is forecast that the delivery of this project would ultimately generate around 6,000 direct and indirect jobs. Conversely, with the current shortfall of industrial land, the City could start to forego jobs by 2027 if a quarter of remaining industrial land is not able to be developed (REMPPLAN, 2018).

A project of this scale will require significant resourcing and expertise. This includes staff time but also engaging expert consultants to assess the various impacts. This includes but is not limited to traffic, drainage, biodiversity, cultural heritage and bushfire.

To assist in funding the various studies and to ensure the timely progression of the project, the City has recently submitted a grant application under the VPA's Streamlining for Growth program. The City will find out over the coming months if this application was successful.

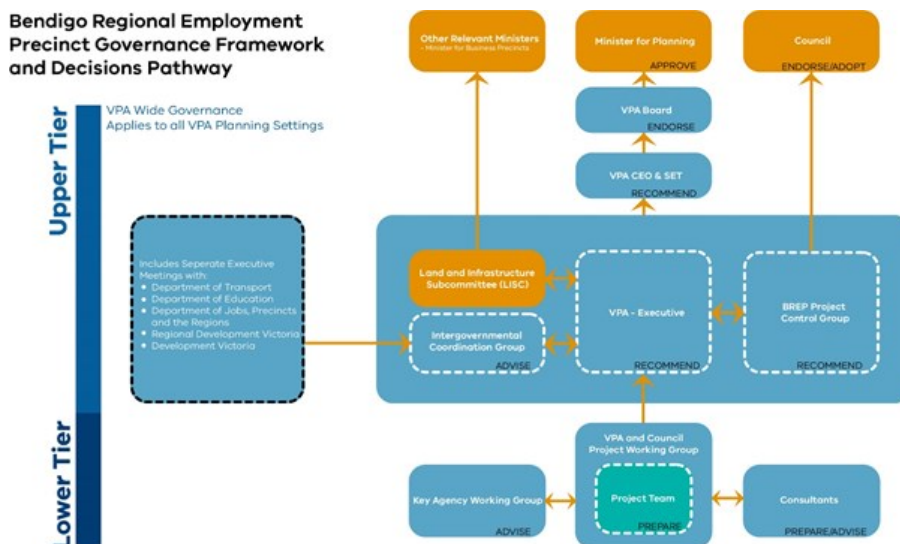
Given the State and Regional Significance of the project and the importance of securing long term employment it is recommended for the VPA to lead the project. Other benefits to this approach include:

- Depth of experience with similar projects.
- The VPA has its own internal experts across a range of disciplines who would be well placed to interrogate the various technical planning studies to ensure impacts are identified and mitigated where possible.
- The VPA is experienced in complex projects requiring the collaboration of a number of State Government agencies.
- The likely more timely progression of the project due to the range of resources available.
- As the City is now a landowner within the precinct, with the VPA as Planning Authority, this will help to minimise any potential conflicts of interest.

The City will still be heavily involved in the project. This will include through the project governance (a draft is provided in figure 1), contributing to and reviewing any documents, and participating in any engagement sessions for the project. Council will be asked to provide support for the projects at key stages including endorsing the draft and final masterplan and the planning scheme amendment documentation.

The Marong and broader community will still have an opportunity to provide feedback and submissions to the project through a similar process as if the City was the planning authority.

Figure 1 - Draft Governance Framework with the VPA as Planning Authority



Attachments

None

15.2. CA 7 Steins Road, Huntly 3551 - Use and Development of the Land for a Dwelling and Outbuildings; Use of the Land for a Store; Removal of Native Vegetation and Creation of a Carriageway Easement

Author	Adele Hayes, Statutory Planner
Responsible Director	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application details:	Use and development of the land for a dwelling and outbuildings; use of the land for a store; removal of native vegetation and creation of a carriageway easement.
Application No:	DR/602/2019
Application Documents	Application Documents
Applicant:	Shane Muir Consulting Engineers Pty Ltd
Land:	CA 7 Steins Road, HUNTLY 3551
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Land Subject to Inundation Overlay 1
No. of objections:	Nil
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> • Whether the proposal is acceptable having regard to the purposes of the Farming Zone and the relevant planning policy that deals with rural dwellings and the protection of agricultural land. • Whether the proposal is acceptable having regard to the relevant planning policy that deals with bushfire risk. • Whether the proposal is acceptable having regard to the relevant planning policy that deals with the protection of native vegetation and biodiversity. • Whether the proposed easement presents an orderly planning outcome.
Conclusion:	<p>The proposal is not in accordance with the Greater Bendigo Planning Scheme.</p> <p>It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal does not present an</p>

	acceptable planning outcome with regards to the protection of agricultural land; bushfire risk; native vegetation management and biodiversity; and the proposed easement. The proposal is unable to reconcile competing policy objectives.
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Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for use and development of the land for a dwelling and outbuildings; use of the land for a store; removal of native vegetation; and creation of a carriageway easement at CA 7 Steins Road, HUNTLY 3551 on the following grounds:

1. The proposal is inconsistent with planning policy relating to rural dwellings and the protection of agricultural land.
2. The proposal does not achieve the three-step approach to the removal of native vegetation and would result in unacceptable adverse impacts on native vegetation and biodiversity.
3. The siting of the dwelling does not appropriately respond to the bushfire hazard, resulting in unacceptable risk to life and property.
4. The proposed easement presents an unorderedly planning outcome.

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 4 Presentation and managing growth
- Goal 6 Embracing our culture and heritage

Attachments

1. Planning Assessment Report

Attachment 1 - Planning Assessment Report

PLANNING ASSESSMENT REPORT

Background Information

Some of the activities that had been occurring on the site were brought to the attention of the City's Compliance Officer following a complaint that was received in relation to truck movements along Steins Road. The applicant was advised that planning approval was required, and to proceed with lodging a planning permit application.

Preliminary concerns were raised with the applicant with regards to a number of aspects of the proposal including:

- Consistency with policy relating to rural dwellings and the protection of agricultural land.
- The extent of native vegetation removal proposed and that which had already taken place without planning approval.
- Formal access to the rear lot.

Having undertaken a site visit in May 2021, it was observed that the site was being utilised for Intensive Animal Production, with a large number of animals (pigs, goats, poultry, cows etc.) being accommodated on the site. It was also evident that buildings and works (beyond what has been applied for), were present on the site and that one of the sheds was being used for the purposes of habitation. There has also been extensive clearing of native vegetation across the site.

The applicant was given the opportunity to amend the application to include additional buildings and works and to provide details of an agricultural land use in support of the dwelling. Following a series of discussions in relation to grazing animal production, the applicant chose to proceed with the application in its current form.

Report

Subject Site and Surrounds

The site comprises of two allotments formally referred to as Crown Allotments 7, Section 26 Parish of Huntly; and Crown Allotment 7A which have areas of 6.77 hectares and 7.24 hectares (approximately) respectively. The two parts are separated by an unmade government road. The site has a northern frontage to Steins Road of 123 metres (approximately), and a total depth of 804 metres.

The site currently contains two main buildings which are located in the southern portion of the site. One building is a partially open structure which appears to be used in association with agriculture, and the other comprises a carport like structure with two annexures/huts being used for habitation. Both buildings were constructed without the required approvals in place. Other buildings and works are scattered across the site and are largely in the form of agricultural infrastructure (silos, feeding stations and storage yards, animal shelters, poultry yards, fencing etc.). An area within the northern portion of the site is being used to store industrial related machinery.

The site is heavily vegetated (primarily Grey Box and Yellow Gum), with a naturally cleared area located in the south-east corner of the site. Recent vegetation clearing has

occurred across a number of different areas of the site (to be discussed further in this report). A dam is located within the southern allotment and a natural drainage depression traverses the south-eastern corner of the site.

Vehicle access to/from the site is via an existing crossover onto Steins Road in the north-west corner of the site. An internal driveway runs along the western boundary of CA7A (the northern allotment) and crosses over the unmade government road providing access to CA7 (the southern allotment).

The site is located within the Farming Zone and is affected by a Bushfire Management Overlay and partially affected by a Land Subject to Inundation Overlay – Schedule 1.

Surrounding land to the north, east, south and west is located within the Farming Zone, with the exception of land located within the Greater Bendigo National Park and Huntly Streamside Reserve which is located within the Public Conservation and Resource Zone.

North of the site is Steins Road, an un-constructed local road. The adjoining lots to the north-east, south and north-west contain dwellings. Agriculture is practiced in the surrounding area.

The locality presents as a mix of rural residential living, farmland and bushland.

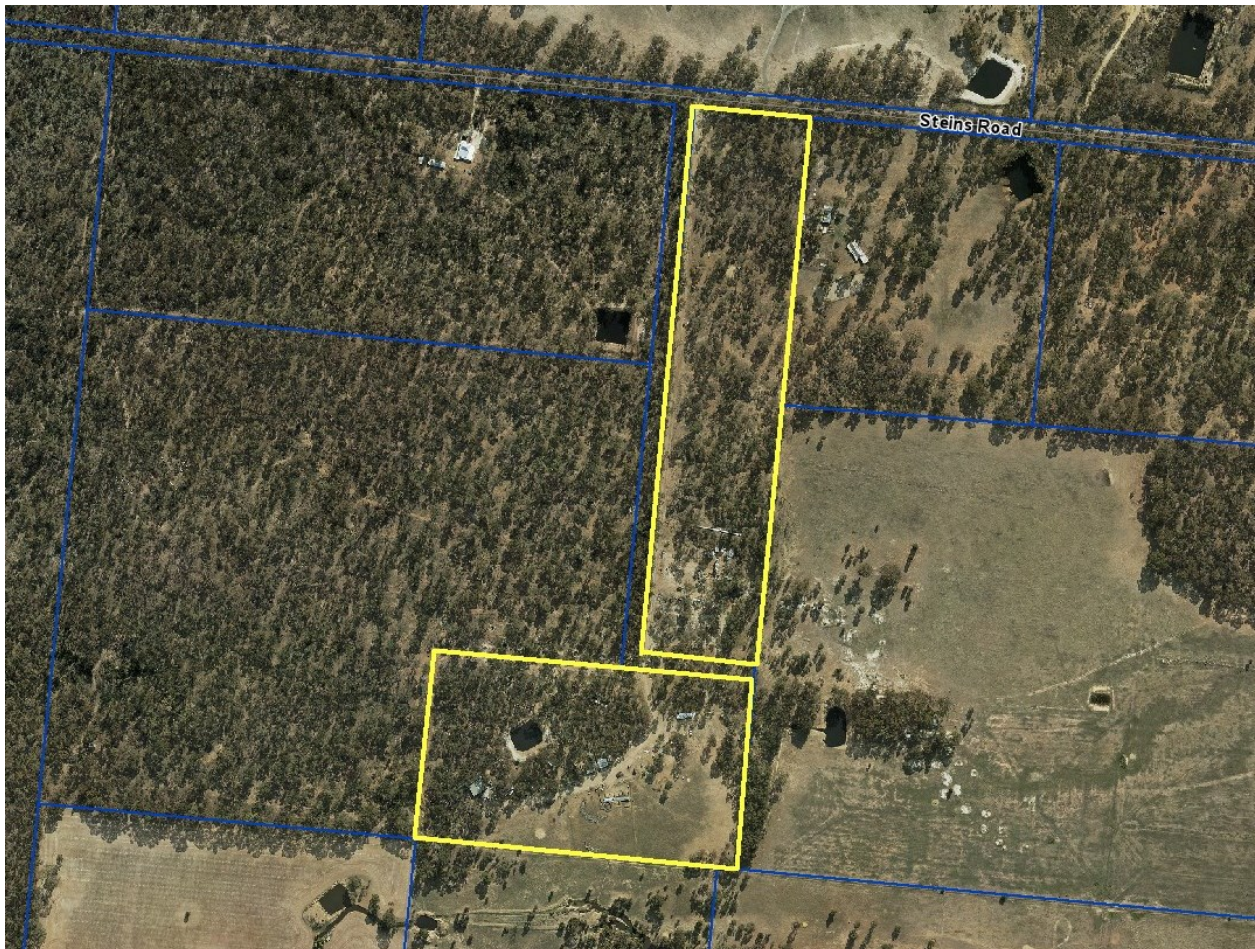


Figure 1: Aerial map showing the subject site.

Proposal

The application proposes the use and development of the land for a dwelling and outbuildings; use of the land for a store; removal of native vegetation; and creation of a carriageway easement.

The dwelling would comprise of 4 bedrooms with a total area of 347.02 square metres, and be constructed of brick with a corrugated iron roof. The dwelling would be located within the southern portion of the site, 104.7 metres from the eastern property boundary and 47 metres from the southern property boundary.

The application seeks retrospective approval for the two existing buildings located in the southern portion of the site which are proposed to be converted to outbuildings in association with the dwelling. One outbuilding has an area of 280.5 square metres (16.5m x 17m) and comprises of several parts attached by a covered walkway. The outbuilding is located within the southern portion of the site, approximately 52 metres from the southern property boundary and 52 metres from the western property boundary. The other outbuilding has an area of 42.12 square metres (8.1m x 5.2m) and is located 160 metres from the eastern property boundary and 87 metres from the southern property boundary.

It is also proposed to construct a new 90 square metre (6m x 15m) outbuilding in the southern portion of the site. No floor or elevation plans of the outbuilding have been provided. The outbuilding would be located 145.8 metres from the eastern property boundary and 37.7 metres from the southern property boundary.

The application seeks retrospective approval to use a 4,800 square metre (60m x 80m) area for the purposes of a store (land used to store goods, machinery, or vehicles). The applicant has advised that the area would be used to store equipment associated with the owner's commercial business including vehicles (utilities, small trucks, cars), trailers, excavators, vacuum units, forklifts, drilling rigs, tools, shipping containers and supplies for direct drilling (pipes, pits, tubing, spare parts).

It is proposed to create a 15 metre wide carriageway easement in order to provide formal access to the dwelling proposed to be located on the southern allotment, across the un-made government road.

It is proposed to remove 1.686 hectares of native vegetation which falls within the Detailed Assessment Pathway. The majority of the native vegetation removal has already occurred, with extensive clearing having taken place to create the heavy vehicle parking area, areas around shedding, tracks created through the unmade government road from the heavy access area to the rear of the property, an increased width of access along the track running north south from the entrance along Steins Road and clearing near the front access.

The application was accompanied by the following documentation:

- Bushfire Management Statement
- Ecological Assessment
- Land Capability Assessment
- Environmental Management Plan

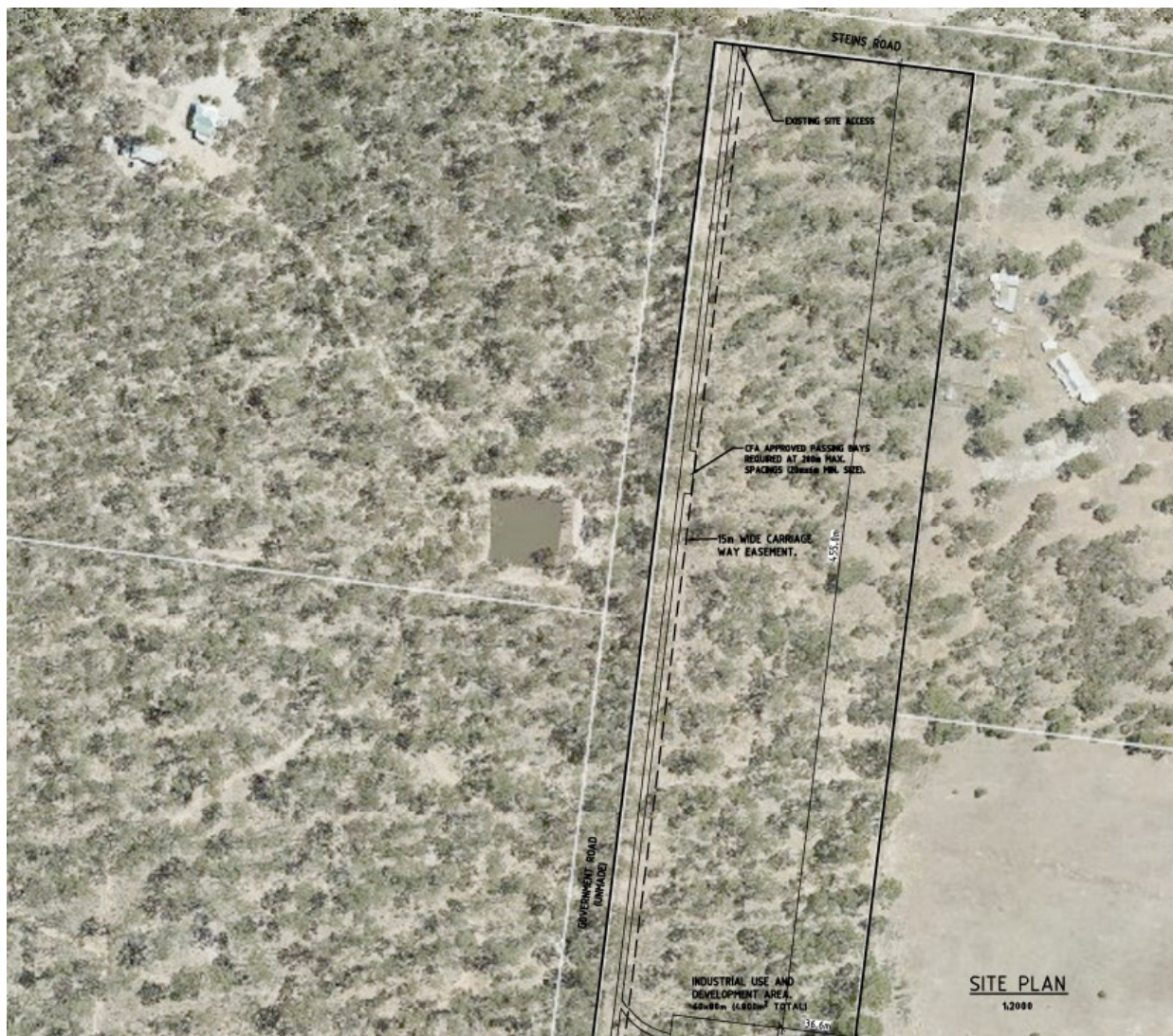


Figure 2: Proposed Part Site Plan (northern portion of lot)

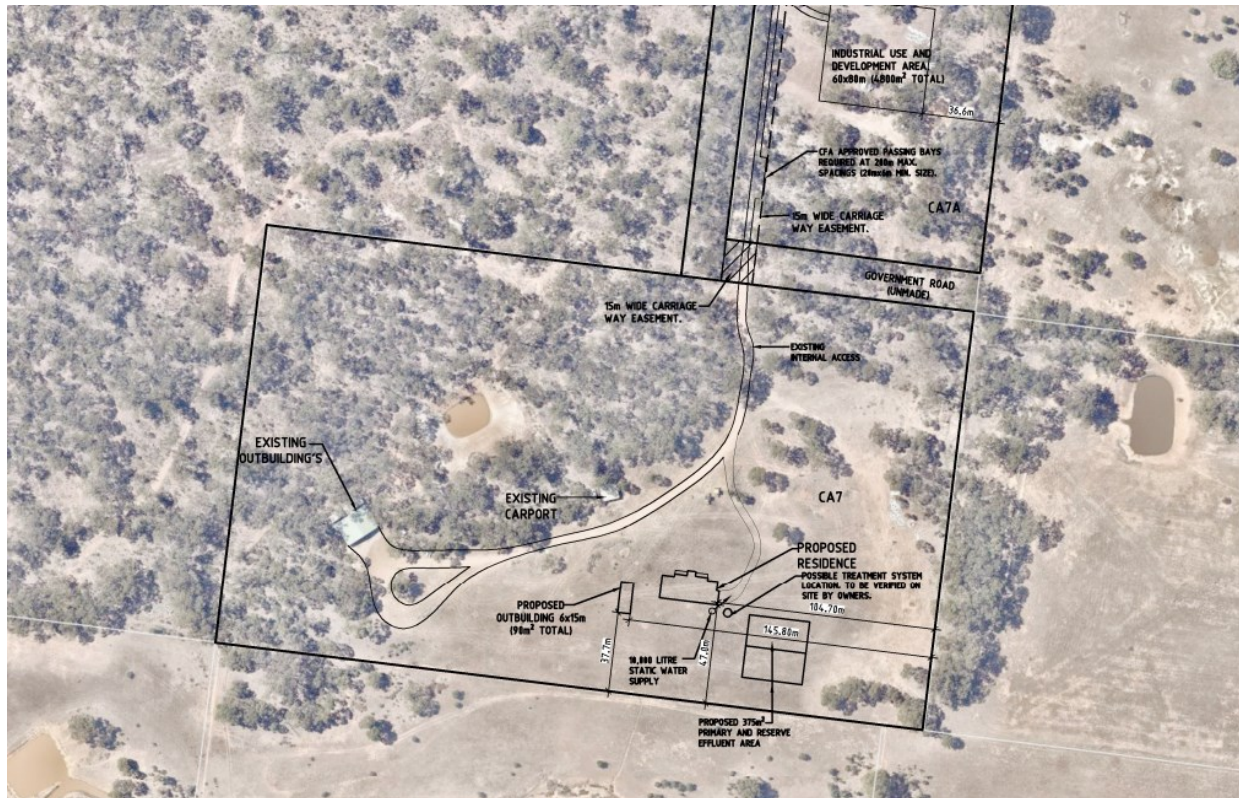


Figure 3: Proposed Part Site Plan (northern portion of lot)

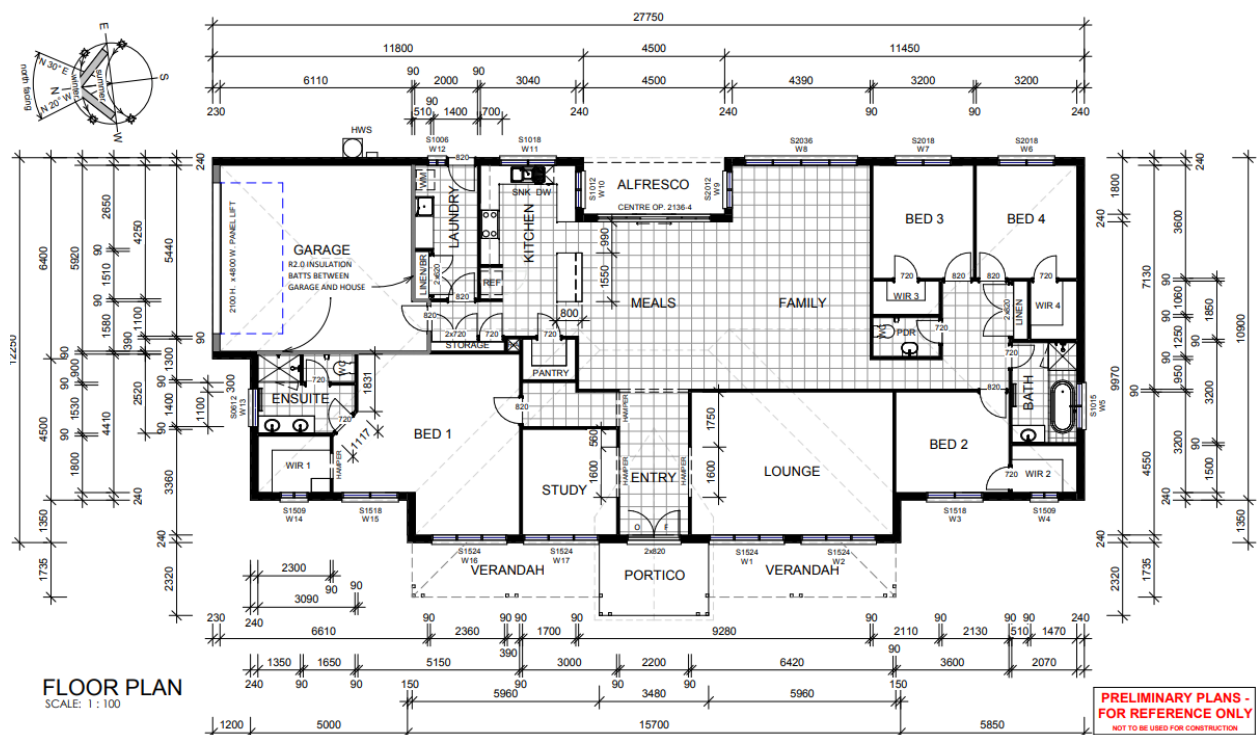


Figure 4: Proposed Dwelling Floor Plan

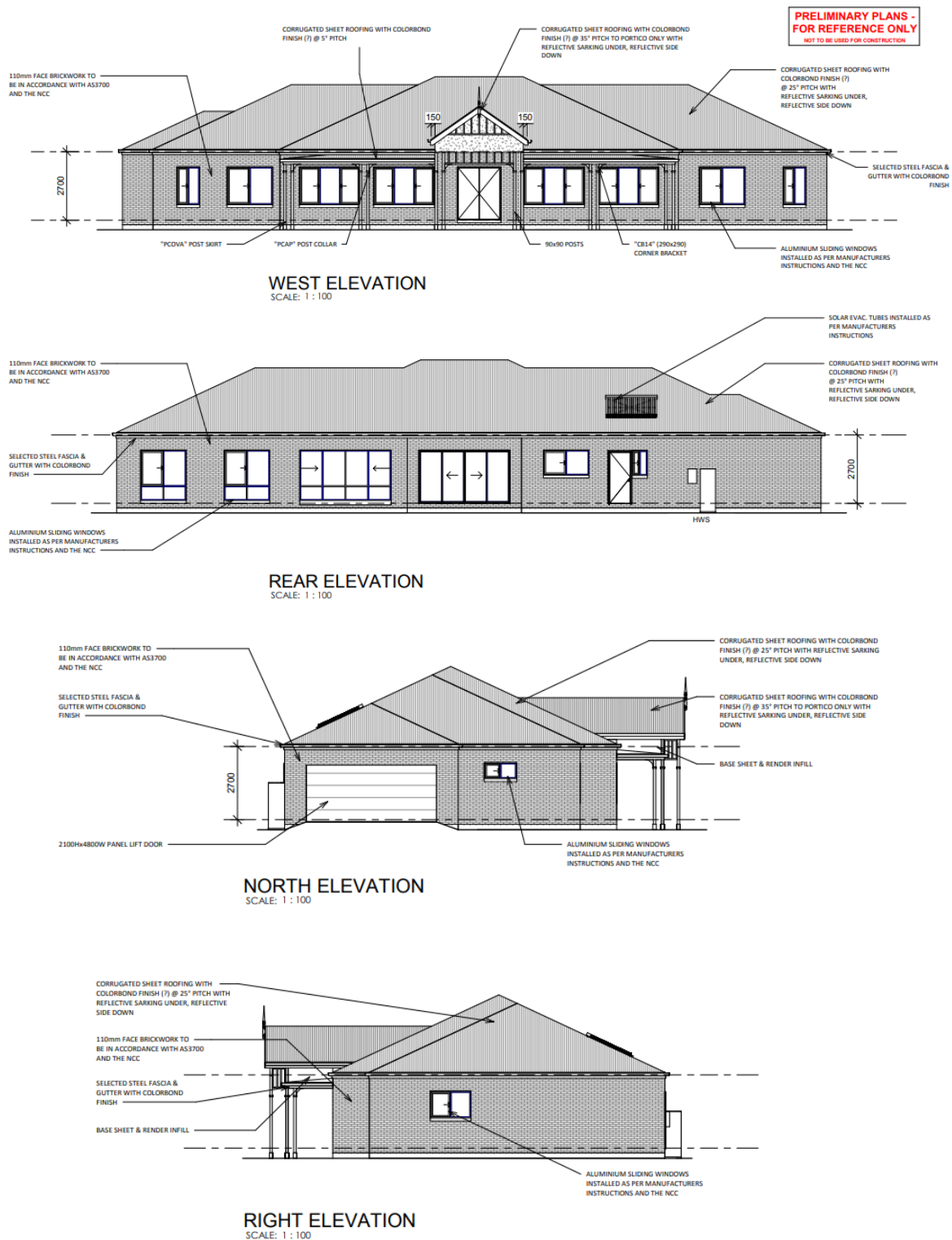


Figure 5: Proposed Dwelling Elevations

Planning Controls - Greater Bendigo Planning Scheme

The following clauses are relevant in the consideration of this proposal:

State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 12.01-1S Protection of biodiversity

- Clause 12.01-2S Native vegetation management
- Clause 13.02-1S Bushfire planning
- Clause 13.03-1S Floodplain management
- Clause 13.07-1S Land use compatibility
- Clause 14.01-1S Protection of agricultural land
- Clause 15.01-6S Design for rural areas
- Clause 16.01-5S Rural residential development
- Clause 17.01-1S Diversified economy

Municipal Strategic Statement

- Clause 21.02 Key Issues and Influences
- Clause 21.05 Compact Greater Bendigo
- Clause 21.07 Economic Development
- Clause 21.08 Environment

Local Planning Policies

- Clause 22.02 Rural dwelling policy

Other Provisions

- Clause 35.07 Farming Zone
- Clause 44.04 Land Subject to Inundation Overlay
- Clause 44.06 Bushfire Management Overlay
- Clause 53.02 Bushfire Planning

Consultation/Communication

Referrals

The following authorities and internal departments have been consulted on the proposal:

Referral	Comment
Department of Environment, Land, Water and Planning	<p>Objected on the following basis:</p> <ul style="list-style-type: none"> • The application includes to seek retrospective approval for the removal of native vegetation associated with use of the property. DELWP do not support retrospective permit applications and do not condone unpermitted removal of native vegetation. • It is unlikely DELWP would have supported the extent of removal retrospectively being sought in this application without asking for further avoid and minimise measures. • Increase in native vegetation removal from what was originally proposed, with no justification provided. • The proposal would result in unacceptable biodiversity impacts as a result of implementing bushfire protection measures.

Referral	Comment
	DELWP are a recommending referral authority in this instance pursuant to Clause 66.02-2, so the City does have the ability to issue a planning permit despite their recommendation (this would not be the case if they were a determining referral authority).
North Central Catchment Management Authority	No objection subject to standard conditions relating to minimum floor level requirements, driveway construction and fill.
Country Fire Authority	No objection subject to standard conditions requiring the Bushfire Management Plan to be endorsed to form part of the permit.
Traffic	No objection subject to standard conditions relating to driveway construction requirements and the need to obtain a Works Within Road Reserve Permit.
Environmental Health	No objection subject to notes being included on the permit relating to onsite wastewater management, works outside the Land Application Area, decommissioning of the existing system, and no wastewater to be generated from the proposed outbuildings without prior approval from Council.
Property Services	<p>Provided advice in relation to use of the unmade government road:</p> <ul style="list-style-type: none"> • Advised that formal access would be required via a carriageway easement, to ensure that the southern lot is not landlocked. • Confirmation of use of the Unmade Government Road – east/west – between the parcels will be provided on the Application for Works within Roads Permit and any requirements as to LUAA and CHMP being complied with.
Agri-business Support	<p>Provided advice as follows:</p> <ul style="list-style-type: none"> • That the agricultural land use in question did not constitute grazing animal production (noting that this is no longer proposed as justification to support a dwelling). • That the agricultural land use would not support or enhance agriculture (noting that this is no longer proposed as justification to support a dwelling).

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers.

As a result of advertising, 0 objections were received.

Planning Assessment

Is the proposal acceptable having regard to the purposes of the Farming Zone and the relevant planning policy that deals with rural dwellings and the protection of agricultural land?

Summary of key policy

The purposes of the Farming Zone encompass the following relevant matters:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The use of the land for a dwelling and outbuilding requires planning approval in this instance due to the subject site being located within the Farming Zone and on a lot of less than 40 hectares in size.

In addition to the purposes of the Farming Zone outlined above, the provisions of the Zone direct that consideration must also be given to a number of decision guidelines under the Zone which consider the question of how rural dwellings respond to these purposes. The decision guidelines provide a means by which to assess such applications, and require consideration to be given to matters such as:

- Whether the use or development will support and enhance agricultural production;
- Whether the use or development will permanently remove land from agricultural production;
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land; and
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Common to the purposes of the Farming Zone and the decision guidelines is the question of whether the proposal is consistent with the planning policy framework.

At a State-wide planning level, Clause 14.01-1S relating to the protection of agricultural land has the objective to “protect the State’s agricultural base by preserving productive farmland”. Some of the main strategies in response to this objective seek to ensure the State’s agricultural base is protected from the unplanned loss of productive land, prevent inappropriately dispersed urban activities in rural areas, and to limit new housing in rural areas.

At a local planning level, Clause 22.02 relating to Council’s Rural Dwellings Policy draws together these themes to provide a consistent basis for considering the use of rural land for dwellings, and has the following relevant objectives:

- *To discourage the fragmentation of rural land, or land with significant environmental values.*

- *To ensure that existing agricultural enterprises in the Farming Zone are not placed under pressure from the encroachment of residential activities.*
- *To limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource.*
- *To ensure that domestic wastewater management systems are appropriately located, designed and managed.*
- *To discourage the construction of dwellings on existing small lots within the Farming Zone.*

This clause has the following relevant policies on rural dwellings:

- *Protect existing land zoned Farming Zone from fragmentation by the use of land for residential purposes.*
- *Discourage dwellings on existing small lots (lots smaller than the schedule minimum) in all rural areas except if:*
 - *Subdivisions have been created since the introduction of planning controls;*
 - *Substantial infrastructure works have been completed; or*
 - *The land has no agricultural potential and native vegetation will be retained and managed.*

It is evident that the relevant policy framework seeks to ensure that agricultural land is carefully managed in order to prevent adverse impacts on agricultural production, prevent the fragmentation of rural land and to ensure an orderly development of residences in rural areas so that agricultural production of these areas is not disadvantaged or prejudiced by ad hoc and unplanned residential development.

Current planning scheme policy seeks to ensure that new dwellings in the Farming Zone are only approved in instances where they are considered to support or enhance agriculture and to discourage dwellings on existing small lots created before the introduction of planning controls unless the land has no agricultural potential and native vegetation will be retained and managed. In making such a determination, consideration should be given to why there is a need to live on site and how that would support or enhance agricultural use; whether agriculture would remain the primary land use; and whether it is likely that the land would remain in agricultural use into the future following development of the dwelling.

Assessment against policy

Up until the time that a site visit was undertaken, whereupon it was observed that agriculture was in fact being undertaken on the site, the application material had maintained that the site was not suitable for a high value economic agricultural enterprise and would be better suited for rural-residential living which would allow the retention of a high percentage of the existing vegetation. It appears that the landowner had not appropriately informed their planning consultant with regards to the activities being undertaken on the site. Given that the City had initially raised concerns in relation to the lack of agricultural activities being proposed to support the need for a dwelling on the land, it was considered a fair and reasonable approach to allow the applicant to amend the application to include details of an agricultural land use to substantiate their position. Following a series of discussions in relation to grazing animal production (goats), the applicant chose to proceed with the application in its current form.

Whilst it is acknowledged that the agricultural productive capacity of the land may be somewhat limited due to the extent of native vegetation on the site, the applicant has

failed to produce a compelling argument that a dwelling on the site would present an acceptable outcome with regards to planning policy relating to rural dwellings and the protection of agricultural land. The proposal presents as a rural-residential living opportunity on an undersize Crown Allotment (i.e. created prior to the introduction of planning controls) which is contrary to the City's Rural Dwelling's policy at Clause 22.02. Furthermore, the works that have occurred on the site to date have had a severe impact on native vegetation and the environment, with extensive unauthorised clearing of native vegetation (discussed further below).

As outlined above, the purposes of the Farming Zone centre around the use of the land for agriculture. Whilst the use of the land for a store is an allowable use within the Farming Zone subject to planning approval, consideration must be given to whether this is consistent with the purpose and Decision Guidelines of the Zone. The use of the land for a store in the manner proposed does not align with sustainable land management or support or enhance any agriculture land uses and will have adverse impacts on the natural environment due to the need to remove a 4,800 square metre area of native vegetation (NB: already removed). There are also concerns that the nature of the equipment being stored in this area has the potential to further degrade the natural environment. The use of the land for a store of this size and intensity is contrary to the purpose and Decision Guidelines of the Zone and would result in an unacceptable outcome. Such activities should be directed to more appropriate land zones (i.e. Commercial or Industrial).

Is the proposal acceptable having regard to the relevant planning policy that deals with bushfire risk?

Planning policy through Clauses 13.02-1S, 44.06 and 53.02 has the overarching objective to ensure that bushfire risk is reduced to an acceptable level through such strategies as ensuring that the development of land prioritises the protection of human life and strengthens community resilience to bushfire, and ensuring that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The application was accompanied by a Bushfire Management Statement which sets out the relevant requirements relating to the Bushfire Attack Level (BAL) rating, defendable space, water supply and access requirements. The application was referred to the CFA who did not object to the granting of a permit subject to standard conditions.

It should be noted that the original dwelling was proposed to be located on the northern allotment (CA7), however the siting was amended to the southern allotment in response to concerns raised by the City relating to the need to remove native vegetation from the site (in addition to the extensive amount already cleared), to construct the dwelling and its defendable space. Native vegetation removal exemptions to create defendable space are prospective i.e. they only apply if a permit is granted and the permit contains a condition directing or allowing the creation of defendable space. New development should be able to implement bushfire protection measures without unacceptable biodiversity impacts as outlined in Clause 13.02-1S.

Whilst the amended siting of the dwelling avoids the need for additional native vegetation removal, which is a more favourable planning outcome environmentally when considering native vegetation management and the protection of biodiversity, it does result in a significant increase in the length of vehicle access to the dwelling which is a

relevant consideration to bushfire risk. Occupants must be able to exit a site safely in such case of approaching bushfire. Whilst accessway construction requirements could technically be met (through the inclusion of a permit condition and endorsement of the Bushfire Management Plan), planning policy at Clause 53.02-4.1 requires development to be sited to provide safe access for vehicles (including emergency vehicles), and for dwellings to be located in close proximity to a public road. The proposal would result in a dwelling being located approximately 740 metres from Steins Road which is a poor planning outcome when considering bushfire risk.

The relevant planning policy framework requires landowners to satisfactorily demonstrate that the relevant policies have been addressed. This is not a 'tick the box activity'. Whilst the City must consider the referral advice provided by the CFA as a recommending referral authority, the responsibility lies with the City as the Responsible Authority to determine whether the relevant policies have been addressed, performance measures satisfied and whether bushfire protection measures can be adequately implemented. The proposal falls short in this regard.

Is the proposal acceptable having regard to flood risk?

Planning policy through Clauses 13.03-1S, 21.08-5 and 44.04 seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity

The south-eastern portion of the site is affected by a Land Subject to Inundation Overlay which identifies this portion of the site as being flood prone and affected by a 1 in 100-year flood event.

The application was referred to North Central Catchment Management Authority who did not object to the granting of a permit subject to conditions being included on any permit specifying requirements for fill and finished floor levels of the dwelling and outbuilding.

Whilst the dwelling could be located on flood-free land elsewhere on the site, this would have implications for native vegetation and biodiversity. Based on the comments provided by NCCMA, the relevant permit conditions could ensure that the flood risk is reduced to an acceptable level and the development would not result in any adverse impacts on the flood plain. To affirm, the proposal is not recommended for refusal on flooding grounds.

Is the proposal acceptable having regard to the relevant planning policy that deals with the protection of native vegetation and biodiversity?

Planning policy through Clauses 12.01-2S, 21.08 and 52.17 recognises the importance of the conservation of native vegetation and seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation, December 2017*:

1. Avoid – avoid the removal, destruction or lopping of native vegetation.
2. Minimise – minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Offset – provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

This is a precautionary approach that aims to ensure that the removal of native vegetation is restricted to only what is reasonably necessary and that biodiversity is appropriately compensated for any removal of native vegetation that is approved.

The application proposes the removal of 1.686 hectares of native vegetation which falls within the Detailed Assessment Pathway. The application was accompanied by an Ecological Assessment prepared by an accredited native vegetation assessor, which is a mandatory requirement under the Detailed Assessment Pathway.

It is important to acknowledge that a large extent of the native vegetation has already been removed from the site. The entry to the site, access along the western boundary and other areas where buildings have been constructed and equipment is being stored have been substantially cleared of native vegetation.



Figure 6: Extent of native vegetation removal (access along the western boundary)



Figure 7: Extent of native vegetation removal



Figure 8: Extent of native vegetation removal

This makes assessment of the application particularly complex, with a reliance on aerial imagery to ascertain the extent of vegetation removal that has occurred, and an analysis of adjacent vegetation to perform a vegetation quality assessment. In addition to this, it also hinders the City's ability to apply the three-step approach to the removal of native vegetation in accordance with policy directives.

The suitability of considering native vegetation removal retrospectively is a matter of ongoing discussion with the City and the Department of Environment, Land, Water and Planning. Whilst the City acknowledges the limitations of assessing native vegetation removal retrospectively, the City to date has formed the view that it can be suitable in certain situations where the vegetation removal meets the relevant policy framework and its removal would be supported. This is not considered to be such a case, given the extent of vegetation removed.

The application was referred to the Department of Environment, Land, Water and Planning (DELWP) who objected to the granting of a permit on the basis that the application fails to meet the information requirements of the Guidelines for the removal, destruction or lopping native vegetation (DELWP 2017). DELWP advised that a permit application that relates to the prior-clearing of native vegetation precludes the opportunity to consider the application in accordance with the three step approach, as it does not allow for avoidance or minimisation measures to be considered. DELWP also advised that it is unlikely that they would have supported the extent of removal retrospectively being sought in this application without asking for further avoid and minimise measures.

The City must consider applications for retrospective planning approval in the same way as they would a fresh application. In certain circumstances this can be a relatively straight forward process to obtain the relevant approvals, however in instances such as this the approach can be very complex. This is on the basis that the City would not have supported the extent of native vegetation removal that has occurred, and does not have the opportunity to appropriately assess the proposal against the three-step approach given the retrospective nature of the proposal.

The proposal does not achieve the three step approach to the removal of native vegetation as follows:

Avoid

Maintaining native vegetation that currently exists is an effective way to ensure native vegetation continues to deliver its important values into the future.

Avoiding the removal of native vegetation can be achieved by locating or designing a development so that native vegetation is not removed.

An application to remove native vegetation must demonstrate or provide appropriate evidence to show that no options exist to avoid native vegetation removal, that will not undermine the objectives of the proposed use or development.

Response:

Giving consideration to the extent of native vegetation removal proposed, and that the majority of native vegetation removal has already occurred, it is insurmountable for the applicant to justify that the proposal has avoided the removal of native vegetation.

Whilst it is acknowledged that the dwelling is proposed to be sited in the southern portion of the site to avoid the further removal of native vegetation (to construct the dwelling and its defensible space) at the request of the City, it is evident from a review of aerial imagery that the access, internal driveway/carriageway, location of the store and location of the outbuildings have not avoided the removal of native vegetation. The reality is that the City would have asked for further avoid and minimise measures such as reducing the width of the driveway and the buildings and works being located within cleared areas of the site. These changes could have occurred without undermining the proposal.

Minimise

Minimising ensures that impacts from native vegetation removal on biodiversity or other values are kept to the minimum necessary.

Minimising can be achieved by:

- Siting and/or designing the use or development to reduce the amount of native vegetation that has to be removed
- Siting and/or designing the use or development so that impacts are restricted to areas of native vegetation that have the least biodiversity or other values
- Managing the use or development to minimise any impacts on surrounding native vegetation, for example stormwater control measures.

An application to remove native vegetation must demonstrate or provide appropriate evidence to show that no options exist to further minimise the impacts of native vegetation removal, that will not undermine the objectives of the proposed use or development.

Response:

As outlined above, giving consideration to the extent of native vegetation removal proposed, and that the majority of native vegetation removal has already occurred, it is insurmountable for the applicant to justify that the proposal has minimised the removal of native vegetation.

With the exception of the siting of the dwelling, the extent of native vegetation removal along with the associated impacts on biodiversity have not been kept to the minimum extent necessary. It is evident that a number of different design and siting options would have existed to further minimise the impacts of native vegetation removal.

Offset

An offset is required to compensate for the loss to biodiversity from the removal of native vegetation.

Response:

The applicant has provided evidence that a third-party offset can be secured which outlines two potential options to secure the required offset which range from \$100,683 to \$107,794.50.

Consideration is also required to be given to whether there is confidence that the offset will be secured. Given the high dollar value of the offset and the fact that the majority of the native vegetation removal has already occurred, there is a level of concern in this regard.

Does the proposed easement present an orderly planning outcome?

The purpose of Clause 52.02 is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the Planning Scheme after the interests of affected people are considered.

The application proposes to create a 15 metre wide carriageway easement along the western boundary of the northern allotment (CA7A) and across the unmade government road in order to ensure that formal access is provided to the proposed dwelling on the southern allotment (CA7). This is required given that Crown Allotments are separately transferrable (i.e. can be sold separately). The City's Property Unit has provided 'in principle support' for the easement to traverse the unmade government road, subsequent approvals (Works Within Road Reserve Permit, and potentially a Land Use Activity Agreement and Cultural Heritage Management Plan) would need to be obtained in the event that a permit was issued.

Whilst the purpose of the carriageway easement is clear, it is unclear as to why the carriageway easement is proposed to have a width of 15 metres; noting that carriageway easements typically range from 3-8 metres in width. The applicant advised that the width of the easement replicates the width of the unmade government road which runs along the western boundary of the site, allows for future works to provide for two way vehicle movements and emergency passing bays and correlates with the existing conditions onsite and the cleared area.

As outlined above, the carriageway easement is required in order to provide formal access to the proposed dwelling and the CFA require the accessway to have a width of 3.5 metres with passing bays with a minimum trafficable width of 6 metres. There are concerns that a 15 metre wide carriageway easement burdening CA 7A in favour of CA 7 is unnecessary and would not result in an orderly planning outcome which is contrary to the Decision Guidelines of Clause 65.01.

Retrospective nature of application

Some elements of retrospectivity have already been discussed within this report. To affirm, the common approach taken with retrospective applications is to consider afresh, as though the buildings or works had not occurred. This approach ensures that consideration is given to a proposal in an impartial manner, such that the works neither advantage nor disadvantage the planning decision to be made. The current planning assessment has been undertaken along such principles.

Notwithstanding, it is relevant to note that the extent and degree of unauthorised works (in particular native vegetation removal) are serious. Of considerable concern is that structures have been set up for human habitation, without adequate treatment of wastewater or bushfire protection measures in place, amongst other concerns. In such case that a permit is refused, enforcement proceedings will commence to bring about compliance on the site, focussing on the key issues in this case of protection of life and environment.

Should the recommendation be supported and an application to review the decision of refusal is not lodged with the Victorian Civil Administrative Tribunal (VCAT) within 60 days of the refusal being issued, the City will commence enforcement action requiring cessation of the use, removal of any unlawful buildings and works and native vegetation offsets.

Conclusion

Clause 71.02-3 Integrated Decision Making recognises that Bendigo has various needs and expectations and states that planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. It goes on to state that:

“Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations”.

It is evident that a proposal of this nature requires consideration to be given to a range of planning issues relating to the protection of agricultural land, flood risk, bushfire risk and native vegetation management. The desired outcome must be to seek to balance the competing policy objectives in favour of net community benefit.

The proposal fails to strike such a balance and would result in an unacceptable planning outcome with regards to the protection of agricultural land, bushfire risk and native vegetation management. The retrospective nature of the approval sought for a number of components of the application, in particular the removal of native vegetation, hinder the ability to satisfy the relevant policy objectives.

It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant a permit, grant a permit with conditions, or refuse to grant a permit.

16. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

16.1. 2021/22 Large Grants Allocations

Author	Deb Simpson, Coordinator Strong Communities
Responsible Director	Vicky Mason, Director Health and Wellbeing

Purpose

For Council to resolve upon 2021/22 Large Grants allocations.

Summary

Council's adopted 2017-2021 Community Granting Policy (Policy) includes a Large Grants category with a maximum funding allocation of \$25,000 per applicant per annum. The Policy requires Large Grants allocations to be endorsed by Council.

Applying for a Large Grant involves a two-step process. Applicants are first required to submit an Expression of Interest (EOI). EOIs are reviewed for Community Grants Program (Program) eligibility and alignment by a panel of City staff members (Staff Panel). If the EOI is assessed as eligible and aligned, applicants are then invited to submit a detailed application. Detailed applications are assessed against Program criteria by a panel of Council-endorsed community members (Community Panel). The Community Panel develops the recommended grant allocations for Council consideration.

The EOI process opened on 12 July and closed on 26 July 2021. The detailed application process opened on 2 August and closed on 23 August 2021. 23 EOIs were received. All 23 EOIs were assessed as eligible and aligned, resulting in all 23 applicants being invited to submit a detailed application.

A total of \$567,010 in funding was sought across the 23 applications received. This amount far exceeded the 2021/22 Large Grants available budget of \$302,592. The Community Panel has recommended grant allocations totalling \$302,500 across 16 (70%) applicants.

RECOMMENDATION

That Council endorse 2021/22 Large Grant allocations totalling \$302,500 across 16 applicants.

Policy Context

Council's adopted 2017-2021 Community Granting Policy (Policy) includes a Large Grants category with a maximum funding allocation of \$25,000 per applicant per annum. The Policy requires Large Grants allocations to be endorsed by Council.

Community Plan Reference:

The recommended grant allocations are consistent with City of Greater Bendigo Community Plan 2017-2021 goals, particularly Goal 2: Wellbeing and fairness.

Background Information

Previous Council Decision(s) Date(s):

Council adopted the Policy on 21 March 2018. A Policy review process is currently underway, including a gender impact assessment in alignment with the Gender Equality Act 2020.

Report

The recommended grant allocations are:

Applicant	Title of Proposed Project	Amount Sought	Amount Recommended
Kangaroo Flat Community House	Bolstering the Kangaroo Flat community's COVID relief and recovery	\$25,000	\$25,000
The Gianna Centre	Employ a part time volunteer and program coordinator	\$25,000	\$20,500
Eaglehawk Community House	Community development	\$25,000	\$20,000
Bendigo Volunteer Resource Centre	Get Involved – create, activate, participate	\$23,495	\$20,000
Bendigo BMX Club	Resurface the Bendigo BMX track	\$25,000	\$20,000
Marong Neighbourhood House Inc	Community Garden – grow, learn	\$25,000	\$20,000
Bendigo Neighbourhood Hub	Digital Literacy: bridging the divide in our community	\$25,000	\$20,000
Bendigo Sustainability Group	Sustainability events	\$25,000	\$20,000
Long Gully Neighbourhood Centre Inc	Community Garden - growing communities	\$25,000	\$20,000
Neighbourhood Collective Australia Ltd T/A The Old Church on the Hill	Connected communities	\$25,000	\$20,000
Goldfields Library Corporation	Story walk and mural art trail	\$25,000	\$20,000

Applicant	Title of Proposed Project	Amount Sought	Amount Recommended
Mclvor Neighbourhood House Heathcote Inc t/as Heathcote Community House	Building a strong, connected and resilient community	\$22,963	\$20,000
The Salvation Army Bendigo	Community gardens shelter shed	\$25,000	\$17,000
Sandhurst Cricket Club	Roller project	\$25,000	\$15,000
Golden City Support Services	CreateA artists in residency	\$25,000	\$12,500
Bendigo Foodshare	Growing 'YouFoods'	\$25,000	\$12,500
TOTAL		\$396,458	\$302,500

A list of applicants not recommended for a grant allocation was included within the 25 October Councillor briefing.

Risk Analysis:

Staff Panel members are required to declare any Conflicts of Interest (COI) before participating in assessment processes. One COI was declared relating to The Gianna Centre's application. The respective staff member was absent during the relevant assessment discussions. Community Panel members are required to sign confidentiality agreements and also declare COIs before participating in assessment processes. Where a COI is declared, the respective Community Panel member must be absent during the relevant assessment discussions. The Community Panel is required to recommend grant allocations that are within the category's maximum funding allocation and available budget.

It is likely that unsuccessful applicants will be disappointed. When advising of application outcomes, staff will apply a capacity building approach and offer guidance about characteristics of strong applications and direct applicants to other potential funding sources or partnership opportunities if any have been identified.

There is the potential for negative assertions regarding the Policy, Program and linked processes. One of the reasons Community Panel recommendations form part of the process is to offer residents' perspectives on how rate payer funded resources may be best used. The opportunity to be a Community Panel member is publicly advertised. Representation of our community's diversity is a consideration for Community Panel membership.

Consultation/Communication

Internal Consultation:

EOIs were reviewed for Program eligibility and alignment by a Staff Panel.

External Consultation:

The ability to apply for 2021/22 Large Grants was promoted via a media release, an advert in the Bendigo Advertiser, the City's website and social media platforms, e-newsletters and direct emails to community networks.

Grant writing workshops are also offered on a periodic basis, to support potential applicants to understand how they can prepare eligible and strong applications.

Applications were assessed against Program criteria by a panel of Council-endorsed community members (Community Panel). The Community Panel has developed the recommended grant allocations for Council consideration.

Resource Implications

The 2021/22 Large Grants available budget is \$302,592. A total of \$567,010 in funding was sought across the 23 applications received. The recommended grant allocations totalling \$302,500 across 16 (70%) applicants are within budget.

Attachments

Nil.

17. ABORIGINAL RECONCILIATION

18. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

19. A VIBRANT, CREATIVE COMMUNITY

20. A SAFE, WELCOMING AND FAIR COMMUNITY

21. URGENT BUSINESS

22. NOTICES OF MOTION

23. COUNCILLORS' REPORTS

24. MAYOR'S REPORT

25. CHIEF EXECUTIVE OFFICER'S REPORT