



# Council Agenda



**Campaspe**  
Shire Council

**Date:** 23 April 2024

**Time:** 6:00 pm

**Venue:** Echuca Civic Centre

**Photo Left to Right:** Cr Tony Marwood (Deputy Mayor), Cr Colleen Gates, Cr Paul Jarman, Cr Daniel Mackrell, Cr Rob Amos (Mayor), Cr Leanne Pentreath, Cr Chrissy Weller, Cr Adrian Weston and Cr John Zobec.

# Contents

1	Apologies and Requests for Leave of Absence.....	5
1.1	Apologies .....	5
1.2	Leave of Absence .....	5
2	Confirmation of Minutes and Attachments.....	5
3	Disclosure of Conflicts of Interest .....	5
4	Changes to the Order of Business.....	5
5	Public Question Time.....	5
6	Petitions / Joint Letters .....	6
7	Acknowledgements / Councillor Reports.....	6
8	Council Decisions .....	7
8.1	Responsible Authority Decisions .....	7
8.1.1	Planning Decision Monthly Update .....	7
8.2	Planning Authority Decisions .....	14
8.3	Corporate.....	14
8.3.1	Instrument of Delegation (S5 from Council to CEO).....	14
8.3.2	Instrument of Delegation (S6 from Council to members of staff).....	24
8.3.3	Advertised 2024-25 Fees and Charges .....	77
8.4	Infrastructure.....	103
8.4.1	Urban Forest Plan for Public Exhibition .....	103
8.4.2	Policy - Private Assets in Road Reserves (132) .....	144
8.5	Council Information .....	164
8.5.1	Notes of Appreciation.....	164
9	Notices of Motion.....	165
10	Urgent Business .....	165
11	Confidential Business .....	165
12	Close Meeting.....	165

For a meeting of the Campaspe Shire Council meeting held on Tuesday 23 April 2024, commencing at 6:00 pm at the Council Chambers, Echuca Civic Centre.

## **Acknowledgement of Country**

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

## **Opening Prayer**

We pray to almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

## **Meeting Procedures**

Please ensure that all electronic devices are turned off or switched to silent.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

# 1 Apologies and Requests for Leave of Absence

## 1.1 Apologies

## 1.2 Leave of Absence

# 2 Confirmation of Minutes and Attachments

## RECOMMENDATION

**That the Minutes of the Campaspe Shire Council Meeting held on 19 March 2024 be confirmed.**

# 3 Disclosure of Conflicts of Interest

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.

# 4 Changes to the Order of Business

Once an Agenda has been published on the Council website, the Order of Business for that Council Meeting may only be altered as follows: -

- by the CEO prior to the commencement of the Council Meeting following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair to explain the alteration at the Council Meeting under “changes to Order of Business”; or
- by the Chair during the Council Meeting; or
- by Resolution of the Council during the Council Meeting.

A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.

## **5 Public Question Time**

Question time will be available at a Council Meeting, except for an Unscheduled Meeting, to enable members of the public to address questions to Council.

All questions must: -

- be received in writing on either of the prescribed forms as outlined on Council's website; and
- be received no later than 12:00pm (noon) on the day before the Council Meeting.

Please refer to Council's Governance Rules for further information regarding Public Question Time procedures.

## **6 Petitions / Joint Letters**

## **7 Acknowledgements / Councillor Reports**

At each Ordinary Meeting, Councillors will have the opportunity to: -

- acknowledge significant community members and events. These may relate to notable achievements by community members and groups, and the offering of condolences to a person who has distinguished service in the local area.
- report on any meetings, conferences or events that they have recently attended; or
- report on any matters or progress in relation to a Delegated Committee they are part of.

The duration of any acknowledgement or report from a Councillor will be limited to two (2) minutes.

The CEO must be notified of any acknowledgment or report to be raised by a Councillor at a Council Meeting at least three (3) hours before the commencement of the Council Meeting.

## 8 Council Decisions

### 8.1 Responsible Authority Decisions

A Responsible Authority is defined under Section 13 of the *Planning & Environment Act 1987* and is responsible for administering and enforcing the planning scheme and its provisions in relation to use and development.

#### 8.1.1 Planning Decision Monthly Update

<b>Directorate:</b>	Sustainability
<b>Responsible Officer:</b>	Manager Planning & Building
<b>Manager:</b>	Manager Planning & Building
<b>Attachments:</b>	1. Copy of Monthly Councillor Reporting March [8.1.1.1 - 4 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	Not applicable
<b>Other Strategic Context:</b>	Not applicable

#### 1. PURPOSE

The purpose of this report is to provide information on the determined planning applications including other planning decisions as of 31 March 2024.

#### 2. RECOMMENDATION

**That Council note the determined planning permit applications and other planning decisions, to 31 March 2024.**

#### 3. DISCUSSION

The snapshot provided below outlines the number of applications determined and processing times of determined planning permit applications for the month of March 2024.

- 27 planning permit applications received.
- 34 planning permits determined (including Vicsmart).
- In total 53 planning decisions were processed with the following breakdown;
  - 34 planning permits determined (including 5 VicSmart)
  - 5 secondary consents determined.

- 12 condition plans determined.
- 2 extensions of time determined.

The median processing of a standard application to determination was 39 days for the month of March.

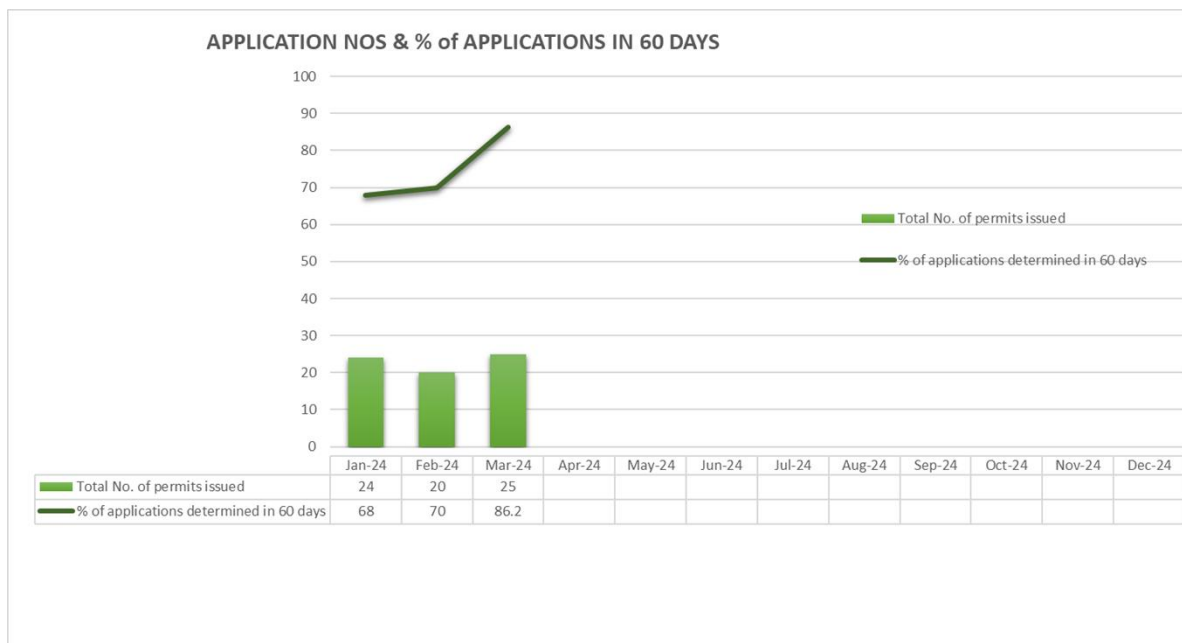
The median processing of a VicSmart application to determination was 7 days for the month of March.

Campaspe’s percentage of standard applications determined in 60 days was 86.2 percent which is higher than the State average of 59.24 percent for March.

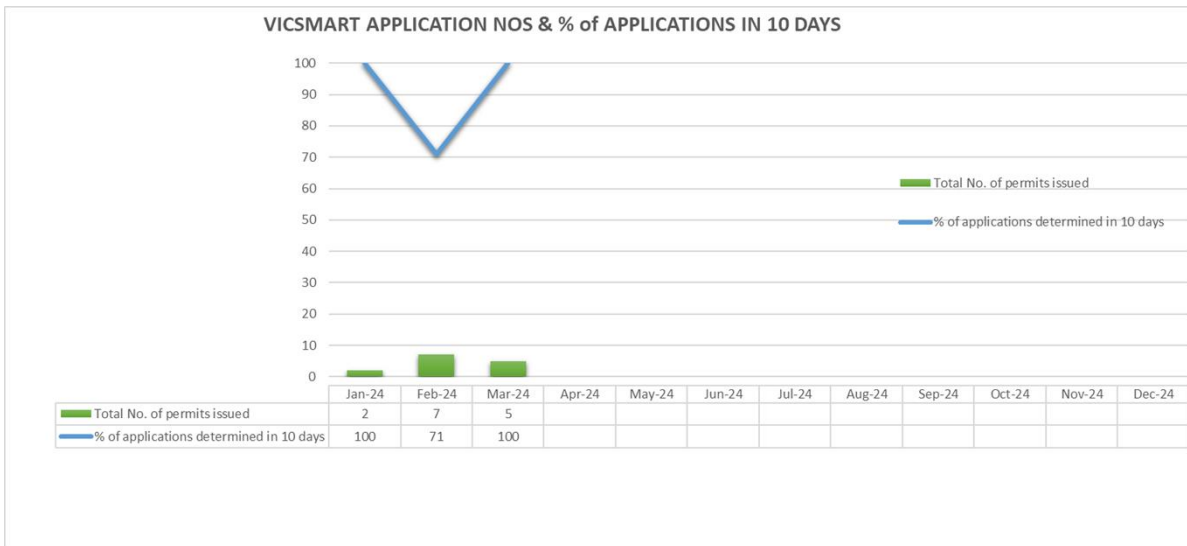
With VicSmart applications the State average for March was 90.48 percent, while Campaspe Shire achieved 100 percent.

There has been an increase in the number of planning permits determined this month and there has also been an increase in the percentage of these determined within statutory timeframes.

It should also be noted that within the last month, two matters which were awaiting hearings at the Victorian Civil and Administrative Tribunal (VCAT) have been resolved and the hearings have subsequently been vacated. There are no planning matters currently with VCAT.







It is noted that the statutory timeframe to determine an application within 60 days under the Planning and Environment Act 1987 includes mandated referral authority time and advertising. When reviewing the timeframes, consideration must be applied where the application has requested additional time to resolve matters for an improved outcome, resolving matters with referral authorities or where the additional information sought requires specialised skills.

Planning Applications are prioritised based on their complexity, being:

- P1 Applications – 10 Days (VicSmart, no referrals, exempt from notice)
- P2 Applications – 11 – 45 Days (Referred, advertised, no objections)
- P3 Applications – 46 – 60 Days (Referred, advertised, received objections, consultation)

### Planning register

All planning permit applications are available on the planning register to view the progress of the application, check if further information is required, check for public notification and view decisions on applications: online [www.campaspe.vic.gov.au/Plan-build/Planning/Planning-register](http://www.campaspe.vic.gov.au/Plan-build/Planning/Planning-register).

## Delegate Decisions 01-Mar-2024 to 31-Mar-2024

Monthly Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN002/2024	Buildings and works (Dwelling extension and shed) in the Urban Flood Zone	46 Goulburn Road ECHUCA VIC 3564	PrmIssued
PLN012/2024	Buildings and works (masonry fence) in the Floodway Overlay	47 Cromwell Street ROCHESTER VIC 3561	PrmIssued
PLN014/2024	Buildings and works (Open sided Hay shed) in the Farming Zone Schedule 1, Floodway Overlay	1659 Mount Terrick Road ROSLYNMEAD VIC 3564	PrmIssued
PLN018/2024	Buildings and works (shed) in the Farming Zone Schedule 1, Environmental Significance Overlay Schedule 1 and Land Subject to Inundation Overlay	428 Brown Road ECHUCA VILLAGE VIC 3564	PrmIssued
PLN020/2024	Buildings and works (Swimming pool and safety barrier) in association with an existing caretakers house in the Industrial 1 Zone	99-101 Baynes Street ROCHESTER VIC 3561	PrmIssued
PLN025/2024	Subdivision of the land into two (2) lots in the General Residential Zone and Development Plan Overlay Schedule 2	18 Walla Loop KYABRAM VIC 3620	PrmIssued
PLN026/2024	Subdivision of the land into two (2) lots in the General Residential Zone and Development Plan Overlay Schedule 2	20 Walla Loop KYABRAM VIC 3620	PrmIssued
PLN039/2024	Installation of a fiberglass swimming pool in the Land Subject to Inundation Overlay	Unit 1/246 Eyre Street ECHUCA VIC 3564	NotReq
PLN041/2024	Buildings and works (Carport and shed) in the Farming Zone Schedule 2	567 Lancaster Road LANCASTER VIC 3620	PrmIssued
PLN049/2024	Use of the land for a Home based business Pursuant to Clause 52.11-1 in the Farming Zone Schedule 1	220 Carroll Road ECHUCA VIC 3564	NotReq
PLN175/2023	Buildings and works (dwelling and outbuilding) in the Bushfire Management Overlay	184 Wharparilla Drive ECHUCA VIC 3564	PrmIssued
PLN193/2022.B	Staged use and development of the land for car wash, laundromat and warehouses in the Commercial 2 Zone and Design and Development Overlay Schedule 3, Access to a road in a Transport Zone 2, Internally illuminated signage and Native vegetation removal (5 trees) pursuant to Clause 52.17, and staged subdivision of the land into 16 lots	87-95 Murray Valley Highway ECHUCA VIC 3564	PmtAmend
PLN216/2022.A	Use and Development (drive through coffee) in the Commercial 2 Zone and Design and Development Overlay Schedule 3, Business Identification Signage and Internally Illuminated Sign pursuant to Clause 52.05 and alteration of access to a in the Transport Zone 2 pursuant to Clause 52.29	348-350 Ogilvie Avenue ECHUCA VIC 3564	PmtAmend
PLN224/2023	Use and development of the land for a Place of Assembly (Church) in the Industrial 1 Zone and Land Subject to Inundation Overlay	68 Lowry Street ROCHESTER VIC 3561	Advertise
PLN247/2023	Re-subdivision of the land into two (2) lots in the Urban Floodway Zone and Environmental Significance Overlay Schedule 1	49-55 Goulburn Road ECHUCA VIC 3564	PrmIssued
PLN254/2020.A	AMENDMENT - Buildings and works (dwelling extension, carport and swimming pool) in the Land Subject to Inundation Overlay and Bushfire Management Overlay	154 Goulburn Road ECHUCA VIC 3564	PmtAmend

PLN256/2023.A	Buildings and works (Depot store and ancillary office) in Industrial 1 Zone ,Design and Development Overlay Schedule 11 and Land Subject to Inundation Overlay and alteration to Transport 2 Zone pursuant to Clause 52.29 ,	75 Mckenzie Road ECHUCA VIC 3564	PmtAmend
PLN264/2023	Buildings and works (Extension to existing dwelling) in Land Subject to Inundation Overlay	45 Saunders Street KYABRAM VIC 3620	PrmIssued
PLN273/2023	Subdivision of the land into two lots (dwelling excision) in the Farming Zone Schedule 1, Bushfire Management Overlay, Environmental Significance Overlay - Schedule 1, and Land Subject to Inundation Overlay	8614 Murray Valley Highway ECHUCA VILLAGE VIC 3564	Withdrawn
PLN283/2023	Alterations to dwelling in the heritage overlay and Land subject to inundation	68 Mackay Street ROCHESTER VIC 3561	NotReq
PLN291/2022.A	AMENDMENT - Staged Subdivision of the land in the Urban Growth Zone, Environmental Significance Overlay Schedule 3 and Land Subject to Inundation Overlay, removal of native vegetation pursuant to Clause 52.17, creation of easement pursuant to Clause 52.02, alteration of access to a Transport Zone 2 pursuant to Clause 52.29 and use of the land for display home centre with signage pursuant to Clause 52.05.	Mcswain Road ECHUCA VIC 3564	Assessment
PLN292/2023	Use and development of the land for a Place of Assembly (Men's Shed) in the General Residential Zone and Land Subject to Inundation Overlay	Unit 5/108-110 Goulburn Road ECHUCA VIC 3564	Lapsed
PLN294/2023	Building and works (Replacement Dwelling) in the Farming Zone Schedule 1 and Floodway Overlay	72 Midland Highway RUNNYMEDE VIC 3558	PrmIssued
PLN307/2023	Use and development of the land for a dwelling in the Farming Zone Schedule 1	Matthews Road PATHO VIC 3564	PrmIssued
PLN308/2023	Buildings and Works (Extension to an existing outbuilding ) in the Farming Zone Schedule 1	734 Wharparilla Road BAMAWM EXTENSION VIC 3564	PrmIssued
PLN312/2023	Internally Illuminated business identification signage in the Commercial 1 Zone pursuant to Clause 52.05	Level 3 456-464 High Street ECHUCA VIC 3564	PrmIssued
PLN320/2023	Removal of a palm tree on common property in Heritage Overlay Schedule 301	Unit 3/65 High Street RUSHWORTH VIC 3612	PmtNOD
PLN328/2023	Business Identification Sign in the Industrial 1 Zone and Design and Development Overlay Schedule 9 pursuant to Clause 52.05	2/70 Mcewen Road KYABRAM VIC 3620	PlnRecvd
PLN331/2023	Buildings and works (replacement dwelling) in the Farming Zone - Schedule 1 and Land Subject to Inundation Overlay	1792 Mckenzie Road KOYUGA VIC 3622	PrmIssued

29

Median

## Monthly Determined - VicSmart

Application ID	Full Details	Property Address	Stage/Decision
PLN047/2024	VICSMART - Subdivision of the land into two (2) lots in the General Residential Zone	Unit 1/202 Mckinlay Street ECHUCA VIC 3564	Completed
PLN051/2024	VICSMART – Buildings and works (demolition and replacement of existing garage, outbuilding and fence) in the Heritage Overlay Schedule HO87	14 Connelly Street ECHUCA VIC 3564	PrmIssued
PLN053/2024	VICSMART Buildings and works (external alterations) in the Commercial 1 Zone and the Heritage Overlay Schedule HO1	519 High Street ECHUCA VIC 3564	PrmIssued
PLN059/2024	VICSMART - Buildings and works (carport) in the Farming Zone Schedule 2	576 Henderson Road TONGALA VIC 3621	PrmIssued
PLN060/2024	VICSMART - Buildings and works (outbuilding) in the Farming Zone Schedule 1	2434 Fraser Road KOYUGA VIC 3622	PrmIssued

5

Median

## Secondary Consent Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN011/2021	Development of the Land for Three (3) Dwellings and Subdivision of the Land into Three (3) Lots in the General Residential Zone	127 Stawell Street ECHUCA VIC 3564	PmtAmend
PLN099/2023	Buildings and works (Dwelling) in the Bushfire Management Overlay Schedule 1	21-35 Nuggety Hill Road RUSHWORTH VIC 3612	PmtAmend
Pln163/2017	Use and development of the land for a dwelling and outbuilding in the Rural Activity Zone and Land Subject to Inundation Overlay	123 Young Road TORRUMBARRY VIC 3562	EOTCompleat
PLN170/2019	Staged Subdivision of the Land into 173 Lots and in the Low Density Residential Zone and General Residential Zone, Bushfire Management Overlay, Land Subject to Inundation Overlay and alteration of a Road Zone Category 1 pursuant to Clause 52.29 and Removal of Native Vegetation pursuant to Clause 52.17	Wharparilla Drive ECHUCA VIC 3564	PmtAmend
PLN402/2020	(S/C) AMENDMENT - Buildings and Works (Dwelling and Two Carports) in the Rural Living Zone Schedule 1	24 David Court RUSHWORTH VIC 3612	PmtAmend

5

## Extension of Time Determined

Application ID	Full Details	Property Address	Stage/Decision
Pln163/2017	Use and development of the land for a dwelling and outbuilding in the Rural Activity Zone and Land Subject to Inundation Overlay	123 Young Road TORRUMBARRY VIC 3562	EOTCompleat
PLN327/2018	Development of the land for a second dwelling in the Rural Living Zone Schedule 1	121 Edis Street KYABRAM VIC 3620	EOTCompleat

2

## Condition Plans Determined

Application ID	Full Details	Property Address	Stage/Decision
Pln039/2018	Use and development of the land for a Renewable Energy Facility (Solar Farm) in Farming Zone Schedule 1 and Floodway Overlay	1083 Mason Road GIRGARRE VIC 3624	Completed
PLN086/2023	Buildings and works (dwelling extension and front fence) in the Heritage Overlay Schedule HO3	Unit 1/76 Francis Street ECHUCA VIC 3564	Completed
PLN097/2023	Buildings and works (external alterations, external painting and signage) in the Heritage Overlay Schedule 127 and 138 Business Identification Signage (illuminated and floodlit) pursuant to Clause 52.02	243 Allan Street KYABRAM VIC 3620	Completed
PLN125/2023	Boundary Realignment in the Farming Zone Schedule 2	970 Sinclair Road KYVALLEY VIC 3621	Completed
PLN256/2023	Buildings and works (Depot store and ancillary office) in Industrial 1 Zone ,Design and Development Overlay Schedule 11 and Land Subject to Inundation Overlay and alteration to Transport 2 Zone pursuant to Clause 52.29 ,	75 Mckenzie Road ECHUCA VIC 3564	Completed
PLN269/2023	Buildings and Works (Cabins) in association with an existing Section 2 Use (caravan park) in the Rural Living Zone and Land Subject to Inundation Overlay	1220 Mcewen Road KYABRAM VIC 3620	PlnRecvd
PLN290/2023	Native Vegetation Removal of three (3) native trees Pursuant to Clause 52.17	12 Barry Street ECHUCA VIC 3564	Completed
PLN302/2023	Buildings and works (Agricultural Shed) in Rural Activity Zone, Environmental Significance Overlay Schedule 1 and Land Subject to Inundation Overlay	Bail Road TORRUMBARRY VIC 3562	Completed
PLN314/2022	Buildings and Works (warehouses) in the Industrial 1 Zone, and a reduction of car parking pursuant to Clause 52.06	11 Kuhle Road KYABRAM VIC 3620	Completed

PLN322/2023	Buildings and works (outbuilding) in the Rural Activity Zone, Bushfire Management Overlay and Floodway Overlay	334 O'Dwyer Road WHARPARILLA VIC 3564	Completed
PLN390/2022	Development of the land for 4 dwellings in the General Residential Zone and Land Subject to Inundation Overlay	48 Fischer Street KYABRAM VIC 3620	PlnRecvd
PLN408/2021	Buildings and works (Restricted Retail) in the Commercial 2 Zone, Design and Development Overlay Schedule 3 and Land Subject to Inundation Overlay and reduction of the Car parking requirements pursuant to Clause 52.06 and Creation of access to a Road Zone 1 pursuant to Clause 52.29	115-123 Northern Highway ECHUCA VIC 3564	Completed

12

## 8.2 Planning Authority Decisions

A Planning Authority is defined under Section 12 of the *Planning & Environment Act 1987* and is responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

## 8.3 Corporate

### 8.3.1 Instrument of Delegation (S5 from Council to CEO)

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Manager Governance and Risk
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. S5 - Instrument of Delegation - Council to CEO [8.3.1.1 - 5 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	Not applicable
	<b>Enablers</b> Financial services Governance

#### Other Strategic Context:

#### 1. PURPOSE

The report presents the updated S5 Instrument of Delegation from Council to the Chief Executive Officer (CEO) for consideration.

#### 2. RECOMMENDATION

**That Council, in the exercise of the power conferred by s11(1)(b) of the Local Government Act 2020 (the Act), resolves that:**

- 1. there be delegated to the person holding the position, or acting in or performing the duties of Chief Executive Officer, the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;**
- 2. the instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;**

- 3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and**
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

### **3. BACKGROUND**

The Local Government Act 2020 (the Act) provides under section 11 that the Council may delegate to the CEO any power, duty or function of a Council under the Act or any other Act other than the specific powers exempted under section 11 (2) as follows:

- a. the power of delegation;
- b. the power to elect a Mayor or Deputy Mayor;
- c. the power to grant a reasonable request for leave under section 35;
- d. subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- e. the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- f. the power to approve or amend the Council Plan;
- g. the power to adopt or amend any policy that the Council is required to adopt under this Act;
- h. the power to adopt or amend the Governance Rules;
- i. the power to appoint the chair or the members to a delegated committee;
- j. the power to make, amend or revoke a local law;
- k. the power to approve the budget or revised budget;
- l. the power to borrow money;
- m. subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;
- n. any power, duty or function prescribed by the regulations for the purposes of this subsection.

This delegation is necessary, because most Council decisions are not made at Council meetings. Effective functioning of local government would not be possible if they were. Most decision-making power is, or should be, allocated by formal delegations.

Under section 47 of the Act, the CEO can further sub-delegate these duties and functions to other members of staff, or the members of a Community Asset Committee.

Delegations and their management are therefore a critical governance tool of the Council. It is important to ensure that councils have properly delegated their powers, duties and functions, in order to avoid any issues arising regarding the legality of a decision or an action purportedly made or taken on behalf of the council.

Councils may also, in their instrument of delegation to the CEO, outline other limits and conditions on the CEO's powers, duties or functions.

### **Previous Council Discussion**

The current S5 Instrument of Delegation from the Council to the CEO was adopted on 21 September 2022. Instruments of Delegation are regularly reviewed to ensure they comply with legislation and reflect the current strategic objectives and views of the Council. Maddocks Lawyers provide a twice-yearly update to Council to consider.

## **4. DISCUSSION**

The proposed change in the instrument of delegation to the CEO relates to financial transactions.

The template previously provided by Maddocks Lawyers for this particular instrument has considered only "expenditure" (as it relates to procurement) in the financial transactions to be authorised by the CEO to be limited under the instrument of delegation, and this is set at \$1 million.

Councils regularly engage, however, in statutory and other financial transactions over \$1 million which are not expenditure for procurement, which are statutorily required, and which would not be practicable to take to Council for decision. Such transactions include payroll sign off, superannuation contribution transfers, and the Fire Services Protection Levy.

The updated Maddocks template reflects that it is appropriate and consistent to acknowledge these large transactions in the instrument of delegation to the CEO and any limitations to them. The definition of transactions and limits also assists the CEO to then sub-delegate these financial delegations consistently with Council's intent.

Accordingly, the revised instrument proposes the addition of the following conditions and limitations:

*The delegate must not determine the issue, take the action or do the act or thing*

*4. If the issue, action, act or thing is an issue, action, act or thing which involves*

*4.1. entering into a contract exceeding the value of \$1,000,000 (ex GST)*

*4.2. making any expenditure that exceeds \$1,000,000 (ex GST) unless it is expenditure:*

*4.2.1. made under a contract already entered into; or*

*4.2.2. which Council is, by or under legislation, required to make; or*

*4.2.3. made to pay salaries, wages, allowances and associated amounts to members of Council staff; or*

*4.2.4. is for insurance premiums*

*in which case it must not exceed \$4,000,000 (ex GST).*

*4.3. making funds transfers between Council bank accounts that exceed \$4,000,000 (ex GST).*

Analysis of payments made under these categories of transactions has been undertaken to ensure that the limitations described are an appropriate control while ensuring that these crucial and mandatory payments are not compromised.



## 5. STAKEHOLDER ENGAGEMENT

### Internal consultation:

- Executive Leadership Team and Manager Finance

### Councillors:

- Councillor Briefing 26 March 2024

### External consultation:

- Maddocks Lawyers

### Community Engagement

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework. The level of community engagement undertaken was nil.

The changes to the instrument reflect statutory and contractual compliance and as such the community is not able to influence the outcome of the decision.

### Public Transparency Policy

Adopted instruments of delegation are made publicly available in line with section 4.3 of the Public Transparency Policy.

## 6. LEGISLATIVE CONTEXT

### *Local Government Act 2020 (Vic)*

The proposed recommendation is compliant with section 11 of the Local Government Act 2020 and reflects current best practice across the sector.

## 7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

The changes proposed do not have any financial or other resource implications. The management of delegations is met from existing budgets.

## 8. ENVIRONMENTAL IMPLICATIONS

There are no environmental implications to this report.

## 9. OPPORTUNITIES AND RISK

### Opportunities:

The regular review of instruments of delegation provides an opportunity to ensure the delegated powers reflect current legislative context, best practice and the strategic objectives and view of the Council.

### Risk:

Compliance Risk  
Financial Risk

Outdated or inappropriately drafted Instruments of Delegation can lead to invalid or improper decisions being made. This can have legal, reputational and financial consequences for Council which flow through to the community.

Council uses an independent legal subscription service through Maddocks Lawyers to ensure that valid legal and generally routine decisions are able to be made without the need for a Council meeting. The process ensures that legislative changes which have implications for the Council's delegations and authorisations are identified and implemented accordingly.

No risks with a high or extreme residual rating have been identified through this update process.

# S5 INSTRUMENT OF DELEGATION

Council to the Chief Executive Officer



# S5 Instrument of Delegation by Council to the Chief Executive Officer

## Table of contents

Instrument of Delegation ..... 3

Schedule ..... 4

Conditions and Limitations ..... 4

# S5 Instrument of Delegation by Council to the Chief Executive Officer

## Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Campaspe Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 23 April 2024;
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

**Signed** by the Chief Executive Officer of Council     )  
in the presence of:   )

Witness

Date: .....

**Signed** by the Mayor in the presence of:             )  
   )

Witness

Date: .....

## S5 Instrument of Delegation by Council to the Chief Executive Officer

### Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 entering into a contract exceeding the value of \$1,000,000 (ex GST);
  - 4.2 making any expenditure that exceeds \$1,000,000 (ex GST) unless it is expenditure:
    - 4.2.1 made under a contract already entered into; or
    - 4.2.2 which Council is, by or under legislation, required to make; or
    - 4.2.3 made to pay salaries, wages, allowances and associated amounts to members of Council staff; or
    - 4.2.4 is for insurance premiums
 in which case it must not exceed \$4,000,000 (ex GST).
  - 4.3 making funds transfers between Council bank accounts that exceed \$4,000,000 (ex GST);
  - 4.4 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 4.5 electing a Mayor or Deputy Mayor;
  - 4.6 granting a reasonable request for leave under s 35 of the Act;
  - 4.7 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 4.8 approving or amending the Council Plan;
  - 4.9 adopting or amending any policy that Council is required to adopt under the Act;
  - 4.10 adopting or amending the Governance Rules;

## S5 Instrument of Delegation by Council to the Chief Executive Officer

- 4.11 appointing the chair or the members to a delegated committee;
- 4.12 making, amending or revoking a local law;
- 4.13 approving the Budget or Revised Budget;
- 4.14 approving the borrowing of money;
- 4.15 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
- 5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 6. 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;
- 7. 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
  - 7.1 policy; or
  - 7.2 strategy
 adopted by Council;
- 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
- 9. 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.

## 8.3.2 Instrument of Delegation (S6 from Council to members of staff)

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Manager Governance and Risk
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. S6 Instrument of Delegation Council to Members of Staff April 2024 [8.3.2.1 - 50 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	<b>Enablers</b> Governance
<b>Other Strategic Context:</b>	Not Applicable.

### 1. PURPOSE

This report presents for consideration adoption of the updated S6 Instrument of Delegation from Council to Members of Staff. The instrument delegates certain powers and functions of Council which cannot be sub-delegated by the CEO to members of Council staff in accordance with section 11 of the Local Government Act 2020 (the Act).

### 2. RECOMMENDATION

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

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.**
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instruments must be executed in accordance with any Guidelines or Policies of Council that it may from time to time adopt.**



### 3. BACKGROUND

In the Instrument of Delegations from Council to the CEO, Council delegates all duties and powers of a Council other than those exceptions articulated in the Instrument, and the CEO may sub-delegate those duties, powers and functions to staff members. However, some Acts and other statutory instruments contain a specific power of delegation which must be made directly from Council to staff members, and there is a presumption that a power of delegation cannot be sub-delegated (through the CEO) in the absence of express authority to do so.

Accordingly, this Instrument delegates certain powers directly from Council to members of Council staff due to the legislation described in the Instrument containing specific powers of delegation.

Council previously updated this Instrument on 21 September 2022. This review has been prompted by the biannual update from Maddocks Lawyers through its delegation's service. This ensures Council continues to operate in accordance with current legislative requirements.

### 4. DISCUSSION

Updates to the Instrument include:

- Updates to position descriptions and abbreviations in line with changes to the organisational structure.
- Delegations under sections 125 and 149B of the *Planning and Environment Act 1987* have been inserted, relating to injunctions and applications to the tribunal, respectively. This is to ensure that the CEO is named as a delegate.

### 5. STAKEHOLDER ENGAGEMENT

**Internal consultation:**

- Executive Leadership Team and affected Managers
- Other affected staff

**External consultation:**

- Maddocks Lawyers – Delegations Service

**Councillors:**

- Councillor Briefing 5 March 2024.

#### **Community Engagement**

Changes to Instruments of Delegation are governed entirely by legislative requirements and the organisational structure, and community members are not able to influence the outcome of a delegation review. However, once adopted, Instruments of Delegation are published on Council's website.

#### **Public Transparency Policy**

Adopted Instruments of Delegation are published on Council's website and made available for inspection at its Customer Service Centres in accordance with section 4.3 of the Public Transparency Policy.

## **6. LEGISLATIVE CONTEXT**

The Instrument of Delegation is compliant with sections 11 and 47 of the Local Government Act 2020, and the powers of delegation in the Acts referenced.

## **7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

Delegations are managed out of existing Council budgets.

## **8. ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from the activities associated with this report.

## **9. OPPORTUNITIES AND RISK**

### **Opportunities:**

The regular review of Instruments of Delegations provides an opportunity to identify that appropriate staff are appointed to fulfil Council's duties and functions under various Acts and regulations.

### **Risk:**

Outdated or inappropriately drafted Instruments of Delegation can lead to invalid or improper decisions being made. This can have legal, reputational and financial consequences for Council which flow through to the community.

Council uses an independent legal subscription service through Maddocks Lawyers to ensure that valid, legal and other generally routine decisions are able to be made without the need for a Council meeting. The process ensures that legislative changes which have implications for the Council's delegations and authorisations are identified and implemented accordingly.

No risks with a high or extreme rating have been identified through this update process.

**S6 Instrument of Delegation – Council to Members of Staff**

**S6 INSTRUMENT OF DELEGATION  
FROM COUNCIL TO MEMBERS OF STAFF**



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

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. record that references in the Schedule are as follows:

Abbreviation	Position
ND	Not Delegated
CEO	Chief Executive Officer
DCSR	Director of Community, Safety and Recovery
DCOR	Director Corporate
DINF	Director Infrastructure
DS	Director Sustainability
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
LLC	Local Laws Coordinator
LLO1	Local Laws Officer 1
LLO2	Local Laws Officer 2
MSA	Manager Strategic Assets
MCS	Manager Community Services
MEB	Manager Economy and Business
ME	Manager Engineering
MFI	Manager Finance and Investment
MIP	Manager Integrated Planning

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

MO	Manager Operations
MGR	Manager Governance and Risk
MPB	Manager Planning & Building
MPF	Manager Properties and Facilities
MSC	Manager Safety and Compliance
PL	Planner
PBA1	Planning and Building Assistant 1
PBA2	Planning and Building Assistant 2
PCO	Planning Compliance Officer
PC	Planning Coordinator
PEO	Planning Enforcement Officer
SP	Senior Planner

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 23 April 2024; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - (a) policy; or
  - (b) strategy
 adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**Signed** by the Chief Executive Officer of Council    )  
 in the presence of:    )

.....  
 Witness

Date: .....

OFFICIAL

**S6 Instrument of Delegation – Council to Members of Staff**

**SCHEDULE**

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

### INDEX

Domestic Animals Act 1994			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DCSP, LLC, LLO1, LLO2, DCSR, MSC	Council may delegate this power to a Council authorised officer

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, EHC, MSC	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	CEO, EHO, EHC, MSC	If s 19(1) applies
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, EHO, EHC, MSC	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	CEO, EHO, EHC, MSC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, EHO, EHC, MSC	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, EHO, EHC, MSC	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



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, EHO, EHC, MSC	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	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, EHO, EHC, MSC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC, MSC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DS, MSC	Where Council is the registration authority
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, EHO, EHC, MSC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, EHO, EHC, MSC	Where Council is the registration authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, EHO, EHC, MSC	Where Council is the registration authority
Div 1	Power to register or renew the registration of a food premises	CEO, EHO, EHC, MSC	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, EHO, EHC, MSC	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)	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, EHC, MSC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, EHC, MSC	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, EHC, MSC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, EHC, MSC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, EHC, MSC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, EHO, EHC, MSC	Where Council is the registration authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	CEO, EHO, EHC, MSC	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, EHC, MSC	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, EHO, EHC, MSC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CEO, EHO, EHC, MSC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEO, EHO, EHC, MSC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, EHO, EHC, MSC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40F	Power to cancel registration of food premises	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEO, EHC, MSC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, EHO, EHC, MSC	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, EHO, EHC, MSC	
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	CEO, EHO, EHC, DCSR, MSC	Where Council is the registration authority
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	CEO, EHO, EHC, MSC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Heritage Act 2017			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	ND	<p>Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorizes sub-delegation</p> <p><i>Note: the Executive Director is an external role, employed under section 18 to exercise functions, duties and powers of the Heritage Council.</i></p>

Local Government Act 1989			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, DS, MPB	

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DCSR, DI, MPB, MIP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	CEO, DCSR, DINF, DS, MPB, MIP	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, DINF, DS, MPB, MIP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DINF, DS, MPB, MIP	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	ND	
s 8A(5)	Function of receiving notice of the Minister's decision	CEO	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DINF, DS, MPB, MIP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	ND	
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	CEO, DINF, DS, MPB, MIP	
s 12B(1)	Duty to review planning scheme	CEO, DINF, DS, MPB, MIP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DINF, DS, MPB, MIP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DINF, DS, MPB, MIP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DINF, DS, MPB, MIP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, DINF, DS, MPB, MIP	
s 17(2)	Duty of giving copy s 173 agreement	CEO, DINF, DS, MPB, MIP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DINF, DS, MPB, MIP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DINF, DS, MPB, MIP	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DINF, DS, MPB, MIP	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	ND	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, DINF, DS, MPB, MIP	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CEO, DINF, DS, MPB, MIP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DINF, DS, MPB, MIP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submissionDuty to consider a late submission, if directed by the Minister	CEO, DINF, DS, MPB, MIP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DINF, DS, MPB, MIP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DINF, DS, MPB, MIP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DINF, DS, MIP, MPB	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, DINF, DS, MPB, MIP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, MPB, PBA1, PBA2, MIP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DINF, DS, MPB, MIP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DINF, DS, MPB, MIP	Note: the power to make a decision to abandon an amendment cannot be delegated

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, DINF, DS, MPB, MIP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, DINF, DS, MPB, MIP	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, DINF, DS, MPB, MIP	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DINF, DS, MPB, MIP	
s 32(2)	Duty to give more notice if required	CEO, DINF, DS, MPB, MIP	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DINF, DS, MPB, MIP	
s 36(2)	Duty to give notice of approval of amendment	CEO, DINF, DS, MPB, MIP	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DINF, DS, MPB, MIP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, DINF, DS, MIP	
s 40(1)	Function of lodging copy of approved amendment	CEO, DINF, DS, MPB, MIP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, DINF, DS, MPB, MIP	
s 46AW	Function of being consulted by the Minister	CEO, DINF, DS	Where Council is a responsible public entity



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and 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	CEO, DINF, DS, MPB, MIP	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	CEO, DINF, DS, MPB, MIP	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	CEO, DINF, DS, MPB, MIP	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	CEO, DINF, DS, MPB, MIP	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	CEO, DINF, DS,	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DINF, DS, MPB, MIP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DINF, DS, MPB, MIP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DINF, DS, MPB, MIP	
s 46GP	Function of receiving a notice under s 46GO	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DINF, DS, MPB, MIP	
s 46GR(2)	Power to consider a late submissionDuty to consider a late submission if directed to do so by the Minister	CEO, DINF, DS, MPB, MIP	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DINF, MFI, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MFI, MPB, MIP	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DINF, DS, MPB, MIP	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)	CEO, DINF, DS, MPB, MIP	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DINF, DS, MPB, MIP	
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	CEO, DINF, DS, MPB, MIP	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, DINF, DS, MPB, PTL, MIP	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	CEO, DINF, DS, MPB, PTL, MIP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, DINF, DS, MPB, MIP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, MFI	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, DINF, DS, MPB, MFI, MIP	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	CEO, DINF, DS, MPB, MFI, MIP	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	CEO, DINF, DS, MPB, MFI, MIP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, DINF, DS, MPB, MFI, MIP	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	CEO, MPB, MFI, MIP, DS	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)	CEO, DS, MPB, MFI, MIP	Where Council is the collecting agency under an approved infrastructure contributions plan

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DS, MPB, MFI, MIP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DS, MPB, MFI, MIP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, DS, MPB, MFI, MIP	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	CEO, DS, MPB, MFI, MIP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DS, MPB, MFI, MIP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, DCOR, MFI	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 Local Government Act 2020	CEO, DCOR, MFI	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)	CEO, DCOR, MFI, DS	Where Council is a development agency under an approved infrastructure contributions plan

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DCOR, MFI, MO, ME	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, DCOR, MFI, MO, ME, DS, MIP	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)	CEO, DCOR, DINF, MFI, ME, DS, MIP, MO	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)	CEO, DCOR, MFI	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	CEO, DCOR, MFI	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DCOR, MFI	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, DCOR, DINF, MFI	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	CEO, DCOR, MFI	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)	CEO, DCOR, MFI, DS	Where Council is the development agency under an approved infrastructure contributions plan

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(3)	Function of receiving proceeds of sale	CEO, DCOR, MFI	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)	CEO, DCOR, MFI, DS	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)	CEO, DCOR, DINF, MFI	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, DINF, DS, MPB, PTL, MIP, MFI	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	CEO, DINF, DS	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	CEO, DINF, DS, MPB, PTL, MIP	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)	CEO, DCOR, DS, DINF, MPB, MIP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DS, MPB, MPF, MIP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCOR, MFI	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DS, MPB, PTL, MIP, MFI	
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	CEO, DS, MPB, PTL, MIP	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46O(1)(d)&(2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DS, MPB, PTL, MIP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DS, MPB, PTL, MIP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DINF, DS, MPB, PTL	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCOR, MFI	
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	CEO, DCOR, MFI	
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	CEO, DCOR, DINF, DS, MFI	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DCOR, DINF, DS, MPB,	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)	CEO, DCOR, MFI, MPB, DS	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	CEO, DINF, DS, MPB	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DCOR, MFI, DS, DS, DINF	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	CEO, DCOR, DS, MPB, PTL	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DCOR, DINF, DS, MPB, PTL, MIP	Where Council is a collecting agency or development agency

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	CEO, DS, DINF, MPB, MIP	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	CEO, DS, DINF, MPB, MIP	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	CEO, DS, DINF, MPB, MIP	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	CEO, DS, DINF, MPB, MIP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, DS, DINF, MPB, MIP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DINF, DS, MPB, PTL	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DS, DINF, MPB	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, DS, DINF, MPB	
s 50(4)	Duty to amend application	CEO, DS, DINF, MPB, -PC, SP, PL	
s 50(5)	Power to refuse to amend application	CEO, DS, DINF, MPB, PC	
s 50(6)	Duty to make note of amendment to application in register	CEO, DS, DINF, MPB	
s 50A(1)	Power to make amendment to application	CEO, DINF, DS, MPB, SP, PC, PL	



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DS, MPB, SP, PC, PL	
s 50A(4)	Duty to note amendment to application in register	CEO, DINF, DS, MPB, SP, PC, PL	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, DS, MPB, PTL, PL, SP, PC	
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	CEO, DS, MPB, PTL, PC, SP, PL	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, DS, MPB, PTL, PC, SP, PL	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DS, MPB, PTL, PC, SP, PL	
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	CEO, DS, MPB, PTL, PC, SP, PL	
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	CEO, DS, MPB, PTL, PC, SP, PL	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, DS, MPB, PTL, PC, SP, PL	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DS, DINF, MPB, PTL, PC, SP, PL	
s 52(3)	Power to give any further notice of an application where appropriate	PL, CEO, MPB, SP, PC, DS	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PL, CEO, MPB, SP, PC, DS	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DS, MPB, SP, PC, PL	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DS, MPB, SP, PC, PL	
s 54(1)	Power to require the applicant to provide more information	CEO, DS, MPB, SP, PC, PL	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DS, MPB, SP, PC, PL	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, DS, MPB, SP, PC, PL	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, DS, MPB, SP, PC, PL	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DS, MPB, SP, PC	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, DS, MPB, SP, PC, PL	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, DS, MPB, SP, PC, PL	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, DS, MPB, SP, PC, PL	
s 57A(5)	Power to refuse to amend application	CEO, DS, MPB, SP, PC	
s 57A(6)	Duty to note amendments to application in register	CEO, DS, MPB, SP, PC, PL	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DS, MPB, SP, PC, PL	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DS, MPB, SP, PC, PL	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, DS, MPB, SP, PC, PL	
s 58	Duty to consider every application for a permit	CEO, DS, MPB, SP, PC, PL	
s 58A	Power to request advice from the Planning Application Committee	CEO, DS, MPB, SP, PC	
s 60	Duty to consider certain matters	CEO, DS, MPB, SP, PC	
s 60(1A)	Duty to consider certain matters	CEO, DS, MPB, SP, PC, PL	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DS, MPB, SP, PC	
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	CEO, DS, MPB, SP, PC	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006. Council has the ability to call in an application proposed to be approved or refused by a delegate, if consistent with the approved 'call-in' process.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DS, MPB, SP, PC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DS, MPB	Council has the ability to call in an application proposed to be approved or refused by a delegate, if consistent with the approved 'call-in' process.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, DS, MPB, PC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DS, MPB, PC	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DS, MPB, PC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DS, MPB, PC, PL	
s 62(2)	Power to include other conditions	CEO, DS, MPB, SP, PC, PL	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DS, MPB, SP, PC, PL	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DS, MPB, SP, PC	
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	CEO, DS, MPB, SP, PC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DS, MPB, SP, PC	
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)	CEO, DS, MPB, SP, PC, PL	
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)	CEO, DINF, DS, MPB, SP, PC, PL	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, DS, MPB, SP, PC, PL	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DS, MPB, SP, PC, PL	This provision applies also to a decision to grant an amendment to a permit – see s 75A

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, DS, MPB, SP, PC, PL	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DINF, DS, MPB, SP, PC, PL	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, DS, MPB, SP, PC, PL	
s 69(2)	Power to extend time	CEO, DS, MPB, SP, PC, PL	
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, DS, MPB, SP, PC, PL	
s 71(1)	Power to correct certain mistakes	CEO, DS, MPB, SP, PC, PL	
s 71(2)	Duty to note corrections in register	CEO, DS, MPB, SP, PC, PL	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 73	Power to decide to grant amendment subject to conditions	CEO, DS, MPB, SP, PC, PL	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, DS, MPB, SP, PC, P	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, DS, MPB, SP, PC, PL	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DS, MPB, SP, PC, PL	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DS, MPB, SP, PC, PL	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	CEO, DS, MPB, SP, PC, PL	
s 83	Function of being respondent to an appeal	CEO, DS, MPB, SP, PC, PL	
s 83B	Duty to give or publish notice of application for review	CEO, DS, MPB, SP, PC, PL	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DS, MPB, SP, PC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, DS, MPB, SP, PC, PL	
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	CEO, DS, MPB, SP, PC, PL	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DS, MPB, SP, PC, PL	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, DS, MPB, SP, PC, PL	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DS, MPB, PC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DS, MPB, SP, PC	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DS, MPB, SP, PC, PL	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DS, MPB, SP, PC, PL	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, DS, MPB, SP, PC, PL	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, DS, MPB, SP, PC	
s 95(3)	Function of referring certain applications to the Minister	CEO, DS, MPB, SP, PC	
s 95(4)	Duty to comply with an order or direction	CEO, DS, MPB, SP, PC, PL	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DS, MPB, SP, PC	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DS, MPB, SP, PC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DS, MPB, PC, MIP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DS, MPB, MIP, PC	
s 96F	Duty to consider the panel's report under s 96E	CEO, DS, MPB, SP, PC, MIP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	CEO, DS, MPB, MIP, PC	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DS, MPB, SP, PC, PL, MIP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, DS, MPB, SP, PC, PL	
s 96J	Duty to issue permit as directed by the Minister	CEO, DINF, DS, MPB, SP, PC	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DINF, DS, MPB, SP, PC	
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	CEO, DINF, DS, MPB, SP, PC	
s 97C	Power to request Minister to decide the application	CEO, DINF, DS, MPB, PC, MIP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DINF, DS, MPB, SP, PC	
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	CEO, DINF, DS, MPB, SP, PC	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, DINF, DS, MPB, SP, PC	



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DINF, DS, MPB, SP, PC	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DINF, DS, MPB, SP, PC	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DINF, DS, MPB, SP, PC	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DINF, DS, MPB, SP, PC	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DINF, DS, MPB, SP, PC	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DINF, DS, MPB, SP, PC	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DINF, DS, MPB, SP, PC	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DINF, DS, MPB, SP, PC	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DINF, DS, MPB, SP, PC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DINF, DS, MPB, SP, PC	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DINF, DS, MPB,	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DS, MPB	
s 107(1)	Function of receiving claim for compensation	CEO, DINF, DS, MPB,	
s 107(3)	Power to agree to extend time for making claim	CEO, DINF, DS, MPB	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	ND	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DS, MPB, PCO, DCSR, MSC, PEO, PC, PL,	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DINF, DS, MPB, PC, DCSR, PEO, MSC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DS, MPB, PC, PCO, DCSR, MSC, PEO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DS, DCSR, MPB, PC, PCO, MSC, PEO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DS, MPB, DCSR, MSC	Except Crown Land
s 129	Function of recovering penalties	CEO, DS, MPB, PC, DCSR, PEO, MSC	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DS, MPB, DCSR, MSC, PCO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DS, MPB, PC, DCSR, MSC, PEO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DS, MPB, PC, DCSR, PEO, MSC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DS, MPB, PC, MIP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DS, MPB, SP, PC, MIP	
s 171(2)(g)	Power to grant and reserve easements	CEO, DINF, DS, MPB, PC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DS, MPB, MIP	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, MPB	
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	CEO, DS, MPB	Where Council is the relevant responsible authority
Div 2	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	CEO, DINF, DS, MPB, PC	
Div 2	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	CEO, DINF, DS, MPB, PC, PL	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, DINF, DS, MPB, PC	
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	CEO, DINF, DS, MPB, PC	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, DINF, DS, MPB, PC	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DINF, DS, MPB, PC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DINF, DS, MPB, PC	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DINF, DS, MPB, PC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DINF, DS, MPB, SP, PC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DINF, DS, MPB, SP, PC	
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	CEO, DINF, DS, MPB, SP, PC	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DINF, DS, MPB, SP, PC	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DINF, DS, MPB, SP, PC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DINF, DS, MPB, SP, PC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DINF, DS, MPB, SP, PC	If no objections are made under s 178D Must consider matters in s 178B

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DINF, DS, MPB, SP, PC	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	CEO, DINF, DS, MPB, SP, PC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DINF, DS, MPB, SP, PC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DINF, DS, MPB	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DINF, DS, MPB, SP, PC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DINF, DS, MPB, SP, PC	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DINF, DS, MPB, SP, PC	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DINF, DS, MPB, SP, PC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DINF, DS, MPB, SP, PC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DINF, DS, MPB, PC	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DINF, DS, MPB, SP, PC	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	CEO, DINF, DS, MPB, SP, PC	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, DINF, DS, MPB, SP, PC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DINF, DS, MPB, PC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DINF, DS, MPB, PC	
s 182	Power to enforce an agreement	CEO, DINF, DS, MPB, PC, DCSR, MSC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DINF, DS, MPB, PC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DINF, DS, MPB, SP, PC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DINF, DS, MPB, SP, PC	
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	CEO, DINF, DS, MPB, SP, PC	
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	CEO, DINF, DS, MPB, SP, PC	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DINF, DS, MPB, SP, PC	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DINF, DS, MPB, SP, PC	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, DS, MPB, PC	
s 198(1)	Function to receive application for planning certificate	CEO, DINF, DS, MPB, SP, PC	
s 199(1)	Duty to give planning certificate to applicant	CEO, DINF, DS, MPB, SP, PC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DINF, DS, MPB, SP, PC	
s 201(3)	Duty to make declaration	CEO, DINF, DS, MPB, SP, PC	
Part 1-11	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	PL, CEO, DINF, DS, MPB, SP, PC	
Part 1-11	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	CEO, DINF, DS, MPB, SP, PC	
Part 1-11	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	CEO, DINF, DS, MPB, SP, PC	
Part 1-11	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DINF, DS, MPB, SP, PC	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DINF, DS, MPB, SP, PC	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DINF, DS, MPB, SP, PC	

Residential Tenancies Act 1997			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, EHO, EHC, MCS, MEB, MSC	
s 522(1)	Power to give a compliance notice to a person	CEO, EHO, EHC, MCS, MSC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Residential Tenancies Act 1997			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DS, DCSR	
s 525(4)	Duty to issue identity card to authorised officers	CEO, MGR, DCSR	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO, MGR	
s 526A(3)	Function of receiving report of inspection	CEO, MSC, MPF	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DS, DCSR	

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	ND	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	ND	
s 11(9)(b)	Duty to advise Registrar	CEO, DINF	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DINF	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DINF	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	ND	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, DINF	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO, DINF	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(6)	Function of hearing a person in support of their written submission	CEO, DINF	Function of coordinating road authority where it is the discontinuing bodyUnless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DINF	Duty of coordinating road authority where it is the discontinuing bodyUnless s 12(11) applies
s 12(10)	Duty to notify of decision made	CEO, DINF	Duty of coordinating road authority where it is the discontinuing bodyDoes 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	CEO, DINF	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	CEO, DINF	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	ND	
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	ND	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	ND	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, DINF	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DINF	
s 16(8)	Duty to enter details of determination in public roads register	CEO, DINF	
s 17(2)	Duty to register public road in public roads register	CEO, DINF	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	ND	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	CEO, DINF	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	ND	Where Council is the coordinating road authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(1)	Power to designate ancillary area	ND	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	CEO, DINF	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	CEO, DINF	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, DINF	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, DINF	
s 21	Function of replying to request for information or advice	CEO, DINF	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DINF	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DINF	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DINF	
s 40(1)	Duty to inspect, maintain and repair a public road	CEO, DINF	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	ND	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DINF	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DINF	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	CEO, DINF	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, DINF	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	CEO, DINF	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

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	CEO, DINF	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	CEO, DINF	
s 49	Power to develop and publish a road management plan	CEO, DINF	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DINF	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DINF	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DINF	
s 54(6)	Power to amend road management plan	CEO, DINF	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DINF	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DINF	
s 63(1)	Power to consent to conduct of works on road	CEO, DINF	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	CEO, DINF	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DINF	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, DINF	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	CEO, DINF	Where Council is the coordinating road authority
s 67(3)	Power to request information	CEO, DINF, MO, ME	Where Council is the coordinating road authority
s 68(2)	Power to request information	CEO, DINF, MO, ME	Where Council is the coordinating road authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(3)	Power to appoint an authorised officer	CEO, MGR	
s 72	Duty to issue an identity card to each authorised officer	CEO, MGR	
s 85	Function of receiving report from authorised officer	CEO, DINF, MO, ME	
s 86	Duty to keep register re s 85 matters	CEO, DINF, MO, ME	
s 87(1)	Function of receiving complaints	CEO, DINF, MO, ME	
s 87(2)	Duty to investigate complaint and provide report	CEO, DINF, MO, ME	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	CEO, DINF	
s 116	Power to cause or carry out inspection	CEO, DINF, MO, ME	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DINF	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DINF, MO, ME	
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)	CEO, DINF, MO, ME	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DINF, MO, ME	
s 122(1)	Power to charge and recover fees	CEO, DINF, MO, ME	
s 123(1)	Power to charge for any service	CEO, DINF, MO, ME	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DINF, ME	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DINF, MO, ME	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DINF, ME	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DINF	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DINF, MO, ME	
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	CEO, DINF, MO, ME	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	CEO, DINF, MO, ME	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DINF, MO, ME	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	CEO, DINF, MO, ME	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	CEO, DINF, MO, ME	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	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DINF, MO, ME	Where Council is the coordinating road authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(5)	Power to recover costs	CEO, DINF	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)	CEO, DINF, MO, ME	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DINF	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)	CEO, DINF, MO, ME	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DINF, ME	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DINF, MO, ME	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DINF	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	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DINF	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DINF	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	CEO, DINF	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	CEO, DINF	Where Council is the coordinating road authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DINF	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	CEO, DINF, DCOR, MFI	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	CEO, DINF, DCOR, MFI	Where Council is the responsible road authority
sch 7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DINF, DCOR, MFI	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	Power and Functions 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	CEO, DS, DINF, MPB, PC, MIP	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, DS, DINF, MPB, SP, PC, PL	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	CEO, DS, DINF, MPB, SP, PTLPC, PL	Where Council is the responsible authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Planning and Environment Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 in accordance with the public availability requirements	CEO, DS, DINF, MPB, SP, PTL, PC, PL	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	CEO, DS, DINF, MPB, SP, PC, MIP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DINF, MPB, DS, MIP	When Council is the responsible authority
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DINF, MPB, DS, MIP	When Council is the planning authority
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	CEO, DINF, MPB, DS, MIP	



OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CEO, EHC, DINF, MPF, MSC, MEB, DCSR, DS	Agreements that may incorporate or impact on Essential Services Requirements under the control of the MBS must have the prior approval of the MBS
r 10	Function of receiving application for registration	CEO, EHC, DINF, MSC, MEB	
r 11	Function of receiving application for renewal of registration	CEO, EHC, DINF, MPF, MSC, MEB	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, EHC, DINF, MPF, MSC, MEB	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EHC, DINF, MPF, MSC, MEBSDCSR	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EHC, DINF, MPF, MSC, MEB, DCSR, DS	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, EHC, DINF, MPF, MSC, MEB	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, EHC, DINF, MPF, MSC, MEB	
r 14(1)	Function of receiving notice of transfer of ownership	CEO, EHC, DINF, MPF, MSC, MEB	
r 14(3)	Power to determine where notice of transfer is displayed	CEO, EHC, MCS, MSC	
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, EHC, DINF, MPF, MSC, MEB	
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, EHC, DINF, MPF, MSC, MEB	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, EHC, DINF, MPF, MSC, MEB	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	ND	
r 17	Duty to keep register of caravan parks	CEO, EHC, DINF, MPF, MSC, MEB	
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, EHC, MSC, MEB	
r 18(6)	Power to determine where certain information is displayed	CEO, EHC, MSC, MEB	
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	CEO, EHC, DINF, MPF, MSC, MEB	
r 22(2)	Duty to consult with relevant emergency services agencies	CEO, EHC, DINF, MPF, MSC, MEB	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, EHC, MSC, MEB	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, EHC, MSC, MEB	
r 25(3)	Duty to consult with relevant floodplain management authority	CEO, EHC, DS, MEB, MSC	
r 26	Duty to have regard to any report of the relevant fire authority	CEO, EHC, DS, MEB, MSC	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, EHC, DS, MEB, DCSR, MSC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annex	CEO, EHC, DS, MEB, MSC	

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, EHC, DS, MSC, MEB, DCSR	
r 41(4)	Function of receiving installation certificate	CEO, EHC, DS, MSC, MEB	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, DS, MPB, MSC, MEB, DCSR	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, DS, MPB, MSC, MEB DCSR	

Road Management (General) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CEO, DINF, MO, ME	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DINF, MO, ME	
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)	CEO, DINF, MO, ME	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	CEO, DINF, MO, ME	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DINF, MO, ME	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	CEO, DINF, MO, ME	
r 16(3)	Power to issue permit	CEO, DINF, MO, ME	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DINF, MO, ME	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DINF	Where Council is the coordinating road authority

OFFICIAL

## S6 Instrument of Delegation – Council to Members of Staff

Road Management (General) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DINF, MO, ME	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DINF, MO, ME	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))	CEO, DINF	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DINF	

Road Management (Works and Infrastructure) Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DINF, MO, ME	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, DINF, MO, ME	Where Council is the coordinating road authority

### 8.3.3 Advertised 2024-25 Fees and Charges

<b>Directorate:</b>	Corporate
<b>Responsible Officer:</b>	Manager Finance and Investment
<b>Manager:</b>	Director Corporate
<b>Attachments:</b>	1. 2024-25 Fees and Charges - Advertised March 2024 [8.3.3.1 - 21 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	<b>Growing quality of life</b> Effective and efficient services available locally
<b>Other Strategic Context:</b>	Budget Financial Plan

#### 1. PURPOSE

The purpose of this report is to:

1. Report to Council on the public submissions received for the advertised 2024/25 fees and charges (hereafter referred to as fees and charges).
2. Seek Council resolution to amend the advertised fees and charges for the Aerodrome and place them out for public comment for a further 28 days.
3. Seek Council resolution on advertising new fees and charges for Asset Protection and place them out for public comment for the 28 days.

#### 2. RECOMMENDATION

**That Council:**

1. **Receive and note that no public submissions were received for the advertised 2024/25 fees and charges.**
2. **Resolve to amend the advertised fees and charges for the Aerodrome and place them out for public comment for a further 28-day period.**
3. **Resolve to advertise new fees and charges for Asset Protection and place them out for public comment for a 28-day period.**

#### 3. BACKGROUND

Council resolved at the 20 February 2024 Council Ordinary meeting to place on public display the proposed fees and charges for the 2024/25 financial year.

## Previous Council Discussion

Initial Council Briefing was held 30 January 2024 to review the initial draft of fees and charges for the 2024/25 financial year.

A further Briefing was held 9 April 2024 on the outcome of advertising the draft fees and charges.

## 4. DISCUSSION

The Local Government Act 2020 (the Act) empowers councils to set fees and charges to offset the cost of their services. Section 94 of the Act requires that Council prepare a budget for the upcoming financial year and three (3) subsequent financial years. As part of this process, fees and charges are required to be set by Council for the upcoming financial year.

A widely accepted public sector pricing principle is that fees and charges should be set at a level that recovers the full cost of providing the services unless there is an overriding policy or imperative in favour of subsidisation. In so doing, Councils must apply principles of sound financial management.

Council undertook a public consultation process for the draft fees and charges and has received 0 (nil) submissions to the advertised fees and charges. A copy of the fees and charges, as advertised, is attached to this report.

When compiling the fees and charges, the following issues have been identified and require noting or further action:

1. It was identified after the draft fees and charges were placed on public display that the aerodrome fees on page 3 of the attached 2024/25 Fees and Charges were not increased.
2. At the Council Briefing on 2024/25 draft budget, held on the 26 March 2024, officers advised that the Development Compliance unit has included Asset Protection fees in the budget revenue forecast. The new fees and charges relating to this need to be advertised for the 28-day period.

### Amendment to Advertised Fees and Charges

#### *Aerodrome Fees and Charges*

It was identified after the draft fees and charges went out for public display that the aerodrome fees on page 3 of the attached 2024/25 Fees and Charges were not increased. An increase had been discussed and proposed as the appropriate approach at the 30 January 2024 Council Briefing but was not reflected in the draft fees and charges. Officers recommend amending the aerodrome fees as follows:

Description	Advertised 2024/25 Fee	Proposed Fee	% Increase
Landing fees – per use, per tonne	\$11.20	\$11.60	3.57%
Access fee general – annual fee	\$269.30	\$278.50	3.42%
Access fee commercial – annual	\$403.90	\$418.00	3.49%
Parking fee annual	\$396.00	\$410.00	3.54%

The listed fees above would require a Council resolution to be placed back out for the 28-day advertising period.

## New Fees and Charges

### *Asset Protection*

The Development Compliance Unit has included in the 2024/25 draft budget estimate new fees and bonds for Asset Protection. This was also discussed at the 26 March 2024 Council Briefing. This business case is to implement service changes expected to result in a new revenue stream budgeted for the 2024/25 financial year, which would be based on the fees and charges below:

#### Asset Protection Fee:

- \$350 for single dwelling (including construction of swimming pool, driveway and any construction work as determined by Council)
- \$700 fee for multi-dwelling or commercial developments.

The following fees are not revenue to Council but for security bonds.

#### Asset Protection Security Bond:

- Projects valued under \$100,000. \$2,000 Bond.
- Projects valued between \$100,001 - \$500,000. \$5,000 Bond.
- Projects valued between \$500,001 - \$1,000,000. \$7,500 Bond.
- Projects valued between \$1,000,001 - \$5,000,000. \$10,000 Bond.
- Projects valued over \$5,000,001. \$12,500 Bond.

In cases where there are multiple property developments being managed by a developer, it is recommended that Council consider a capped bond with the amount set by negotiation with Council. This would be managed by Council's Compliance Team.

The listed fees above would require a Council resolution to be placed on the 28 day advertising period.

## **5. CONSULTATION**

### **Internal consultation:**

- Throughout December 2023 and January 2024 Council staff that have responsibility for managing the services where fees are charged were required to undertake a review of the fees and charges.

### **Councillors:**

- Briefing 30 January 2024 to go through the initial draft fees and charges after the internal consultation process was completed.
- Briefing 9 April 2024 to update Councillors on the outcome of advertising the draft fees and charges.

### **External consultation:**

- Draft fees and charges placed on 28 days public consultation.

- Aerodrome and Asset Protection fees and charges proposed to be placed on 28 days public consultation.

## **6. COMMUNITY ENGAGEMENT**

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework. The level of community engagement undertaken was:

Consult: Communicate and seek feedback on a change from those affected and the broader public. Focus on why, when and how it will happen and how community can provide feedback (Community influence: Feedback may or may not impact the final decision).

The initial fees and charges have been open for public comment for a 28 day period. The Asset Protection fees and charges and changes to Aerodrome fees are proposed to again be opened for public feedback for a 28 day period.

## **7. PUBLIC TRANSPARENCY POLICY**

Under Council's Public Transparency Policy and Principles outlined in section 58 of the Local Government Act (Vic) 2020, the public consultation process for the 2024/25 fees and charges allows for transparency and public awareness by asking for submissions to the proposed fees and charges. The overall outcome of this process is to:

- (a) increase confidence and trust in the community through greater understanding and awareness.
- (b) provide information that is current, easily accessible and disseminated in a timely manner.

## **8. LEGISLATIVE CONTEXT**

Some fees and charges are set by legislation. Such legislation is included in the list below:

*Building Act 1993 (Vic)*  
*Country Fire Authority Act 1958 (Vic)*  
*Freedom of Information Act 1982 (Vic)*  
*Local Government Act 2020 (Vic)*  
*Planning and Environment Act 1987 (Vic)*  
*Public Health and Wellbeing Act 2008 (Vic)*  
*Subdivision Act 1986 (Vic)*

These fees are likely to be announced in mid-late May and are expected to be updated in the final report for fees and charges put to Council for consideration and adoption at its June Council meeting.

## **9. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

Any changes or removal in the setting of these fees and charges will have an impact on budgeted revenue contained within Council's Draft 2024/25 Budget.

## **10. ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications relevant to this report.



## 11. OPPORTUNITIES AND RISK

### Opportunities:

Engaging with the community earlier in the 2024/25 budget process provided Council with valuable feedback from them prior to Council considering the adoption of the 2024/25 fees and charges at the June 2024 Council ordinary meeting. Undertaking this process has also assisted Council to finalise the 2024/25 user fees and charges revenue budgets.

### Risk:

Compliance Risk - Council is required to adopt its 2024/25 budget by 30 June 2024. This report is a step towards achieving this target and meeting our legislated obligations by way of advertising the fees and charges for public comment.

Financial Risk - If fees and charges fail to keep pace with the cost-of-service provision, Council's financial sustainability is put at risk.

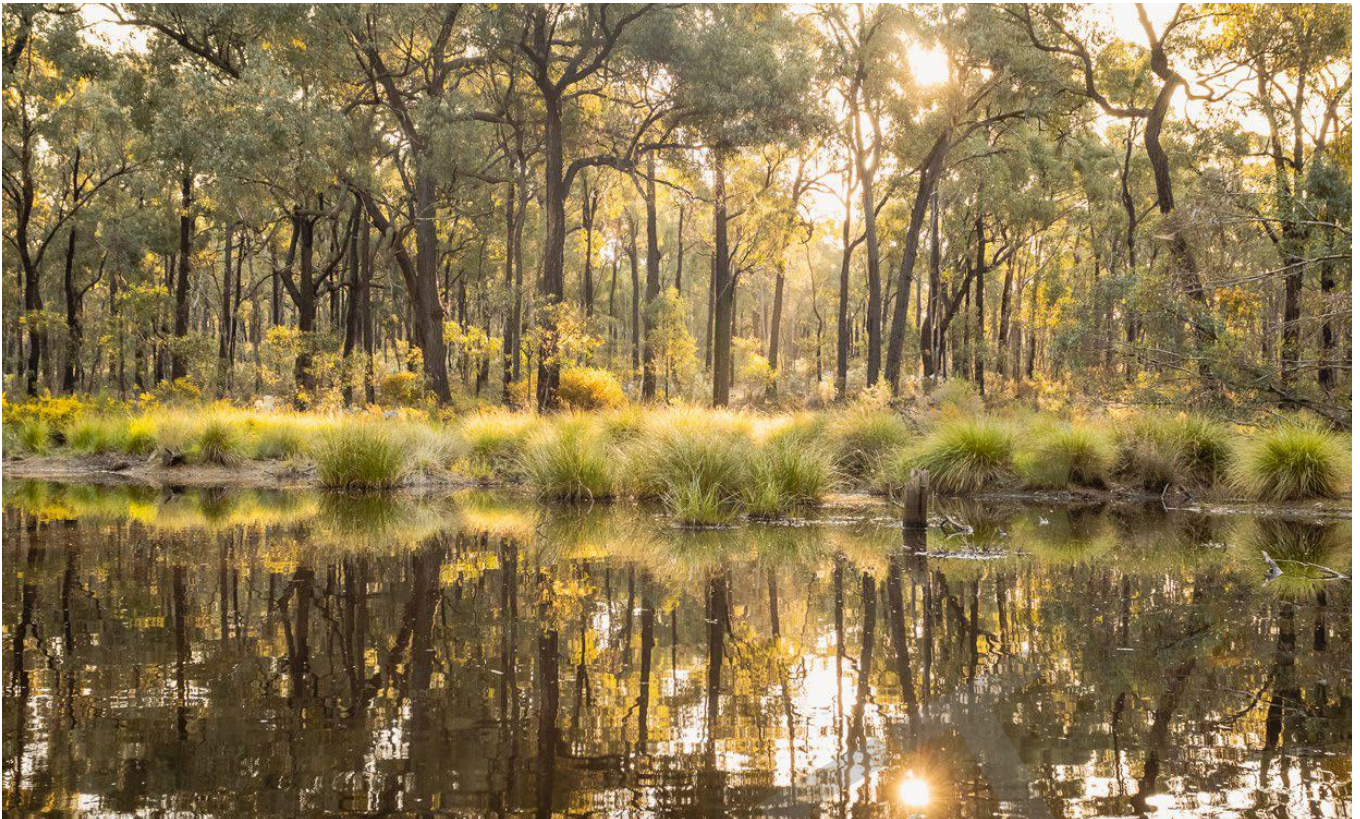
Reputation Risk - Council needs to be aware that if our community perceive that costs of Council services are being unfairly or disproportionately increased, this may cause public angst with a subsequent potential detrimental impact on Council's reputation. Officers have considered all the fees in line with the above framework which should limit this risk.

Risk	Likelihood	Consequence	Rating	Mitigation action
Compliance	Possible	Minor	Low	Adopt fees and charges by 30 June 2024.
Financial	Possible	Minor	Low	Regular review of cost recovery options.
Reputation	Possible	Minor	Low	Advertising fees and charges as required by Council Policy.

## 12. CONCLUSION

That the Council note that no submissions were received and resolve to place the draft Aerodrome and Asset Protection fees and charges out for public consultation for a period of 28 days and public submissions received are reported back to Council at the 28 May 2024 Council Briefing.

The draft 2024/25 fees and charges will be put to Council for final adoption at the 18 June 2024 Council ordinary meeting.



# Fees and Charges

2024-2025



## Table Of Contents

<b>Campaspe Shire Council .....</b>	<b>3</b>
<b>Non Statutory.....</b>	<b>3</b>
Aerodrome .....	3
Animals .....	3
Aquatic Services .....	4
Building and Planning .....	6
Building Control .....	6
Children's Services .....	7
Community Lease of Council Properties .....	7
Community Transport .....	8
Echuca and District Livestock Exchange .....	8
Environmental Health Services.....	8
Immunisation Services .....	9
Library Services .....	10
Local Laws .....	10
Miscellaneous.....	11
Murray River Moorings .....	12
Quarries.....	12
Shire Halls and Community Facilities .....	13
Sporting and Recreation Reserves.....	14
Stadiums .....	14
Waste Services .....	15
<b>Statutory.....</b>	<b>17</b>
Animal Fines (2023/2024 Government Penalty Unit Gazetted) .....	17
Building Records/Information Services .....	17
Municipal Fire Prevention.....	17
Parking .....	17
Planning Approvals.....	17
Planning Infringements .....	20
Planning Subdivisions.....	20

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

## Campaspe Shire Council

### Non Statutory

#### Aerodrome

##### Aerodrome Fees

Landing fees – per use, per tonne	Y	\$11.20	\$11.20	0.00%
Access fee general – annual fee	Y	\$269.30	\$269.30	0.00%
Access fee commercial – annual	Y	\$403.90	\$403.90	0.00%
Parking fee annual	Y	\$396.00	\$396.00	0.00%

##### Aerodrome Meeting Room Fees

Room Hire (Inc. kitchenette) 7am – 6pm only	Y	\$15 per hour, to a maximum of \$165 per day Min. Fee excl. GST: \$15.00		
Bond	N	\$190.00	\$190.00	0.00%
Meeting Room hire insurance (public liability if customer does not have current public liability certificate)	Y	\$25.00	\$30.00	20.00%

#### Animals

##### Animal Registration Fees

Whole animal	N	\$154.00	\$162.00	5.19%
Sterilised animal	N	\$51.00	\$54.00	5.88%
Concession whole animal	N	\$77.00	\$81.00	5.19%
Concession sterilised animal	N	\$26.00	\$27.00	3.85%
Registration of domestic animal business	N	\$256.00	\$270.00	5.47%
Registration Fee for Foster Carer as per S68H(1) DAA	N	\$60.00	\$60.00	0.00%
Fee to register Foster Carer – Dog – first 12 months S15.4.e.i DAA – no more than 5 dogs or combination of 5 dogs/cats	N	\$8.00	\$8.00	0.00%
Fee to register Foster Carer – Cat – first 12 months S15.4.f.i DAA – no more than 5 cats or combination of 5 cats/dogs	N	\$8.00	\$8.00	0.00%

##### Animal Shelter

###### Adoption Fees

Adult dog	N	\$380.00	\$400.00	5.26%
Senior dog 7 years +	N	\$200.00	\$210.00	5.00%
Puppy	N	\$485.00	\$490.00	1.03%
Adult cat	N	\$110.00	\$115.00	4.55%
Senior cat 7 years +	N	\$55.00	\$58.00	5.45%
Kitten	N	\$175.00	\$185.00	5.71%

###### Reclaim Fees

1st day impound	N	\$59.00	\$62.50	5.93%
Additional days	N	\$37.00	\$39.00	5.41%

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Surrender Fees

Surrender Fees – Canine (within Shire)	N	\$48.50	\$51.50	6.19%
Surrender Fees – Feline (within Shire)	N	\$27.50	\$29.00	5.45%
Microchip Fee – Impounded animal	N	\$50.50	\$53.50	5.94%
Microchip Fee – Private animal	N	\$34.00	\$36.00	5.88%

## Aquatic Services

### Echuca War Memorial Aquatic Centre

#### Casual Fees

Pool Adult	Y	\$7.20	\$7.50	4.17%
Pool Adult (concession)	Y	\$5.20	\$5.40	3.85%
Pool Child (Child 5 years and under 18 years of age)	Y	\$5.20	\$5.40	3.85%
Pool Family	Y	\$20.00	\$21.00	5.00%
Swim/Steam	Y	\$10.30	\$10.80	4.85%
Steam Room Only	Y	\$5.00	\$5.20	4.00%
Steam Casual Upgrade	Y	\$3.10	\$3.30	6.45%
10 visit Adult Pool	Y	\$57.60	\$60.00	4.17%
10 Visit Concession Pool	Y	\$41.60	\$43.20	3.85%
10 Visit Child Pool (Child 5 years and under 18 years of age)	Y	\$41.60	\$43.20	3.85%
Carnival Half day (up to 3 hours) *3 lifeguards, nil entry fee, extra lifeguards will be charged if required	Y	\$540.00	\$560.00	3.70%
Carnival Full Day (from 4 to 6 hours)	Y	\$890.00	\$910.00	2.25%
Exclusive use Inflatable hire – per hour	Y	\$174.00	\$180.00	3.45%

#### Membership Fees (Fortnightly Direct Debit)

Gold Adult	Y	\$45.50	\$46.50	2.20%
Gold Adult Concession	Y	\$38.70	\$39.50	2.07%
Corporate Gold Adult	Y	\$38.70	\$39.50	2.07%
Family Gold	Y	\$88.00	\$92.50	5.11%
Family Gold Concession	Y	\$74.80	\$78.50	4.95%
Pool Adult	Y	\$26.50	\$27.50	3.77%
Pool Adult Concession	Y	\$22.50	\$23.40	4.00%
Corporate Pool Adult	Y	\$22.50	\$23.40	4.00%
Family Pool	Y	\$50.00	\$51.00	2.00%
Family Pool Concession	Y	\$42.50	\$43.40	2.12%
Swim Fit	Y	\$33.00	\$33.00	0.00%

#### Other Pool Hire Fees

Group Swim Individual Entry (+ Lane Hire if requiring exclusive use of space)	Y	\$4.00	\$4.10	2.50%
Lane Hire per hr General (+ Group Swim Entry for non-members – Max 15 per lane)	Y	\$41.00	\$42.00	2.44%
School Learn To Swim 30 Minute session per school child	N	\$7.70	\$8.00	3.90%
School Learn To Swim 45 Minute session per school child	N	\$11.50	\$12.00	4.35%
School Learn To Swim 60 Minute session per school child	N	\$15.40	\$16.00	3.90%
LTS Group lesson – per 30 min lesson	N	\$16.70	\$17.00	1.80%

continued on next page ...

Page 4 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

**Other Pool Hire Fees** [continued]

LTS Private One Lesson (per 30 min lesson)	N	\$46.50	\$47.50	2.15%
LTS Junior Development Squad (per 45 min lesson, previously 30 min lesson)	N	\$25.00	\$25.50	2.00%
School Holiday LTS program	N	\$83.50	\$85.00	1.80%

**EWMAC Gym and Group Fitness****Gym and Group Fitness Fees**

Gym – Casual	Y	\$18.50	\$18.50	0.00%
Gym – Casual Concession	Y	\$15.50	\$15.50	0.00%
Group Fitness Class	Y	\$15.50	\$15.50	0.00%
Group Fitness Class – Casual Concession (Water, Fit and Chair Based)	Y	\$13.20	\$13.20	0.00%
Personal Training 1 hr Member	Y	\$74.00	\$75.00	1.35%
Personal Training 1/2 hr Member	Y	\$45.00	\$45.00	0.00%
10 visit Group Fitness	Y	\$124.00	\$124.00	0.00%
5 visit Personal Trainer 1 hour	Y	\$296.00	\$300.00	1.35%
5 visit Personal Trainer 1/2 hour	Y	\$180.00	\$180.00	0.00%
Fitness Session Group Booking (Maximum of 25 participants)	Y	\$138.00	\$140.00	1.45%

**Memberships Fees (Fortnightly Direct Debit)**

Gym	Y	\$39.50	\$40.50	2.53%
Gym Concession	Y	\$33.50	\$34.50	2.99%
Group Fitness	Y	\$39.50	\$40.50	2.53%
Group Fitness Concession	Y	\$33.50	\$34.50	2.99%
Youth Gym	Y	\$25.50	\$26.00	1.96%
Over 55's	Y	\$31.00	\$33.00	6.45%

**Outdoor Pools – Seasonal**

Family Day Pass	Y	\$18.50	\$19.50	5.41%
Family Season Pass	Y	\$185.00	\$195.00	5.41%
Casual Adult Pass	Y	\$5.60	\$5.90	5.36%
Adult Season Pass	Y	\$84.00	\$88.50	5.36%
Concession Day pass	Y	\$4.60	\$4.90	6.52%
Child Day Pass (Child 5 years and under 18 years of age)	Y	\$4.60	\$4.90	6.52%
Concession Season Pass	Y	\$69.00	\$73.50	6.52%
Child Season Pass	Y	\$69.00	\$73.50	6.52%

**Outdoor Pools Hire Fees**

Outside operational hours – per hour hire	Y	\$175.00	\$180.00	2.86%
Carnival Half day (up to 4 hours)	Y	\$540.00	\$560.00	3.70%
Carnival Full Day (from 4 to 6 hours)	Y	\$890.00	\$910.00	2.25%
Inflatable hire – per hour	Y	\$179.00	\$180.00	0.56%

**Other Hire Fees**

Shower Only	Y	\$5.00	\$5.00	0.00%
-------------	---	--------	--------	-------

continued on next page ...

Page 5 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Other Hire Fees [continued]

Additional staff member per hour	Y	\$58.00	\$60.00	3.45%
----------------------------------	---	---------	---------	-------

## Building and Planning

### Building Approval Fees

Domestic Works	Y			By quotation
Commercial Works	Y			By quotation

### Other Service Fees

Non-mandatory inspection and addition re-inspection fees	Y	\$255.00	\$269.00	5.49%
Amendment of a domestic building permit	Y	\$300.00	\$317.00	5.67%
Amendment of commercial/industrial building permit	Y	\$700.00	\$738.00	5.43%
Extension of a current domestic building permit	Y	\$345.00	\$364.00	5.51%
Extension of a current commercial/industrial building permit	Y	\$345.00	\$364.00	5.51%
Domestic demolition permit Class 1, 2 and 10 buildings	Y	\$760.00	\$802.00	5.53%
Commercial/industrial demolition permit (minor)	Y	\$1,150.00	\$1,213.00	5.48%
Commercial/industrial demolition permit (major)	Y	\$1,700.00	\$1,792.00	5.41%
Swimming Pool Report/Audit	Y	\$335.00	\$354.00	5.67%
Property information requests Reg 326	Y	\$51.00	\$54.00	5.88%
Property information requests Reg 327	Y	\$51.00	\$54.00	5.88%
Private/public building surveyors lodgement fee	Y	\$131.00	\$139.00	6.11%
Council lodgement fee	Y	\$131.00	\$139.00	6.11%
Request for Report and Consent to proposed Demolition Under Section 29A of the Building Act	Y	\$91.00	\$96.00	5.49%
Council consent and report	Y	\$312.00	\$329.00	5.45%

## Building Control

### Municipal Building Surveyor (MBS) Approval Fees

Occupancy Permits (POPES) free entry events	Y	\$380.00	\$401.00	5.53%
Temporary Occupancy Permits (TOP) free entry events (marquees, stages, single structure, multiple by quotation)	Y	\$79.00	\$83.50	5.70%
Occupancy Permits (POPES) pay for entry one-off events	Y	\$890.00	\$939.00	5.51%
Occupancy Permits (POPES) pay for entry events (3 year permit)	Y	\$2,000.00	\$2,108.00	5.40%
Temporary Occupancy Permits (TOP) pay for entry events	Y	\$160.00	\$169.00	5.63%
Modification Class 2 – 9	Y	\$400.00	\$422.00	5.50%
Owner Builders Defect Report (Sheds & Pools Only)	Y	\$545.00	\$575.00	5.50%
Retrieval of Council permit file from archives	Y	\$131.00	\$139.00	6.11%
Red Line Plan & Report – liquor licence	Y	\$520.00	\$549.00	5.58%
Building over easements	Y	\$375.00	\$396.00	5.60%

### Hourly Rates

Referrals for reporting authority consents (CFA, heritage, water authority, preparation of protection notices or any other building Notice of Orders – MBS)	Y	\$325.00	\$343.00	5.54%
---	---	----------	----------	-------

continued on next page ...

Page 6 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Hourly Rates [continued]

Municipal Building Surveyor – For private or municipal building surveyor duties where there is not any other applicable charge	Y	\$325.00	\$343.00	5.54%
Note this is not for general advice which remains free of charge				

### Illegal Building Works Fees

Commercial/Industrial illegal building work or work without a building permit (2 times commercial building approval fee as a minimum)	Y		Based on value of works	
Domestic illegal building work or work without a building permit (2 times building approval fee as a minimum)	Y		Based on value of works	

### Planning Fees

Extension of time to a permit	Y	\$225.00	\$238.00	5.78%
Second extension of time to a permit	Y	\$500.00	\$528.00	5.60%
Secondary consent under a permit	Y	\$260.00	\$275.00	5.77%
Provision of advice and copies of permit and plans	Y	\$170.00	\$170.00	0.00%

### Public Notice Fees

Standard administration fee	Y	\$57.00	\$60.50	6.14%
Advertising Signage	Y	\$57.00	\$60.50	6.14%
Cost per letter sent	Y	\$9.80	\$10.40	6.12%
Newspaper advertisement	Y			At cost

### Children's Services

#### Child Care Fees

Rochester Child Care – daily rate	N	\$107.00	\$116.00	8.41%
Campaspe Child Care – daily rate	N	\$125.00	\$132.00	5.60%

#### Preschools Fees

Enrolment Fee	N	\$28.00	\$29.00	3.57%
---------------	---	---------	---------	-------

### Community Lease of Council Properties

Minimum Rental (Peppercorn) Charge per annum from	Y	\$0.00	\$110.00	∞
---	---	--------	----------	---

### Casual Hire Fees - Artisans

Facility Hire 1 to 3 days (per period)	Y	\$0.00	\$5.50	∞
Facility Hire 4 to 7 days	Y	\$0.00	\$11.00	∞
Facility Hire 8 to 14 days	Y	\$0.00	\$16.50	∞
Facility Hire 15 to 21 days	Y	\$0.00	\$22.00	∞
Facility Hire up to 3 months	Y	\$0.00	\$27.50	∞
Facility hire 3 months and over - licence agreement to be negotiated with Council	Y		to be negotiated with Council	



Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

## Community Transport

### Community Transport Fees

Melbourne from all locations (maximum)	N	\$120.00	\$130.00	8.33%
Bendigo from all locations (maximum)	N	\$60.00	\$60.00	0.00%
Shepparton from all locations (maximum)	N	\$50.00	\$50.00	0.00%

## Echuca and District Livestock Exchange

### Truck Wash Fees

Truck Wash Per Minute	Y	\$1.50	\$1.55	3.33%
-----------------------	---	--------	--------	-------

### Yard Due Fees (Per Head)

Cattle	Y	\$14.40	\$15.00	4.17%
Cattle < \$150 including no sale stock	Y	\$6.20	\$10.00	61.29%
Dairy cattle	Y	\$14.40	\$15.00	4.17%
Bulls	Y	\$20.00	\$22.00	10.00%
Cow and calf (Sold as one unit)	Y	\$16.50	\$17.00	3.03%
Cattle sales per agent per sale	Y	\$330.00	\$350.00	6.06%
Cattle transient fee per head (per day) plus feeding (notified)	Y	\$4.60	\$4.60	0.00%
Cattle transient fee per head (per day) plus feeding (unnotified)	Y	\$6.70	\$6.70	0.00%
RFID tags issued post sale (per tag)	Y	\$50.00	\$55.00	10.00%
RFID tags (per head)	Y	\$21.00	\$22.00	4.76%
Office rental (per annum)	Y	\$1,660.00	\$1,700.00	2.41%
Signage – 2,900mm x 1,200mm	Y	\$1,550.00	\$1,550.00	0.00%
Disposal of Stock	Y	\$102.00	\$105.00	2.94%
Agent fee per head	Y	\$1.30	\$1.40	7.69%
Scanning Fee	Y	\$3.00	\$3.00	0.00%

## Environmental Health Services

### Registered Food Premises Fees - Food Premises

Class 1 – Premises serving high risk foods to high risk customers including hospitals, childcare centres and aged care facilities	Y	\$525.00	\$554.00	5.52%
Class 2A – Premises that are preparing high risk foods and require a third party audit such as manufacturers	Y	\$525.00	\$554.00	5.52%
Class 2B – Premises preparing and serving high risk foods including cafes, restaurants	Y	\$600.00	\$633.00	5.50%
Class 2C – Premises preparing and serving high risk foods on a reduced scale such motels with cooked breakfasts	Y	\$410.00	\$433.00	5.61%
Class 2D – Community groups serving high risk foods	Y	\$74.00	\$78.00	5.41%
Class 2E – Businesses preparing and serving high risk foods from a temporary food premises and that already have a fixed registration	Y	\$74.00	\$78.00	5.41%
Class 3A – Accommodation getaways serving ready to eat foods, including cooked breakfast. Home based businesses that make chutney type products using a hot fill process.	Y	\$364.00	\$384.00	5.49%
Class 3B – Premises that are preparing and serving medium risk foods, high risk pre-packaged foods or low risk unpackaged foods including wineries, water carters and service stations	Y	\$364.00	\$384.00	5.49%

continued on next page ...

Page 8 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Registered Food Premises Fees - Food Premises [continued]

Class 3C – Premises that are serving high risk pre-packaged foods or low risk unpackaged foods on a reduced scale such as motels serving continental breakfasts	Y	\$257.00	\$271.00	5.45%
Class 3D – Community groups serving high risk pre-packaged foods and low risk unpackaged foods	Y	\$74.00	\$78.00	5.41%
Class 3D – Businesses preparing and serving high risk pre-packaged foods or low risk unpackaged foods from a temporary food premises and that already have a fixed registration	Y	\$74.00	\$78.00	5.41%
1st additional inspection of non compliant class 1 & 2 premises	Y	\$158.00	\$167.00	5.70%
2nd additional inspection of non compliant class 1 & 2 premises	Y	\$198.00	\$209.00	5.56%
3rd additional inspection of non compliant class 1 & 2 premises	Y	\$237.00	\$250.00	5.49%
4th additional inspection of non compliant class 1 & 2 premises	Y	\$276.00	\$291.00	5.43%
1st additional inspection of non compliant class 3 premises	Y	\$119.00	\$126.00	5.88%
2nd additional inspection of non compliant class 3 premises	Y	\$147.00	\$155.00	5.44%
3rd additional inspection of non compliant class 3 premises	Y	\$177.00	\$187.00	5.65%
4th additional inspection of non compliant class 3 premises	Y	\$206.00	\$218.00	5.83%
Late registration renewal administration charge – charged to premises that have not renewed their registration by the due date and have received at least 1 reminder for application	Y	\$127.00	\$134.00	5.51%
Additional Food Samples – charged to premises following 2 failed food samples when further samples are required	Y	\$140.00	\$148.00	5.71%

### New Food Business Fee – Annual Registration Fee Plus 50%

Inspection report request (outside registered premises)	Y	\$177.00	\$187.00	5.65%
---	---	----------	----------	-------

### Other Health Act Registration Fees

Accommodation premises – large – fee for accommodation premises that have more than 5 bedrooms such as hotels, motels	Y	\$290.00	\$306.00	5.52%
Accommodation premises – small – fee for accommodation premises that have less than 5 bedrooms such as bed & breakfast	Y	\$188.00	\$199.00	5.85%
Health Act premises (tattooist, hairdressers, skin penetration, swimming pools)	Y	\$161.00	\$170.00	5.59%
Health Act premises Transfer – change of ownership of a registered premises under the Public Health and Wellbeing Act	Y	\$78.00	\$82.50	5.77%
Accommodation Transfer – change of ownership of an accommodation premises under the Public Health and Wellbeing Act	Y	\$181.00	\$191.00	5.52%
Building referral report	Y	\$72.00	\$76.00	5.56%
Building referral inspection	Y	\$146.00	\$154.00	5.48%

### Immunisation Services

#### Immunisation Services Fees

FluQuadri, Afluria (Influenza)	Y	\$30.00	\$30.00	0.00%
IPV Ipol (Polio)	Y	\$78.00	\$78.00	0.00%
Varilrix (Chicken Pox)	Y	\$78.00	\$82.50	5.77%
Havrix (Hepatitis A)	Y	\$88.00	\$91.50	3.98%
Engerix (Hepatitis B)	Y	\$40.00	\$41.50	3.75%
Twinrix (Hepatitis A/B)	Y	\$98.00	\$98.00	0.00%
Boostrix (Diphtheria, tetanus, pertussis)	Y	\$51.00	\$51.00	0.00%

continued on next page ...

Page 9 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Immunisation Services Fees [continued]

Priorix (Measles, Mumps, Rubella)	Y	\$52.00	\$52.00	0.00%
Nimenrix (Adult Meningococcal)	Y	\$107.00	\$107.00	0.00%
Gardasil 9 (Human Papilloma Virus – HPV)	Y	\$218.00	\$240.00	10.09%
Bexsero (Meningococcal B childhood)	Y	\$138.00	\$138.00	0.00%
Administration charge for vaccines	Y	\$26.00	\$26.00	0.00%

## Library Services

### Library Fees

Library bags	Y	\$1.50	\$1.60	6.67%
Replacement card	Y	\$4.80	\$5.00	4.17%
Item replacement processing charge	Y	\$18.00	\$18.00	0.00%
Temporary membership (refundable)	Y	\$60.00	\$60.00	0.00%
Bud Earphones	Y	\$3.50	\$3.50	0.00%

### Photocopying & Printing Fees

A4 black & white per page	Y	\$0.20	\$0.20	0.00%
A3 black & white per page	Y	\$0.30	\$0.30	0.00%
A4 colour per page	Y	\$0.65	\$0.65	0.00%
A3 colour per page	Y	\$1.00	\$1.00	0.00%

### Library Loan Request Fees

Inter library loans from public libraries	Y	\$5.00	\$5.00	0.00%
Inter library loans from tertiary libraries	Y	\$22.00	\$25.00	13.64%

### Hire of Library Meeting Room Fees

Commercial operator, per hour	Y	\$43.00	\$44.00	2.33%
Not for profit organisation (Government funded), per hour	Y	\$19.50	\$20.00	2.56%
Community organisation (non Government funding), per booking	Y	\$13.50	\$14.00	3.70%
After hours bookings access card (refundable)	Y	\$30.00	\$30.00	0.00%

## Local Laws

### Country Fire Authority Act Fees

Administration fee for failure to comply with a Schedule 15 Fire Prevention Notice	Y	\$246.00	\$246.00	0.00%
--	---	----------	----------	-------

### Parking Fees

3 month parking permits	Y	\$417.00	\$440.00	5.52%
12 month Nish & High street car parking permit option	Y	\$1,667.00	\$1,757.00	5.40%
Off street parking per hour	Y	\$1.60	\$1.70	6.25%
On street meter parking per hour	Y	\$1.80	\$1.90	5.56%
Parking infringements – Road Safety Act Section 87(4)	Y	\$87.00	\$92.00	5.75%
Residential Parking Permits – per annum	Y	\$100.00	\$105.00	5.00%
Trade Parking Permits (per bay / per day)	Y	\$10.00	\$10.50	5.00%

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Local Laws Fees

Grazing permit – 3 months	N	\$82.00	\$86.50	5.49%
Street furniture – per setting (table and 4 chairs)	N	\$164.00	\$173.00	5.49%
A Boards (per board)	N	\$102.00	\$108.00	5.88%
Goods for sale permit	N	\$164.00	\$173.00	5.49%
Release of Impounded goods – sign	N	\$72.00	\$76.00	5.56%
Release of Impounded goods – general goods	N	\$133.00	\$141.00	6.02%
Inspection of Animal register not more than two animals	N	\$8.50	\$9.00	5.88%
Issue a certificate from domestic animal register, not more than two animals	N	\$15.50	\$16.40	5.81%
Street trading delineation marker – each	N	\$2.00	\$2.20	10.00%
Street trading delineation marker – installation per premise	N	\$50.00	\$53.00	6.00%

### Livestock Impoundment Fees

Impoundment fees (max per head)	Y	\$62.00	\$65.50	5.65%
Ranger fee (per hour)	Y	\$77.00	\$81.50	5.84%
Feed costs	Y			At cost
Transport costs	Y			At cost
RFID tags (per head)	Y	\$26.00	\$27.50	5.77%
Use of Council Stock crate (per transport)	Y	\$77.00	\$81.50	5.84%
Small cattle up to yearling (per head)	Y	\$15.50	\$16.40	5.81%
Grown cattle (per head)	Y	\$22.50	\$24.00	6.67%

### Miscellaneous

Echuca CBD Flagpole Hire	Y	\$340.00	\$340.00	0.00%
--------------------------	---	----------	----------	-------

### Freedom of Information (FOI) Fees

Photocopying (other than Black and White) per A4 sheet – FOI requests only	Y	\$0.20	\$0.20	0.00%
Additional access charge may apply in accordance with Section 22 of the Freedom of Information Act and the Freedom of Information (Access Charges) Regulations 2014	Y			On quote

### Longitudinal Assets in Road Reserves Fees

Establishment Fees	Y	\$2,000.00	\$2,000.00	0.00%
Annual Fees – per kilometre for stock & domestic and irrigation	Y	\$200.00	\$200.00	0.00%

### Public Liability Insurance Fees

Facility Hirers insurance per booking	Y	\$25.00	\$30.00	20.00%
Council performers per booking	Y	\$25.00	\$30.00	20.00%
Council tutors and instructors per booking	Y	\$110.00	\$132.00	20.00%
Artists in council studios per booking	Y	\$110.00	\$132.00	20.00%

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

## Murray River Moorings

### Murray River Moorings Fees

Private mooring annual rental fee – set in accordance with NSW Dept. of Planning, Industry and Environment	Y	\$556.00	\$587.00	5.58%
Terms and conditions of sub-licence apply				
Commercial mooring annual rental fee – determined on minimum market rent set by a licensed valuer	Y		Market rent	
Terms and conditions of a sub-licence apply				
Application for new mooring sub-licence	Y	\$576.00	\$618.00	7.29%
Application for Short term temporary sub licence	Y	\$0.00	\$53.00	∞
Application to revoke/ transfer an existing mooring sub-licence	Y	\$576.00	\$618.00	7.29%
Alteration of particulars of a mooring sub-licence	Y	\$250.00	\$268.00	7.20%
Replacement of mooring sub-licence	Y	\$27.50	\$27.50	0.00%

## Quarries

### Crushed Concrete Resale (Price Per Tonne) Fees

40mm Crushed Concrete	Y	\$25.30	\$27.00	6.72%
20mm Crushed Concrete	Y	\$25.30	\$27.00	6.72%
Weighing fee	Y	\$15.70	\$16.50	5.10%

### Gravel Pits (Price Per Tonne) Fees

65mm crushed rock	Y	\$18.40	\$19.40	5.43%
40mm crushed rock	Y	\$19.10	\$20.50	7.33%
20mm crushed rock	Y	\$19.70	\$21.00	6.60%
Cartage – Cost recovery, based on a per kilometre rate charged by external contractors	Y		***20mm single sized aggregate crushed concrete ***10/14mm single sized aggregate crushed concrete ***product available by prior arrangement and order only	

### Mt Scobie Quarry (Price Per Tonne) Fees

75mm road base	Y	\$16.80	\$17.80	5.95%
40mm road base Coarse	Y	\$19.70	\$21.00	6.60%
40mm road base Fine	Y	\$18.40	\$19.40	5.43%
20mm road base	Y	\$20.20	\$21.50	6.44%
200mm road base	Y	\$14.40	\$15.20	5.56%
Spalls	Y	\$19.60	\$21.00	7.14%
40mm crushed rock	Y	\$17.90	\$18.90	5.59%
20mm crushed rock	Y	\$17.90	\$18.90	5.59%
Filling	Y	\$12.30	\$13.00	5.69%
20mm scalping's	Y	\$12.80	\$13.50	5.47%
Receipt of clean waste concrete	Y	\$45.00	\$50.00	11.11%

### Nanneella Quarry (Price Per Tonne) Fees

40mm class 4 road base	Y	\$20.20	\$21.50	6.44%
------------------------	---	---------	---------	-------

continued on next page ...

Page 12 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Nanneella Quarry (Price Per Tonne) Fees [continued]

20mm class 4 road base	Y	\$20.80	\$22.00	5.77%
75mm road base	Y	\$17.90	\$18.80	5.03%
40mm road base	Y	\$19.70	\$21.00	6.60%
20mm road base	Y	\$20.20	\$21.50	6.44%
40mm crushed rock	Y	\$19.10	\$19.10	0.00%
20mm crushed rock	Y	\$13.30	\$13.30	0.00%
Uncrushed	Y	\$13.90	\$14.60	5.04%
20mm scalping's	Y	\$9.00	\$9.00	0.00%
Weighing fee	Y	\$15.70	\$16.50	5.10%
Fill	Y	\$8.80	\$9.10	3.41%

### Shire Halls and Community Facilities

Casual Hire Seniors Hall Hire Not for profit organisation (Government funded), per hour	Y	\$16.00	\$16.00	0.00%
Casual Hire Seniors Hall Hire Community organisation (non Government funding), per hour	Y	\$11.50	\$11.50	0.00%
Regular Hirers (6 bookings of more per financial year) Must be NFP Community Based group	Y	\$8.00	\$8.00	0.00%
All bookings must be confirmed at the one time				

### Echuca East Community Facility Fees

Functions (with alcohol)	Y	\$275.00	\$290.00	5.45%
Bond (events with alcohol)	N	\$500.00	\$500.00	0.00%
Training, Conferences – for profit organisations inclusive of kitchen – per day	Y	\$350.00	\$369.00	5.43%
Training, Conferences – not for profit groups inclusive of kitchen – per day	Y	\$100.00	\$106.00	6.00%
General Community Activity inclusive of kitchen – per day	Y	\$100.00	\$106.00	6.00%
Casual hire - per day	Y	\$275.00	\$290.00	5.45%
Casual hire - per hour	Y	\$22.50	\$24.00	6.67%
Hire of kitchen per use – additional charge	Y	\$55.00	\$58.00	5.45%
Hall hire insurance (public liability if customer does not have current public liability certificate)	Y	\$50.00	\$30.00	-40.00%

### Shire Halls and Community Facilities Fees

Casual hire - per day	Y	\$200.00	\$200.00	0.00%
Casual hall hire - per hour	N	\$440.00	\$17.00	-96.14%
Bond (for bookings without alcohol)	N	\$210.00	\$210.00	0.00%
Social events (without alcohol) e.g. Concerts, plays, luncheons, bazaars, elections	N	Social events (without alcohol) e.g. Concerts, plays, luncheons, bazaars, elections		
Bond (for bookings involving alcohol)	N	\$430.00	\$440.00	2.33%
Casual Charge per hour (one of Bookings)	Y	\$15.50 per hour, to a maximum of \$190 per 24 hour period Min. Fee excl. GST: \$15.50		
Regular hirers (6 bookings or more per financial year) Must be Not For Profit Community Based group	Y	\$8.00	\$8.50	6.25%
All bookings must be confirmed at the one time				

continued on next page ...

Page 13 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Shire Halls and Community Facilities Fees [continued]

Hire of kitchen per use – additional charge	Y	\$35.00	\$37.00	5.71%
Hall hire insurance (public liability if customer does not have current public liability certificate)	Y	\$25.00	\$30.00	20.00%

## Sporting and Recreation Reserves

### Sporting Reserves Fees

Note - Fees for individual clubs who utilise Victoria Park, Kyabram Recreation Reserve and Echuca South Recreation reserve are based Policy 133 Fees & Charges and the service agreements in place. Fees are subject to the usage data provided by users.

### Echuca South Netball Complex Fees

Court Hire – per hour – per court	Y	\$26.50	\$28.00	5.66%
Clubroom – hire per hour	Y	\$25.00	\$26.50	6.00%
Key deposit	N	\$25.00	\$25.00	0.00%

### Echuca South Recreation Reserve Fees

Reserve – hire per day	Y	\$510.00	\$510.00	0.00%
Reserve – hire per hour	Y	\$47.00	\$50.00	6.38%
Clubroom & Kitchen – hire per hour	Y	\$25.00	\$26.50	6.00%
Court Hire – per hour – per court	Y	\$26.50	\$28.00	5.66%
Key deposit	N	\$25.00	\$25.00	0.00%

### Kyabram Recreation Reserve Fees

Reserve – hire per day	Y	\$510.00	\$510.00	0.00%
Reserve – hire per hour	Y	\$47.00	\$50.00	6.38%
Per Court – hire per hour	Y	\$26.50	\$28.00	5.66%
Key deposit	N	\$25.00	\$25.00	0.00%
Wilf Cox Pavilion Clubroom & Kitchen Hire per Hour	Y	\$25.00	\$26.50	6.00%

### Victoria Park Recreation Reserve Fees

Reserve – hire per day	Y	\$510.00	\$510.00	0.00%
Reserve – hire per hour	Y	\$47.00	\$50.00	6.38%
Court Hire – per hour – per court	Y	\$26.50	\$28.00	5.66%
Key deposit	N	\$25.00	\$25.00	0.00%

## Stadiums

### Echuca Stadium Fees

Multi Purpose Room per hour	Y	\$21.50	\$23.00	6.98%
Court Hire – per hour – per court	Y	\$30.50	\$32.50	6.56%
Casual Sessions – per session – per person (Stadium Facilitated Activation)	Y	\$5.00	\$5.00	0.00%
Casual Sessions – per family – 2 adults and 2 children – per session (Stadium Facilitated Activation)	Y	\$11.00	\$11.50	4.55%
Exhibitions and Special Events (per day)	Y	\$1,155.00	\$1,155.00	0.00%
Bond	N	\$160.00	\$168.00	5.00%

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Kyabram Sports and Entertainment Centre Fees

Multi Purpose Room per hour	Y	\$21.50	\$23.00	6.98%
Court Hire – per hour – per court	Y	\$30.50	\$32.50	6.56%
Casual Sessions – per session (Facility Facilitated Activation)	Y	\$5.00	\$5.00	0.00%
Casual Sessions – per family – 2 adults and 2 children – per session (Stadium Facilitated Activation)	Y	\$11.00	\$11.50	4.55%
Exhibitions and Special Events (per day)	Y	\$715.00	\$715.00	0.00%
Bond	N	\$160.00	\$169.00	5.63%

### Tongala Stadium Fees

Court hire per hour	Y	\$30.50	\$32.50	6.56%
Squash court hire per hour	Y	\$15.00	\$16.00	6.67%
Casual Sessions – per person (Stadium Facilitated Activation)	Y	\$5.00	\$5.00	0.00%
Casual Sessions – per family – 2 adults and 2 children (Stadium Facilitated Activation)	Y	\$11.00	\$11.50	4.55%
Exhibitions and Special Events (per day)	Y	\$357.50	\$357.50	0.00%
Bond	N	\$160.00	\$169.00	5.63%
Key deposit	N	\$25.00	\$25.00	0.00%

### Waste Services

#### Clean Tyres Fees – Disposal

Car	Y	\$8.00	\$8.50	6.25%
Light Truck	Y	\$15.50	\$16.00	3.23%
Truck	Y	\$30.50	\$32.00	4.92%
Super Single	Y	\$69.00	\$73.00	5.80%
Tractor small (up to 1.0 metre diameter)	Y	\$143.00	\$151.00	5.59%
Tractor large (1.0 – 2.0 metres diameter)	Y	\$434.50	\$458.00	5.41%
Motorcycle	Y	\$8.00	\$8.50	6.25%
Earthmover small (up to 1.0 metre diameter)	Y	\$229.50	\$242.00	5.45%
Earthmover medium (up to 1.0 – 1.5 metres diameter)	Y	\$573.50	\$604.00	5.32%
Earthmover large (up to 1.5 – 2 metres diameter)	Y	\$1,146.50	\$1,208.00	5.36%

#### Contaminated Tyres Fees (Dirt and/or Rock Inside Tyre) disposal

Car	Y	\$18.50	\$19.50	5.41%
Light Truck	Y	\$37.00	\$39.00	5.41%
Truck	Y	\$68.50	\$72.00	5.11%
Super Single	Y	\$147.50	\$156.00	5.76%
Tractor small (up to 1.0 metre diameter)	Y	\$343.50	\$362.00	5.39%
Tractor large (1.0 – 2.0 metres diameter)	Y	\$520.00	\$548.00	5.38%
Motorcycle	Y	\$17.00	\$18.00	5.88%
Earthmover small (up to 1.0 metre diameter)	Y	\$551.00	\$581.00	5.44%
Earthmover medium (up to 1.0 – 1.5 metres diameter)	Y	\$1,376.50	\$1,451.00	5.41%
Earthmover large (up to 1.5 – 2 metres diameter)	Y	\$2,752.00	\$2,900.00	5.38%



Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Food and Garden Waste Service Fees

Food and Garden Waste Residential – 240 litre	N	\$57.00	\$60.00	5.26%
Food and Garden Waste Commercial – 240 litre	Y	\$62.70	\$66.00	5.26%

### Kerbside Waste, Recycling, Food and Garden Services Waste Services Fees

Residential – per year – 80 litre 1 bin – without food and garden bin	N	\$243.00	\$255.00	4.94%
Residential – per year – 80 litre 1 bin – with food and garden bin	N	\$170.00	\$175.00	2.94%
Rural – per year – 80 litre 1 bin – food and garden bin not available	N	\$206.00	\$210.00	1.94%
Residential – per year – 140 litre 1 bin – without food and garden bin	N	\$318.00	\$345.00	8.49%
Residential – per year – 140 litre 1 bin – with food and garden bin	N	\$240.00	\$260.00	8.33%
Rural – per year – 140 litre 1 bin – food and garden bin not available	N	\$269.00	\$285.00	5.95%
Residential – per year – 240 litre 1 bin (6 or more in the family) – without food and garden bin	N	\$539.00	\$585.00	8.53%
Residential – per year – 240 litre 1 bin (6 or more in the family) – with food and garden bin	N	\$435.00	\$472.00	8.51%
Rural – per year – 240 litre 1 bin – food and garden bin not available	N	\$454.00	\$500.00	10.13%
Residential – per year – 240 litre 1 bin (medical condition) – without food and garden bin	N	\$318.00	\$345.00	8.49%
Residential – per year – 240 litre 1 bin (medical condition) – with food and garden bin	N	\$240.00	\$260.00	8.33%
Commercial/Industrial – per year – 80 litre	Y	\$267.30	\$281.00	5.13%
Commercial/Industrial – per year – 140 litre	Y	\$349.80	\$380.00	8.63%
Commercial/Industrial – per year – 240 litre	Y	\$592.90	\$644.00	8.62%

### Recycling Services Fees

Residential – per year – 140 litre (elderly residents & units/flats)	N	\$64.00	\$67.00	4.69%
Residential – per year – 240 litre	N	\$64.00	\$67.00	4.69%
Residential – per year – 360 litre	N	\$64.00	\$67.00	4.69%
Commercial/Industrial – per year – 240 litre	Y	\$70.40	\$74.00	5.11%
Commercial/Industrial – per year – 360 litre	Y	\$70.40	\$74.00	5.11%

### Transfer Station Fees

Transfer station charges – per cubic metre (general waste)	Y	\$45.00	\$50.00	11.11%
Transfer station charges – per cubic metre (garden organic waste)	Y	\$21.00	\$22.00	4.76%
Refrigerators / Air Conditioners – degassing charge	Y	\$15.00	\$17.00	13.33%
Mattresses – single	Y	\$15.00	\$20.00	33.33%
Mattresses – double, queen, king	Y	\$21.00	\$25.00	19.05%
Clean fill soil – per cubic metre (Echuca and Mt Scobie only)	Y	\$22.00	\$23.00	4.55%
Concrete/brick tipping per cubic metre (Echuca and Mt Scobie only)	Y	\$30.00	\$35.00	16.67%
Gas bottles (household up to 9kgs) and fire extinguishers	Y	\$6.00	\$7.00	16.67%

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

## Statutory

### Animal Fines (2023/2024 Government Penalty Unit Gazetted)

Registered animal not wearing council ID marker (0.5 of a penalty unit)	N	\$96.00	\$96.00	0.00%
Unregistered animal wearing council ID marker (2 penalty units)	N	\$385.00	\$385.00	0.00%
Person other than owner removing, altering or defacing ID marker (0.5 of a penalty unit)	N	\$96.00	\$96.00	0.00%
Dog or cat on private property after notice served (0.5 of a penalty unit)	N	\$96.00	\$96.00	0.00%
Dog at large or not securely confined to owners premises during daytime (1.5 of a penalty unit)	N	\$288.00	\$288.00	0.00%
Cat at large or not securely confined to owners premises in restricted municipal district (0.5 of a penalty unit)	N	\$96.00	\$96.00	0.00%
Dog or cat creating nuisance (0.5 of a penalty unit)	N	\$96.00	\$96.00	0.00%
Contravening Council order relating to presence of dogs and cats in public places (1 penalty unit)	N	\$192.00	\$192.00	0.00%
Dog at large or not securely confined to owners premises during night time (2 penalty units)	N	\$385.00	\$385.00	0.00%
Greyhound not adequately muzzled or not controlled by chain, cord or leash (1.5 of a penalty unit)	N	\$288.00	\$288.00	0.00%
Not complying with order to abate nuisance (1.5 of a penalty unit)	N	\$288.00	\$288.00	0.00%
Failure to apply to register a dog or cat (2 penalty units)	N	\$385.00	\$385.00	0.00%

### Building Records/Information Services

Land information certificates (1.82 fee units)	N	\$28.90	\$28.90	0.00%
Stormwater legal point of discharge fee (9.77 fee units)	N	\$155.34	\$155.34	0.00%
Application for Pool Registration (2.15 fee units)	N	\$34.19	\$34.19	0.00%
Pool information search (3.19 fee units)	N	\$50.72	\$50.72	0.00%
Lodgement of compliance pool certificate (1.38 fee units)	N	\$21.94	\$21.94	0.00%
Lodgement of non-compliance pool certificate (26 fee units)	N	\$413.40	\$413.40	0.00%

### Municipal Fire Prevention

Fire Prevention Infringement Notice (CFA Act Section 41D) (10 penalty units)	N	\$1,923.00	\$1,923.00	0.00%
--	---	------------	------------	-------

### Parking

Road Safety (General Regulations) Offences Schedule 3 (4)	N	\$85.00	\$85.00	0.00%
Road Safety (General Regulations) Offences Schedule 3 (6) (1 penalty unit)	N	\$192.00	\$192.00	0.00%

### Planning Approvals

#### Amendments to Planning Scheme Fees

Considering a request to amend a planning scheme (206 fee units)	N	\$3,275.40	\$3,275.40	0.00%
Considering submissions which seek a change to an amendment, and where necessary referring the submissions to a panel – Up to 10 submissions (1,021 fee units)	N	\$16,233.90	\$16,233.90	0.00%
Considering submissions which seek a change to an amendment, and where necessary referring the submissions to a panel – 11-20 submissions (2,040 fee units)	N	\$32,436.00	\$32,436.00	0.00%

continued on next page ...

Page 17 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Amendments to Planning Scheme Fees [continued]

Considering submissions which seek a change to an amendment, and where necessary referring the submissions to a panel – More than 20 submissions (2,727 fee units)	N	\$43,359.30	\$43,359.30	0.00%
Adopting an amendment or a part of an amendment in accordance with section 20(4) (270 fee units)	N	\$4,293.00	\$4,293.00	0.00%
Adopting an amendment or a part of an amendment in accordance with section 20A (65 fee units)	N	\$1,034.00	\$1,034.00	0.00%

### Caravan Park Fees (3 year registrations, new regulations)

Caravan Park A (17 fee units)	Y	\$270.00	\$270.00	0.00%
Caravan Park B (34 fee units)	Y	\$541.00	\$541.00	0.00%
Caravan Park C (68 fee units)	Y	\$1,081.00	\$1,081.00	0.00%
Caravan Park D (103 fee units)	Y	\$1,638.00	\$1,638.00	0.00%
Caravan Park E (137 fee units)	Y	\$2,178.00	\$2,178.00	0.00%
Caravan Park F (171 fee units)	Y	\$2,719.00	\$2,719.00	0.00%

### Freedom of Information (FOI) Fees

Application Fee (2 fee units)	Y	\$32.00	\$31.80	-0.63%
Search Time Charge (1.5 fee units) per hour	Y	\$23.85 per hour or part of an hour Min. Fee excl. GST: \$21.68 <b>Last year fee</b> \$23.00 per hour or part of an hour		
Inspection Supervision Charge (1.5 fee units) per hour	Y	\$23.85 per hour (to be calculated per quarter hour or part of a quarter hour) Min. Fee excl. GST: \$21.68 <b>Last year fee</b> \$23.00 per hour (to be calculated per quarter hour or part of a quarter hour)		
Photocopying (Black and White) per A4 sheet – FOI requests only	Y	\$0.20	\$0.20	0.00%

### Onsite Wastewater Permit Fees

Installation, construction or alteration of an onsite wastewater system (48.88 fee units)	Y	\$777.00	\$777.00	0.00%
Minor alteration of an onsite wastewater system (37.25 fee units)	Y	\$592.00	\$592.00	0.00%
Additional time spent over 8.2 hours 6.12 fee units per hour	Y	\$97.00	\$97.00	0.00%
Transfer of an Onsite Wastewater System permit (9.93 fee units)	Y	\$158.00	\$158.00	0.00%
Application to amend an Onsite Wastewater System Permit (10.38 fee units)	Y	\$165.00	\$165.00	0.00%
Application to renew an Onsite Wastewater System Permit (8.31 fee units)	Y	\$132.00	\$132.00	0.00%

### Planning Permit Fees – Amendment (classified)

Class 1 – Amendment to change the use of the permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 2 – Amendment to a permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 3 – Amendment to class 2, 3, 4, 5 or 6 permit if < \$10K (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 4 – Amendment to class 2, 3, 4, 5 or 6 permit if > \$10K – < \$100K (42.5 fee units)	N	\$675.75	\$675.75	0.00%

continued on next page ...

Page 18 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Planning Permit Fees – Amendment (classified) [continued]

Class 5 – Amendment to class 2, 3, 4, 5 or 6 permit if > \$100K – < \$500K (87 fee units)	N	\$1,383.30	\$1,383.30	0.00%
Class 6 – Amendment to class 2, 3, 4, 5 or 6 permit if > \$500K (94 fee units)	N	\$1,494.60	\$1,494.60	0.00%
Class 7 – Amendment to VicSmart permit if < \$10K (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 8 – Amendment to VicSmart permit if > \$10K (29 fee units)	N	\$461.10	\$461.10	0.00%
Class 9 – Amendment to class 9 permit (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 10 – Amendment to class 10 permit (13.5 fee units)	N	\$1,235.25	\$1,235.25	0.00%
Class 11 – Amendment to class 11 if < \$100K (77.5 fee units)	N	\$1,661.55	\$1,661.55	0.00%
Class 12 – Amendment to class 12, 13, 14, 15 & 16 permit if > \$100K – < \$1M (104 .5 fee units)	N	\$3,664.95	\$3,664.95	0.00%
Class 13 – Amendment to class 16 (89 fee units)	N	\$3,664.95	\$3,664.95	0.00%
Class 14 – Amendment to class 17 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 15 – Amendment to class 18 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 16 – Amendment to class 19 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 17 – Amendment to class 20 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 18 – Amendment to class 21 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 19 – Amendment to class 22 permit (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%

### Planning Permit/Planning Permit Amendment Fees

Combined permit applications	N			Calculation required
The fee for an application for any combination of the classes of application outlined below is the sum arrived at by adding the highest of the fees which would have applied if separate applications had been made plus 50% of each of the other fees which would have applied if separate applications had been made	N			Calculation required

### Planning Permit Fees – Development

Class 1 – Use (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 2 – Single < \$10K (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 3 – Single > \$10K < \$100K (42.5 fee units)	N	\$675.75	\$675.75	0.00%
Class 4 – Single > \$100K < \$500K (87 fee units)	N	\$1,383.30	\$1,383.30	0.00%
Class 5 – Single > \$500K < \$1M (94 fee units)	N	\$1,494.60	\$1,494.60	0.00%
Class 6 – Single > \$1M < \$2M (101 fee units)	N	\$1,605.90	\$1,605.90	0.00%
Class 7 – VicSmart < \$10K (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 8 – VicSmart > \$10K (29 fee units)	N	\$461.10	\$461.10	0.00%
Class 9 – VicSmart Sub (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 10 – VicSmart App'n (other than class 7, 8 or 9) (13.5 fee units)	N	\$214.65	\$214.65	0.00%
Class 11 – Dev < \$100K (77.5 fee units)	N	\$1,232.25	\$1,232.25	0.00%
Class 12 – Dev > \$100K < \$1M (104.5 fee units)	N	\$1,661.55	\$1,661.55	0.00%
Class 13 – Dev > \$1M < \$5M (203.5 fee units)	N	\$3,664.95	\$3,664.95	0.00%
Class 14 – Dev > \$5M < \$15M (587.5 fee units)	N	\$9,341.25	\$9,341.25	0.00%
Class 15 – Dev > \$15M < \$50M (1732.5 fee units)	N	\$27,546.75	\$27,546.75	0.00%
Class 16 – Dev > \$50M (3,894 fee units)	N	\$61,914.60	\$61,914.60	0.00%
Class 17 – Sub Existing (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 18 – Sub 2 lots (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 19 – Realign (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%

continued on next page ...

Page 19 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Planning Permit Fees – Development [continued]

Class 20 – Sub (other than class 17, 18 or 19) (89 fee units)	N		\$1,361.00 per 100 lots created	
Class 21 – Vary Restriction (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
Class 22 – Non defined (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%

### Type of Planning Application Fees

To Subdivide an existing building (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To Subdivide land into two lots (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To effect a realignment of a common boundary between lots or to consolidate two or more lots (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To subdivide land other than above types of subdivision (89 fee units)	N		\$1,361.00 per 100 lots created	
To remove a restriction (within the meaning of the Subdivision Act 1988) over land if the land has been used or developed for more than 2 years before the date of the applications in a manner which would have been lawful under the Planning and Environment Act (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To create, vary or remove a restriction within the meaning of the Subdivision Act 1988; or to create or remove a right of way (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To create, vary or remove an easement other than a right of way; or to vary or remove a condition in the nature of an easement other than a right of way in a Crown grant (89 fee units)	N	\$1,415.10	\$1,415.10	0.00%
To amend an application for a permit after notice has been given	N			40% of fee

### Whole Farm Plans Fees

Application for certification of whole farm plans (22 fee units)	N	\$349.80	\$349.80	0.00%
To amend to end an agreement under section 173 of the Act (44.5 fee units)	N	\$707.55	\$707.55	0.00%

### Works within a Road Reserve Permit

#### Municipal Road with Speed Limit Less Than 50kmh Fees

Works conducted on any part of the roadway, shoulder or pathway (23.5 fee units)	N	\$374.00	\$374.00	0.00%
Works not conducted on any part of the roadway, shoulder or pathway (6 fee units)	N	\$95.00	\$95.00	0.00%

#### Municipal Road with Speed Limit Greater Than 50kmh Fees

Works conducted on any part of the roadway, shoulder or pathway (43.1 fee units)	N	\$685.00	\$685.00	0.00%
Works not conducted on any part of the roadway, shoulder or pathway (23.5 fee units)	N	\$374.00	\$374.00	0.00%

### Planning Infringements

Planning Infringement Notice (Private 5 penalty units) per offence under the Planning and Environment Act	N	\$961.55	\$961.55	0.00%
Planning Infringement Notice (Company 10 penalty units) per offence under Planning and Environment Act	N	\$1,923.10	\$1,923.10	0.00%

### Planning Subdivisions

Processing an application to certify a plan of subdivision under the Subdivision Act 1988 (11.8 fee units)	N	\$187.62	\$187.62	0.00%
--	---	----------	----------	-------

continued on next page ...

Page 20 of 21

Name	GST	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (incl. GST)	Increase %
------	-----	----------------------------------	----------------------------------	---------------

### Planning Subdivisions [continued]

Processing any other application for certification under the Subdivision Act 1988 (11.8 fee units)	N	\$187.62	\$187.62	0.00%
Check Engineering plans	N	0.75% x cost of engineering work		
Engineering Plan prepared by Council	N	3.50% x cost of engineering work		
Supervision of Works	N	2.50% x cost of engineering work		
Certificates of Compliance under section 97N (22 fee units)	N	\$349.80	\$349.80	0.00%
The fee for determining a matter where a planning scheme specifies that the matter must be done to the satisfaction of a responsible authority or a referral authority (22 fee units)	N	\$349.80	\$349.80	0.00%

DRAFT

## 8.4 Infrastructure

### 8.4.1 Urban Forest Plan for Public Exhibition

<b>Directorate:</b>	Infrastructure
<b>Responsible Officer:</b>	Manager Operations
<b>Manager:</b>	Director Infrastructure
<b>Attachments:</b>	1. Urban Forest Plan - Public Version [8.4.1.1 - 35 pages]
<b>Conflict of Interest:</b>	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
<b>Council Plan Reference:</b>	<b>Flourishing local economy</b> A resilient long-term economy attractive to local and external investors  <b>Resilient protected and healthy natural environment</b> Well managed resources for a sustainable future Protected natural environment  <b>Well planned places</b> Attractive and useable sites of importance Quality, attractive recreational spaces  <b>Growing quality of life</b> Children, young people and families healthy and well
<b>Other Strategic Context:</b>	Active Transport Strategy Campaspe Tomorrow Environment Strategy Open Space Strategy Council Plan 2021-2025 Place Based Plans

#### 1. PURPOSE

The purpose of this report is to seek Council endorsement to progress the Urban Forest Plan to public exhibition inviting community comment and submissions to enable final review.

#### 2. RECOMMENDATION

**That Council endorse the public exhibition of the Urban Forest Plan for a 28-day period seeking community comment prior to final view and resubmission to Council to consider its adoption.**

#### 3. BACKGROUND

It is increasingly common for Australian municipalities to have urban forest plans, which are strategic documents to manage and enhance the presence of trees and green spaces within urban environments.

These plans outline objectives and strategies for the sustainable management, preservation, and expansion of the urban tree canopy.

Urban forest plans play a crucial role in promoting sustainability, resilience, and quality of life in townships by enhancing the ecological, social, and economic benefits provided by trees and green spaces. They help to ensure that urban areas remain liveable and vibrant for current and future generations.

Urban Forest Consulting has prepared an urban forest plan (**the Plan**) for Campaspe Shire.

In preparing the Plan, an extensive assessment was undertaken of the 30,000 urban public trees across the ten largest townships in Campaspe Shire. This included identification of tree species, health, size, remaining life expectancy, canopy cover by township and vacant sites suitable for tree planting. In addition, areas of high heat vulnerability were mapped to identify priority locations for tree planting.

The Plan highlights key objectives and outcomes for Campaspe Shire and promotes the benefits of urban forests to the community.

### **Previous Council Discussion**

Councillors were briefed on an earlier version of the Plan (then called the “Urban Tree Management Plan”) in an internal briefing session on 8 September 2020.

Since then, the scope of townships considered as part of the strategic tree planting program has been increased to include Lockington, Colbinabbin, Stanhope and Girgarre.

## **4. DISCUSSION**

The Plan identifies issues and improvement opportunities for Council’s management of public trees, including:

- Without action Campaspe Shire is likely to see the loss of a significant percentage of its urban tree population in the next 25 years.

This is largely due to the majority of trees being in the ‘mature’ age category. Whereas, ideally there should be a good mix of ages between young, semi mature and mature age categories, to ensure diversity and a progressive replacement regime, as trees reach end of life.

- The percentage of trees deemed to be in ‘good’ health is less than desirable. This can be addressed through proactive maintenance schedules including additional watering in periods of drought and good pest and disease management.
- Many residential housing subdivisions, particularly in Echuca and Kyabram, have been planted with only one species, the Ornamental Pear (Callery Pear). Whole estates not only have the same species, but many trees were planted at the same time. This will lead to these trees reaching the end of their useful lives at the same time and consequential loss of landscape amenity. Therefore, a greater diversity of tree species and ages is needed in these locations.

In order to address these issues, the Plan proposes a 10-year Urban Tree Management Action Plan, which encompasses the following key action items

- Develop an annual strategic tree planting program, with 980 trees planted across the municipality each year.
- Develop a proactive maintenance schedule to improve the overall health and longevity of existing trees.



- Improve internal planning and communication networks to leverage and collaborate.
- Implement best practice urban tree management techniques.
- Engage and educate the community about the importance of urban trees.
- Implement best practice urban tree management techniques.
- Scheduled review of the Plan every five years.

The implementation of the Plan will ensure the outcomes of Section 9 of the Local Government Act are achieved, including:

- Achieving the best outcomes for the municipal community, including future generations by securing and enhancing the amenity value of our streets and public spaces.

Improving streetscapes to encourage migration into Campaspe Shire, which will enhance economic, social and environmental sustainability outcomes.

Following the public exhibition process, as discussed in the Stakeholder Engagement section of this report, a review of the responses will be led by Council's Operations Team, including decisions to incorporate suggested changes. The final version of the Plan will be presented to a future Council meeting for approval and adoption.

## **5. STAKEHOLDER ENGAGEMENT**

### **Internal consultation:**

13 March 2024 Executive Leadership Team

### **Councillors:**

9 April 2024 Councillor Briefing

### **External consultation:**

Not Applicable

### **Community Engagement**

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework. The level of community engagement undertaken will be:

Consult: Communicate and seek feedback on a change from those affected and the broader public. Focus on why, when and how it will happen, and how community can provide feedback (Community influence: Feedback may or may not impact final decision).

The Plan is ready for public exhibition and a Communications Plan has been developed. The public facing version of the document will be exhibited for a 28-day period on Council's website. Advertisements directing the community to review and comment on the Plan will be posted on Council's website, via media release, newspaper advertisements and targeted social media campaigns.

Public submissions will be accepted via an online form on Council's website and written responses collected at Council's Customer Service Centres. A review of the responses will be led by the Operations Team, including decisions to incorporate suggested changes.

## Public Transparency Policy

Not applicable

### 6. LEGISLATIVE CONTEXT

Management of public trees includes periodic maintenance pruning and removal when they reach end of life.

These aspects must consider the *Planning and Environment Act 1987* (Vic) to ensure permits are secured through the local planning scheme, as required.

As part of this process, the *Aboriginal Heritage Act 2006* (Vic) is considered for trees that are in locations of heritage significance, including near waterways.

The removal or lopping of trees must also be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation 2017* (Vic).

### 7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

The Plan identifies additional expenditure to be committed by Council to ensure its outcomes are achieved, as detailed below.

Urban Forest Plan Outcome	Detail	Cost (non-escalated)
<b>Action 1</b> Develop an annual strategic tree planting program.	Aim to plant 980 trees per year, based on the Township Tree Plans	\$100,000 per year
<b>Action 4</b> Embed best practice urban tree management	Develop in-house technical tree management guidelines	\$30,000
<b>Action 5</b> Engage and educate the community about the importance of urban trees	Increased communications and engagement with residents.	\$20,000 per year
<b>Action 6</b> Review Plan every 5 years	Review plan to ensure strategies and outcomes are relevant.	\$10,000 every five years

To ensure the success of the strategic tree planting program, an additional full-time employee and truck with watering ability will be required for young tree maintenance in the Parks & Gardens team. This is to ensure public trees are regularly watered, pruned, and fertilised for two years after planting, to provide the best chance of each tree's survival into maturity. This is in addition to existing approved resources and based on the significant increase in planting to 980 trees per year as proposed.

A business case for Actions 1,4 and 5 will be submitted for the 2025/26 financial year, including for the additional resources identified.

### 8. ENVIRONMENTAL IMPLICATIONS

Refer Opportunities and Risk

## 9. OPPORTUNITIES AND RISK

### Opportunities:

Adoption of the Plan will facilitate the following objectives:

- Enhance township character and landscape resilience through strategic tree planting and good tree management.
- Grow urban tree canopy to increase natural shade over our townships.
- Protect and maintain our existing urban trees to maximise their benefits.
- Embed good practice urban tree management into our everyday decision making.

As referenced in the Plan, studies have shown that increasing urban tree populations results in:

#### Economic Benefits

- People are more likely to stay longer and spend more in a treed retail area increasing economic activity by up to 20%.
- Well maintained street trees increase house prices.
- Well-placed trees can reduce air-conditioning costs by 56%.
- A 10% increase in deciduous tree cover can reduce building heating and cooling costs by 5-10%.
- Well maintained street and park trees improve the overall amenity and character of a town, thereby strengthening tourism outcomes.

#### Social Benefits

- Urban trees provide attractive and shady streetscapes, encouraging pedestrian and cycling activity, increasing community interaction and reducing stress.
- Shade from urban trees improves human thermal comfort on the hot summer days lowering air and surface temperatures and intercepting UV radiation.
- Street trees can reduce traffic noise.

#### Environmental benefits

- Shade from street trees can reduce daytime surface temperatures by between 5 - 20°C.
- Urban trees improve air quality by capturing particulate matter and other air pollutants with large trees absorbing 60-70 times more pollution compared with small trees.
- Through root uptake and canopy interception, trees can reduce the volumes of stormwater and pollution in stormwater run-off.
- Urban trees sequester carbon and release oxygen.
- Trees provide habitat and food sources for wildlife.

## **Risk:**

### Asset Risk

A risk that the urban tree population will decline significantly in the next 25 years caused by insufficient investment in tree planting may result in Council not achieving its plans for a resilient protected and healthy natural environment, well planned places and growing quality of life.

### Environmental Risk

A risk that a reduced urban tree population will cause a loss of environmental values, diversity and public amenity, which will reduce wellbeing and quality of life for residents and a loss of habitat for native species.

### Reputation Risk

A risk that the significant loss of urban trees will cause widespread public concern, resulting in criticism of Campaspe Shire Council's management of public assets.



# Urban Forest Plan

## Greening our Community



# Acknowledgement Of Country

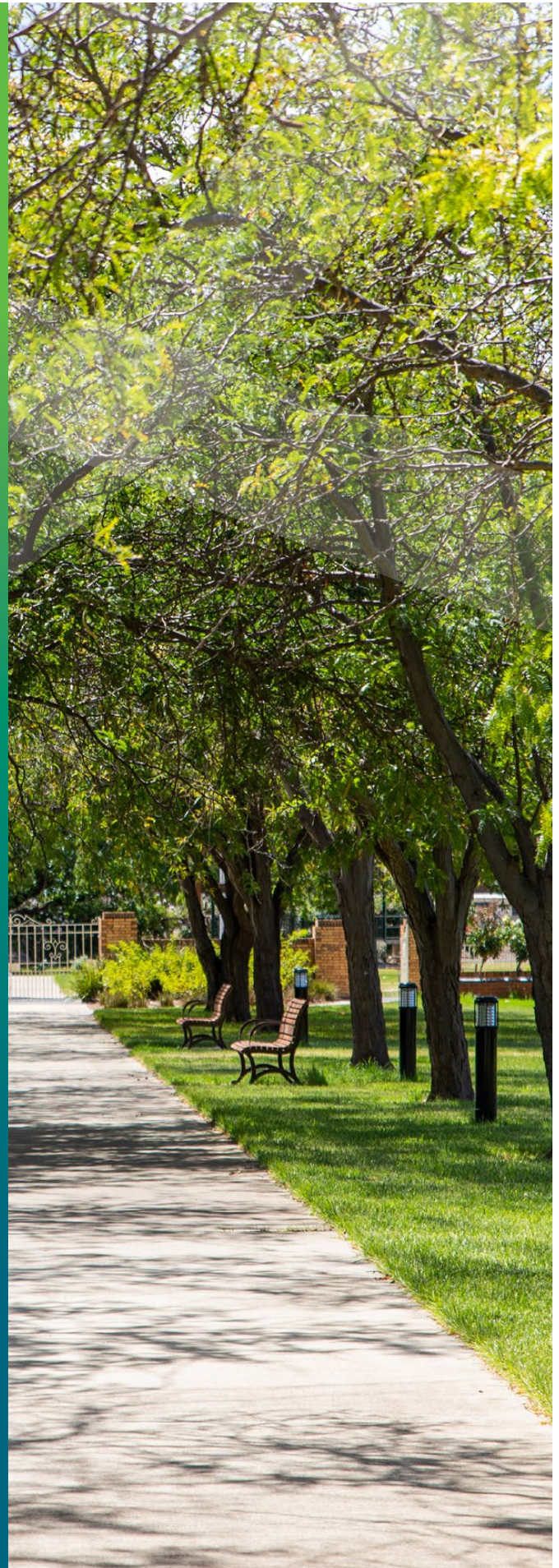
The Shire of Campaspe is the traditional lands of the  
Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural  
heritage and pay our respect to their ancestors, descendants  
and emerging leaders as the Traditional Owners  
of this Country.

We acknowledge their living culture and their  
unique role in the life of this region.

# Contents

<b>Acknowledgement of Country</b>	<b>ii</b>
<b>Introduction</b>	<b>1</b>
<b>The Plan</b>	<b>2</b>
<b>Benefits of Urban Trees</b>	<b>3</b>
<b>Strategic Context</b>	<b>4</b>
<b>Shire Campaspe's Urban Trees</b>	<b>5</b>
<b>Tree Management Challenges</b>	<b>15</b>
<b>10-year Urban Tree Management Action Plan</b>	<b>16</b>
<b>Township Tree Planting Plans</b>	<b>18</b>
<b>Echuca</b>	<b>19</b>
<b>Kyabram</b>	<b>20</b>
<b>Rochester</b>	<b>21</b>
<b>Rushworth</b>	<b>22</b>
<b>Tongala</b>	<b>23</b>
<b>Gunbower</b>	<b>24</b>
<b>Lockington</b>	<b>25</b>
<b>Colbinabbin</b>	<b>26</b>
<b>Stanhope</b>	<b>27</b>
<b>Girgarre</b>	<b>28</b>
<b>Glossary</b>	<b>29</b>
<b>References</b>	<b>30</b>



# Introduction

Campaspe Shire Council's position along the Murray and Campaspe Rivers lends itself to unique landscapes that are characterised by the majestic River Red Gums in the north and Box Ironbark forests in the south.

The largely rural nature of our Council showcases wide vistas interspersed with pockets of forest and riverside vegetation. And yet, the trees contained within each of our townships, i.e. our urban forest, are more representative of past management practices and decision making rather than a reflection of these local landscapes.

Campaspe Shire Council manages around 30,000 public urban street and park trees, with the majority of these within the main townships of Echuca, Kyabram, Rochester and Rushworth. They provide much needed shade during summer, store and sequester carbon, provide food and habitat to wildlife and intercept rainfall before it flows into the rivers.

We aim to maximise the benefits of our urban trees and have recently made some significant improvements to the way we look after our trees. However, we also recognise there is some room for improvement. To date, we haven't had a clear strategic direction for the planning and management of our urban trees. As a result, some aspects of tree management have not been funded or resourced. For example, our tree inventory data suggests that we could lose over 50% of our entire public tree population by the year 2047, as these trees reach the natural end of their lives. And yet, we haven't had a succession plan for the next generation of trees to succeed these ageing ones.

We also know that our township tree canopy cover is relatively low, especially in Echuca, the largest of our towns. This means we don't have enough natural shade to provide relief and comfort to residents during the hot, dry summers and inadequate landscape resilience towards climate change. Tree canopy cover is especially low in the areas where socio-economic disadvantage is the highest and where the benefits of those trees are needed the most.

We've also seen legacy practices from past decades resulting in less than ideal outcomes. Poor pruning of trees under powerlines, incorrect species selection, a lack of formative pruning and adequate tree establishment programs have contributed to a current tree population that is not as healthy or resilient as it could be. And while there is a large diversity of tree species planted across our townships, newer residential housing developments are supporting swathes of identical plantings which have extremely low levels of species, genetic and age diversity, increasing the risk of landscape scale failures.

By focussing on these issues, we've developed a framework in this Urban Forest Plan to help protect our existing urban forest and grow a resilient urban forest of the future. This will be critical in helping to meet our Community Vision of creating:

- A place where we belong
- Towns and land that we love
- Activity for all
- An environment for all, now and always
- Engaged and participative people





# The Plan

## Scope

This Plan applies to all trees within the urban areas of Campaspe Shire Council, defined as the areas within the township boundaries. The plan predominantly focuses on the trees that Council own and manage e.g. street and park/reserve trees within the townships of Council. The plan will also discuss the value of trees in the private realm e.g. trees in backyards and trees on land owned and managed by other agencies.

## Objectives

1. Enhance township character and landscape resilience through strategic tree planting and good tree management.
2. Grow urban tree canopy to increase natural shade over our townships.
3. Protect and maintain our existing urban trees to maximise their benefits.
4. Embed good practice urban tree management into our everyday decision making.

## Vision

Our places and our communities are vibrant, sustainable and green.

## Targets

We will aim to increase Tree canopy over townships by 2045 as follows:

Township	Baseline Tree Canopy Cover (2023)	Targeted Tree Canopy Cover (2033)
<b>Echuca</b>	11%	20%
<b>Kyabram</b>	13%	20%
<b>Rochester</b>	24%	30%
<b>Rushworth</b>	33%	35%
<b>Tongala</b>	14%	20%
<b>Gunbower</b>	18%	20%
<b>Lockington</b>	17%	20%
<b>Colbinabbin</b>	7%	10%
<b>Stanhope</b>	13%	20%
<b>Girgarre</b>	12%	15%

We will aim to improve the overall diversity, health and resilience of our public tree population by 2030 as follows:

- 80% of trees will be recorded in good health.
- 25% of all trees will be in the “young” tree age category.



# Benefits Of Urban Trees

Campaspe Shire Council's urban trees provide a wide range of benefits to the community and environment including:



## Economic benefits

- People are more likely to stay longer and spend more in a treed retail area increasing economic activity by up to 20% (Mullaney et al., 2015; Wolf, 2005).
- Well maintained street trees increase house prices (Mullaney et al., 2015; Plant, Rambaldi & Sipe, 2017).
- Well-placed trees can reduce air-conditioning costs by 56% (US Forest Service, nd).
- A 10% increase in deciduous tree cover can reduce building heating and cooling costs by 5-10% (McPherson et al., 1994).
- Well maintained street and park trees improve the overall amenity and character of a town, thereby strengthening tourism outcomes.



## Social benefits

- Urban trees provide attractive and shady streetscapes, encouraging pedestrian and cycling activity, increasing community interaction and reducing stress (van Dillen et al., 2012).
- Shade from urban trees improves human thermal comfort on the hot summer days lowering air and surface temperatures and intercepting UV radiation (Langenheim et al., 2020).
- Street trees can reduce traffic noise (Mullaney et al., 2015).



## Environmental benefits

- Street trees can reduce daytime temperatures by between 5 - 20°C (Mullaney, Lucke & Trueman, 2015).
- Urban trees improve air quality by capturing particulate matter and other air pollutants with large trees absorbing 60-70 times more pollution compared with small trees (McPherson, Nowak & Rowntree, 1994; Mullaney et al., 2015).
- Through root uptake and canopy interception, trees can reduce the volumes of stormwater and pollution in stormwater run-off (Livesley, McPherson & Calfapietra, 2016; Mullaney et al., 2015).
- Urban trees sequester carbon and releases oxygen (Mullaney et al., 2015).
- Trees provide habitat and food sources for wildlife (Mullaney et al., 2015).

# Strategic Context

By strategically managing urban trees within Council, Council will also be meeting some of its existing priorities and objectives as follows:

## Campaspe Tomorrow 2021-2025

1. A place where we belong.
2. Towns and land we love.
3. Activity for all.
4. Opportunity for all.
5. An environment for all, now and always.
6. Engaged and participative people.

## Council Plan 2021-2025

1. Flourishing Local Economy: Making our townships attractive places to visit and invest in.
2. Resilient and protected healthy natural environment: Increasing township landscape resilience through greater tree canopy and permeability.
3. Well planned places: creating high quality green urban public spaces through strategically planted and maintained township entry ways, boulevards, avenues, streets and parks.
4. Growing Quality of Life: creating inclusive, safe and connected urban green spaces for improving health and wellbeing.

## Campaspe Planning Scheme

Council's key strategic directions in the Campaspe Planning scheme includes promoting land use and development that is resilient to climate change impacts. This includes maintaining significant vegetation where possible and providing landscaping that is suitable for the location and climate.

## Environment Strategy 2022-2023

A framework for the protection of our natural environment and delivery of programs and services to support a connected and healthy community. This includes the protection and enhancement of native urban trees that support biodiversity values and community health and wellbeing.

## Open Space Strategy 2022-2032

Creating an open space network that is of high quality, connected and provides access for all. This includes the provision of large canopy trees to provide natural shade and amenity to all open space users.

## Active Transport Strategy 2019

Focus areas:

1. Getting to school by walking and cycling.
2. Creating walking and cycling towns.
3. Connected and liveable developments.

## Integrated Water Management Strategy (Draft - 2020)

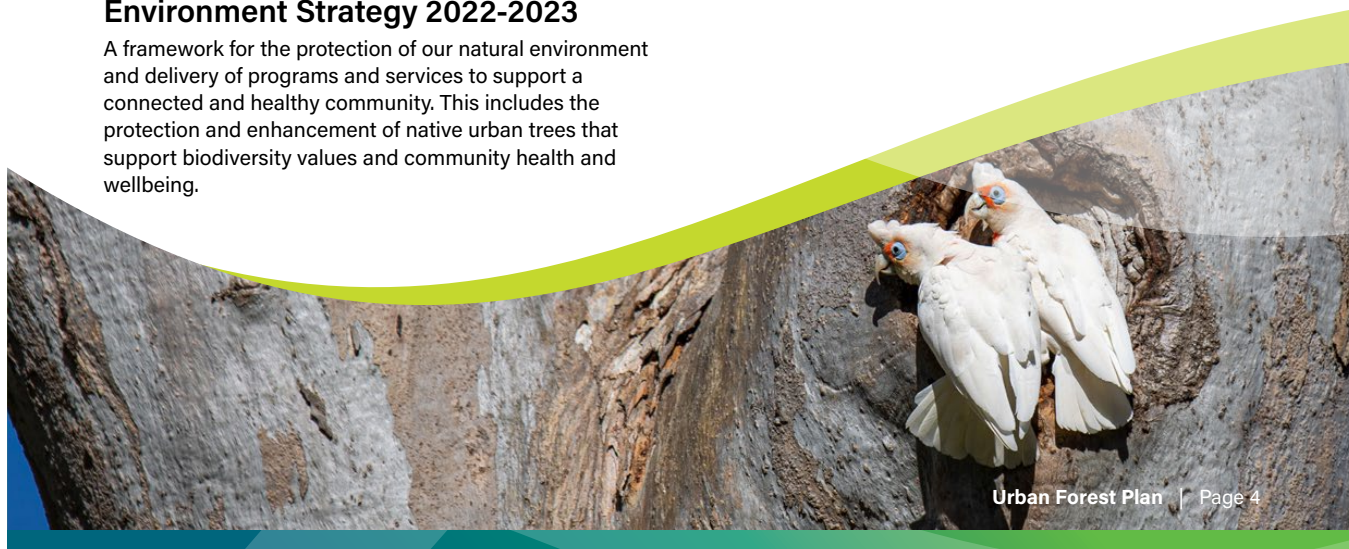
Focus area: Retaining water in urban landscapes

Key projects:

1. Safer, greener, more vibrant Echuca East Community precinct. Cooler streetscapes to improve the amenity adjacent to Echuca East Community Precinct.
2. Greening Rushworth's main street.
3. Gunbower Lions Park renewal.

## Place Based Plans

There are significant opportunities to include tree planting, renewal and maintenance as part of Place Based Plans. Communities are at varying stages with the Place Based Plans but there is certainly opportunities to capitalise on projects from these plans and implement actions from the Urban Forest Plan.



# Campaspe Shire's Urban Trees

There are approximately 30,000 street and park trees across Campaspe's townships. It is not known how many trees there are on private property or on crown land. Each of these public trees have detailed information collected on them to help us make informed tree management decisions.

Street and park tree numbers in each township are detailed below:

Town	No of trees	% of population
Echuca	11,408	36.2%
Rochester	4,852	17.3%
Kyabram	3,846	12.1%
Rushworth	2,891	10.7%
Tongala	1,852	6.7%
Stanhope	1,614	5.3%
Girgarre	1,459	4.7%
Lockington	1,221	3.9%
Gunbower	574	1.8%
Colbinabbin	317	1.3%
<b>TOTAL</b>	<b>30,034</b>	<b>100%</b>

Table 1: Number of street and park trees in each township



## Tree Canopy Cover

The amount of tree canopy cover across an urban area is a useful measure for understanding the quantity of benefits being offered by the tree population e.g, the amount of shade provided, carbon stored and sequestered, stormwater intercepted. Tree canopy cover for each of our 10 main townships is shown in Image 1.

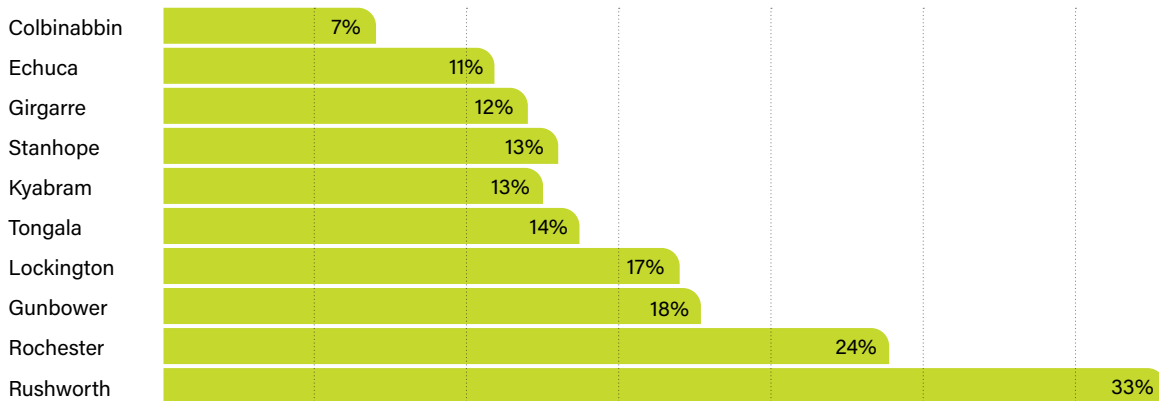


Image 1: tree canopy cover measured for the 10 main townships of Campaspe.

Overall, tree canopy cover across the urban townships is relatively low with the exception of Rochester and Rushworth. All other townships record cover lower than 20%. Research suggests that optimal tree canopy cover for an urban area, depending on climate, is between 30-40% (Ziter, 2019). As the main town within the municipality, Echuca's tree canopy cover levels are very low, at only 11%.



## Vacant Street Tree Sites

Campaspe Shire Council's data shows that across the 10 townships, there are approximately 4,500 vacant street tree sites. These sites are those that are readily available to have a tree planted within them and are predominantly within streetscapes. Echuca, followed by Kyabram, has the largest opportunities for tree planting, though every township contains some vacant sites.

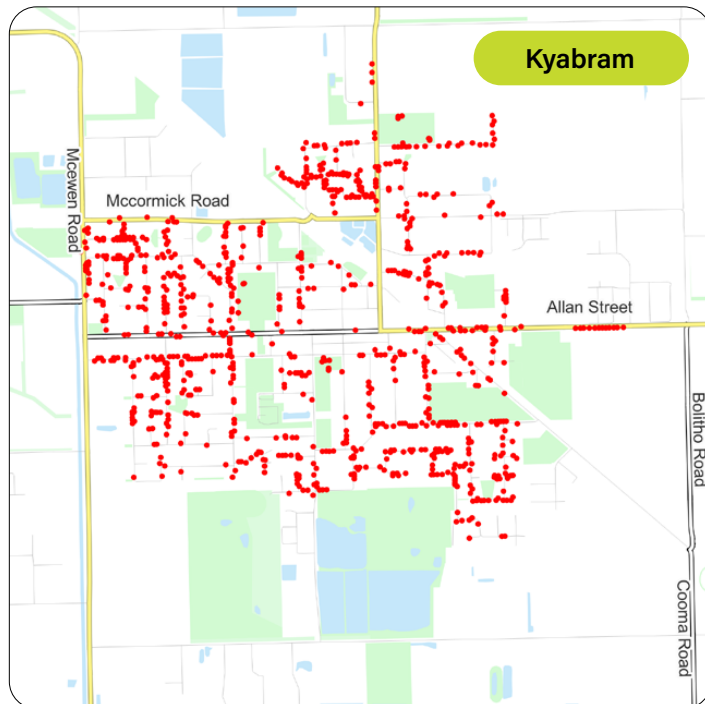
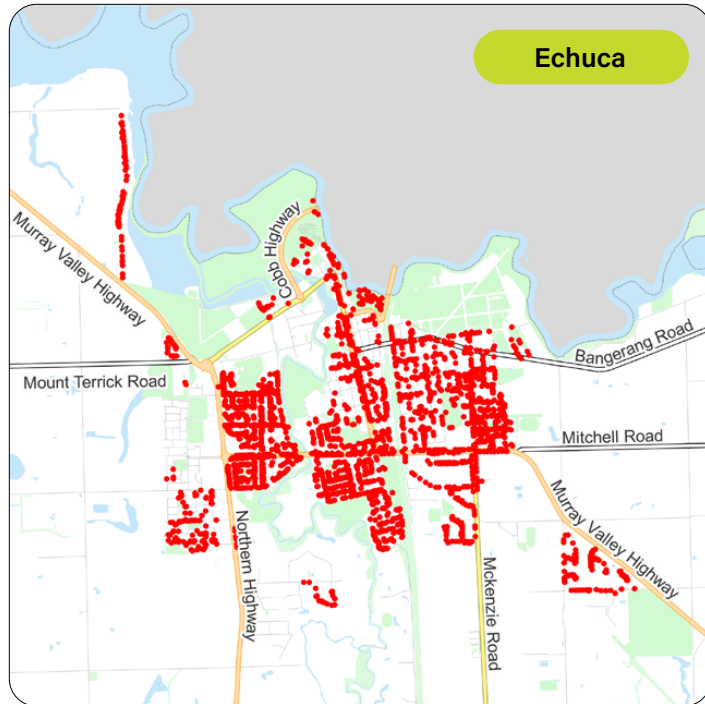


Image 2a: distribution of vacant street tree sites across Campaspe's 2 main townships.

Campaspe Shire's Urban Trees

**Vacant Street Tree Sites**

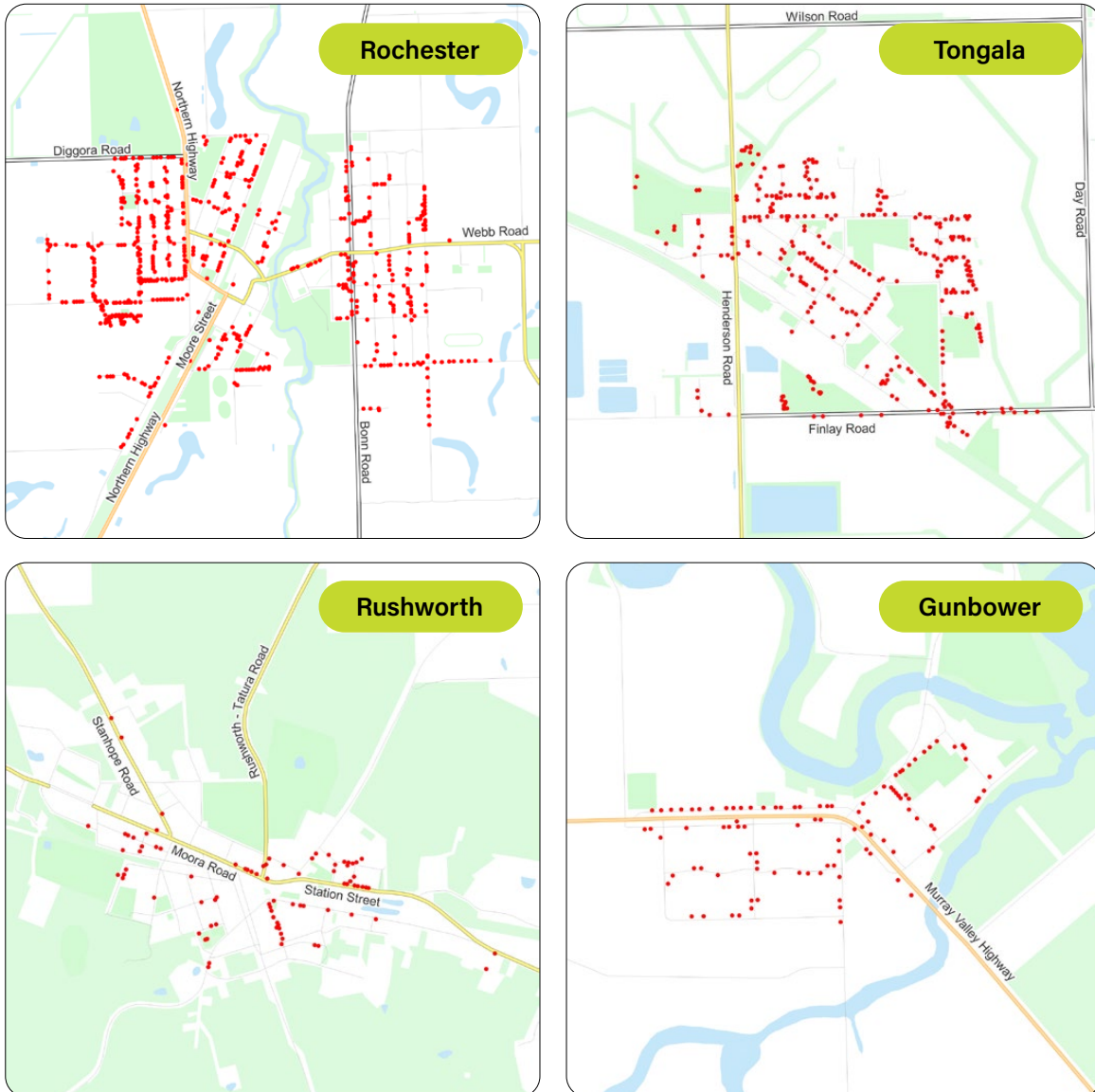


Image 2b: distribution of vacant street tree sites across Campaspe's 4 remaining main townships.

## Vacant Street Tree Sites



Image 2c: distribution of vacant street tree sites across Campaspe's 4 smaller townships.



## Species Diversity

One measure of a tree population's overall resilience is how diverse it is. The greater diversity in tree species, the greater resilience against impacts such as pest, disease attacks and climate change. Overall, Campaspe's townships show a great level of diversity. Over 360 tree species have been recorded in the public tree population. River Red Gums are the most dominant species which is to be expected given the proximity of townships and public open space to river systems. Of the top 20 most common species, 15 are native to Australia.

The top three most common species are all endemic to Campaspe Shire Council including, River Red Gum, Grey Box and Red Ironbark.

	Species	No of trees	% of population
1	River Red Gum ( <i>Eucalyptus camaldulensis</i> )	3,125	9.90%
2	Grey Box ( <i>Eucalyptus microcarpa</i> )	1,964	6.22%
3	Red Ironbark ( <i>Eucalyptus sideroxylon</i> )	1,659	5.25%
4	Callery Pear ( <i>Pyrus calleryana</i> )	1,610	5.10%
5	Prickly Paperbark ( <i>Melaleuca styphelioides</i> )	1,392	4.41%
6	Yellow Gum ( <i>Eucalyptus leucoxylon</i> )	1,116	3.53%
7	Spotted Gum ( <i>Corymbia maculata</i> )	1,048	3.32%
8	Weeping Bottle Brush ( <i>Callistemon viminalis</i> )	1,028	3.26%
9	Desert Ash ( <i>Fraxinus oxycarpa</i> )	895	2.83%
10	Sugar Gum ( <i>Eucalyptus cladocalyx</i> )	873	2.76%
11	Yellow Box ( <i>Eucalyptus melliodora</i> )	807	2.56%
12	Crimson Bottle Brush ( <i>Callistemon citrinus</i> )	789	2.50%
13	Peppercorn Tree ( <i>Schinus molle</i> )	730	2.31%
14	Snow in Summer ( <i>Melaleuca linariifolia</i> )	684	2.17%
15	Willow Bottle Brush ( <i>Callistemon salignus</i> )	632	2.00%
16	Queensland Brush Box ( <i>Lophostemon confertus</i> )	618	1.96%
17	Claret Ash ( <i>Fraxinus Raywood</i> )	527	1.67%
18	Purple Cherry Plum ( <i>Prunus cerasifera 'Nigra'</i> )	503	1.59%
19	Lemon-scented Gum ( <i>Corymbia citriodora</i> )	445	1.41%
20	River She-oak ( <i>Casuarina cunninghamiana</i> )	417	1.32%

Table 2: Top twenty most common species across the townships of Campaspe.

Whilst, from a municipal scale, there is a good diversity of trees species planted across townships, there are some local issues of very low diversity. Many residential housing subdivisions, particularly in Echuca and Kyabram have all been planted with only one species, the Ornamental Pear (Callery Pear). While there is certainly an aesthetic benefit to an avenue of single tree species, this monoculture across whole estates poses significant risks due to a lack of diversity. Added to this, whole estates not only have the same species, but many trees were planted at the same time. This will lead to a dramatic change in landscape amenity when all of these trees reach the end of their useful lives at the same time.

Campaspe Shire's Urban Trees

Campaspe Shire Council will seek to further guide developers in planting a diversity of trees species within each housing estate, to mitigate this potential management challenge using the Landscape Design Manual that is already in existence, and Campaspe Planning scheme.

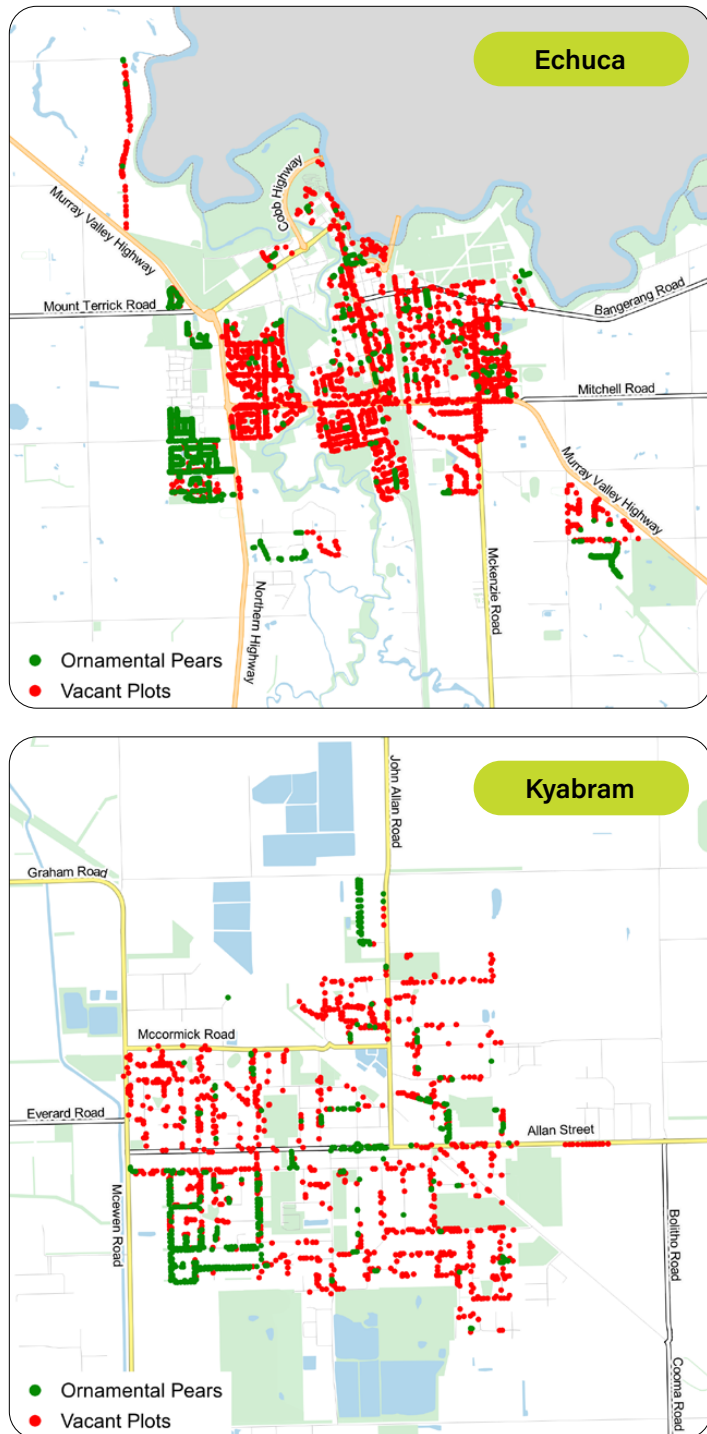


Image 4: Concentrations of Ornamental Pears circled in green across Echuca and Kyabram.

## Campaspe Shire's Urban Trees

## Tree Value

Using a tree valuation model called I-Tree Eco (Ref P29), each of Campaspe Shire Council's public urban trees were valued.

Together, Council's 30,000 public urban trees are worth an estimated \$170,000,000. This is their structural value and the cost of having to replace all trees to their same size and structure.

In addition, these trees return approximately \$440,000 annually in environmental benefits:

- Air pollution removed: 7,764 tons = \$17,300 per year.
- Carbon storage: 17,780 tons = \$405,000 per year.
- Carbon sequestration: 452 tons per year = \$10,300 per year.
- Oxygen produced: 1,207 tons per year.
- Avoided run-off: 2,586 m<sup>3</sup>/year = \$5,850 per year.

Some of the most valuable trees are the large River Red Gums in Echuca's Aquatic Reserve which are worth \$72,489 each.

*Image 5: Some of the Aquatic Reserve River Red Gums are the most valuable trees within our townships.*



## Current Tree Management

Urban trees are managed by a dedicated in-house Tree Management team that responds to customer requests and carries out an array of tree works from removals and pruning to young tree maintenance. A panel of qualified contractors also take care of some tree works.

We undertake:

- The annual tree planting program based on identified vacant spots and customer requests.
- Tree risk assessments including annual inspections of trees along the Echuca township waterfront and individual tree inspections by resident requests.
- Maintenance, both reactive and proactive.
- Tree and stump removal.
- Tree protection.
- Arboricultural advice to other council internal work areas, including tree protection requirements for projects being undertaken near trees.
- Electrical line clearance in Council's three declared urban areas; Echuca, Kyabram and Rochester.
- Responding to conflicts between Council's trees and built infrastructure.





## What's working well

- We have in-house qualified and dedicated arboriculture staff.
- We have a comprehensive tree inventory.
- Existing policies regarding requests for tree removal and tree planting are in place.
- Our electrical line clearance obligations are met.
- Our tree planting program plants slightly more trees than are removed.



## What needs improvement?

- Tree planting is not making inroads into increasing canopy and therefore targets so needs to be boosted.
- Stronger protection and retention of existing trees, particularly educating other work areas around the importance of trees, roots and canopies.
- Tree planting undertaken by third parties.
- Greater appreciation of trees as critical urban infrastructure.
- Community awareness around the importance of trees and educating the public.
- Continuing to identify vacant street tree planting sites.
- Greater recognition of the importance of trees on private property.



# Tree Management Challenges

We face some key challenges that we hope to address through the delivery of this plan.

## 1. No strategic plan for tree planting

Most trees are still planted on a reactive basis from customer requests. This means our establishment program is not streamlined and is inefficient. There are over 4,500 vacant street tree sites across the urban areas offering significant potential to ramp up the planting program.

## 2. Inherited legacy

Council face the common issue of dealing with trees that were planted decades ago that are now inappropriate for the site and cause conflicts with infrastructure including powerlines, footpaths, kerb and channel, road surfaces etc. The ongoing maintenance costs for these conflicts is high and yet many of these trees provide much needed amenity and shade for the streetscape.

## 3. Trees are not valued enough

Council has been recognising the value of trees over the past few years, yet it is not widespread. Without clear recognition of the values urban trees provide, their protection and/or planting are not seen as a priority, particularly by both the community and assets renewal/works within Council. Further, Council currently has little recourse to penalise homeowners and developers who remove public urban trees for development.

## 4. Development

Within subdivisions, homogenous plantings of Ornamental Pears dominate the landscape. While these trees are robust and look beautiful, the dominance of one species within all subdivisions presents a significant future risk management issue. Further to this, development is not allowing enough private open space for trees. Some developments are compensating for this by allowing for larger parcels of passive open space planted with more indigenous species.

## 5. Private trees

Apart from the heritage planning overlays, Council has very little control to protect or mandate the replanting of trees on private property. In some towns, such as Echuca, a cultural history of removing and not replacing private tree canopy means that very little private tree canopy cover remains. It is thought that this relates back to the lack of value placed on trees by the general community.



# 10-Year Urban Tree Management Action Plan

This 10-year plan outlines:

- Six key actions to guide Council's Tree Management program
- 10 township tree planting guides

	Action	Detail	Cost
1.	Develop an annual strategic tree planting program.	Aim to plant 980 trees per year, based on the Township Tree Plans where trees are needed the most e.g. within heat vulnerable communities, in high pedestrian areas and where tree canopy cover is low.	\$100,000 per annum
2.	Develop a proactive maintenance schedule to improve the overall health and longevity of existing trees.	Every Council tree to be inspected every 4 years and proactive works scheduled. Tree inventory to be updated as part of inspection.	Existing budgets and resources
3.	Improve internal planning and communication.	Tree team to work closely with following programs to seek better outcomes for trees: <ul style="list-style-type: none"> <li>• 10-year capital works plan.</li> <li>• Asset renewal schedule: roads reseal, footpath, kerb and channel, drainage upgrades.</li> <li>• Integrated Water Management projects.</li> <li>• Open space and active transport projects and upgrades.</li> </ul>	Existing budgets and resources
4.	Embed best practice urban tree management.	Develop in-house technical tree management guidelines to include: <ul style="list-style-type: none"> <li>• 2-year establishment period for all new trees: mulching, watering and formative pruning.</li> <li>• Document handover process for subdivision trees.</li> <li>• Introduce a standard tree replacement charge for all trees that are removed for works and development to ensure there is no net loss of trees from the landscape.</li> <li>• Produce a factsheet for tree protection and how to calculate a tree protection zone to apply to all works impacting trees.</li> <li>• Embed Tree Management Plan objectives into other Council documents and contractors' specifications.</li> </ul>	\$30,000

## 10-Year Urban Tree Management Action Plan

	Action	Detail	Cost
5.	Engage and educate the community about the importance of urban trees	<p>Raise the profile of the value of urban trees within the community. Incentivise and encourage residents to both request street tree planting and plant trees on their own property, including:</p> <ul style="list-style-type: none"> <li>• Street tree planting letters to residents prior to planting explaining the benefits of urban trees, how their nature strip contributes and some ideas on how to care for it.</li> <li>• Customer requests for street tree planting to be advertised through social media.</li> <li>• Update Council's website to provide information on Council's role in public tree management, the benefits of urban trees and why Council is investing in them.</li> <li>• Community tree planting days. Have information available about Council's tree planting program and the benefits of urban trees.</li> </ul>	\$20,000 per annum
6.	Review Plan every 5 years	<p>Future considerations:</p> <ul style="list-style-type: none"> <li>• Appropriate measures to protect and enhance trees on private land.</li> <li>• Local planning policy to provide local response to the creation of healthy and sustainable neighbourhoods.</li> <li>• The creation of an 'urban tree fund' for revenue generated from amenity tree removals that will go towards tree planting projects.</li> </ul>	\$10,000



# Township Tree Planting Plans

These have been developed for the 10 townships within Campaspe (see Appendix B):

- Echuca
- Kyabram
- Rochester
- Rushworth
- Tongala
- Gunbower
- Stanhope
- Colbinabbin
- Lockington
- Girgarre

These plans highlight the opportunities and priority areas for tree planting and tree renewal in each town. A set of targets has been set for each township to improve:

- Tree canopy cover and therefore shade and amenity
- Overall tree health.
- Diversity of ages to ensure a new generation of trees are being planted.
- The useful life expectancy profile of each towns tree population, to ensure poorly performing trees are removed and replaced with vibrant young new trees, ready for the future.

Species have not been selected as part of these Plans. Instead, the Tree Management team will utilise an independently developed species list, for all Councils in the Goulburn Murray Climate Alliance, as part of the Naturally Cooler Towns project. These species have been selected for resilience and appropriateness for planting in urban areas.



## Township Tree Planting Plans

# Echuca

## Existing Township character

Low overall canopy cover, a mix of street species both native and exotic, large number of vacant street tree sites, wide road reserves and wider than average nature strips, surrounded by river red gums along the two river frontages. Echuca has four main precincts: Echuca East, CBD and The Port Precinct, Echuca West and the entranceways into town.

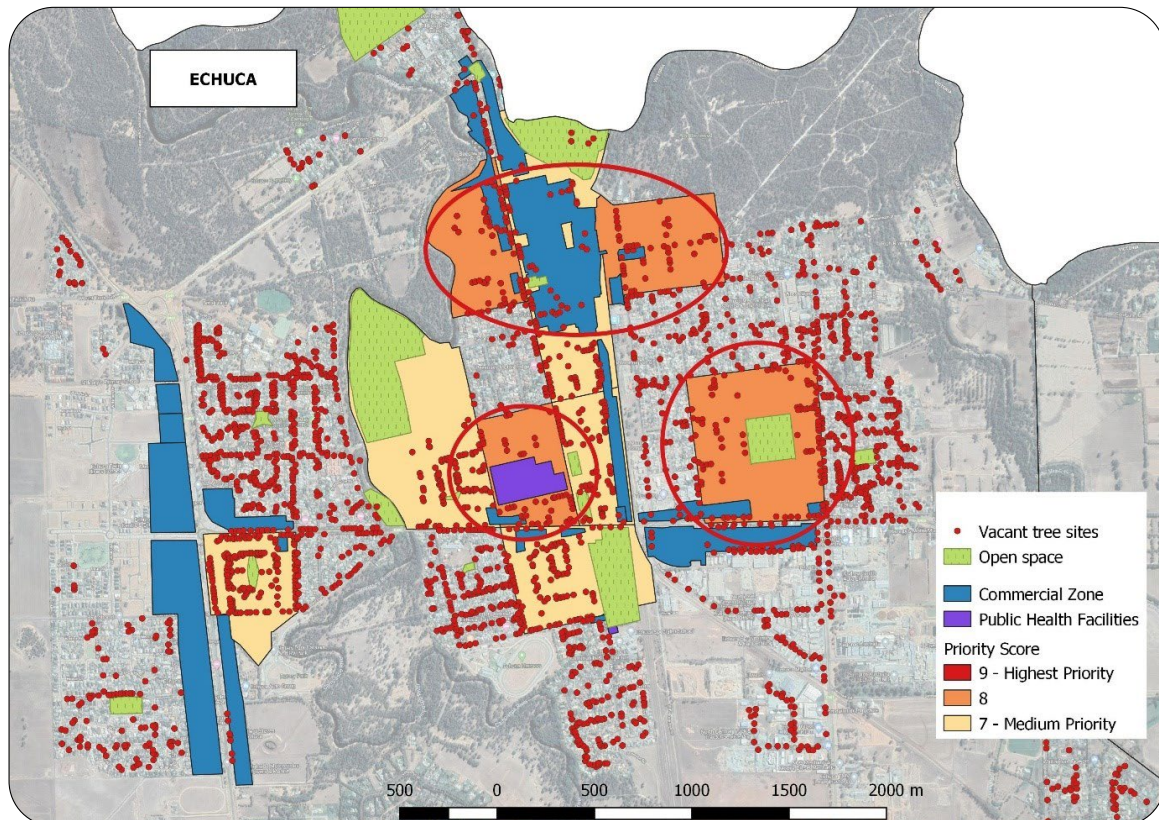
## Identified trends and concerns

- Within a 30-year period, Echuca is likely to lose 70% or 8,079 of its public trees.
- Very low diversity of tree species and age in new subdivisions leaving the tree population exposed to a second wave of tree loss by 2050.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Echuca to approximately 500 trees per year, to cover tree renewal, infill planting of vacant street tree sites and gateways into town. Priority areas are circled in red. New subdivisions should refrain from planting any *Pyrus* species.

Image 6: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.



## Township Tree Planting Plans

# Kyabram

## Existing Township character

Kyabram is derived from an aboriginal word "kiambram" which means "thick forest." There is little evidence remaining of this. Though Kyabram has a high portion of Australian native species in its more established area, a larger number of exotic trees are in the newer areas, particularly south of Fenaughty Street. Trees in the town's parks and reserves are predominant indigenous and native.

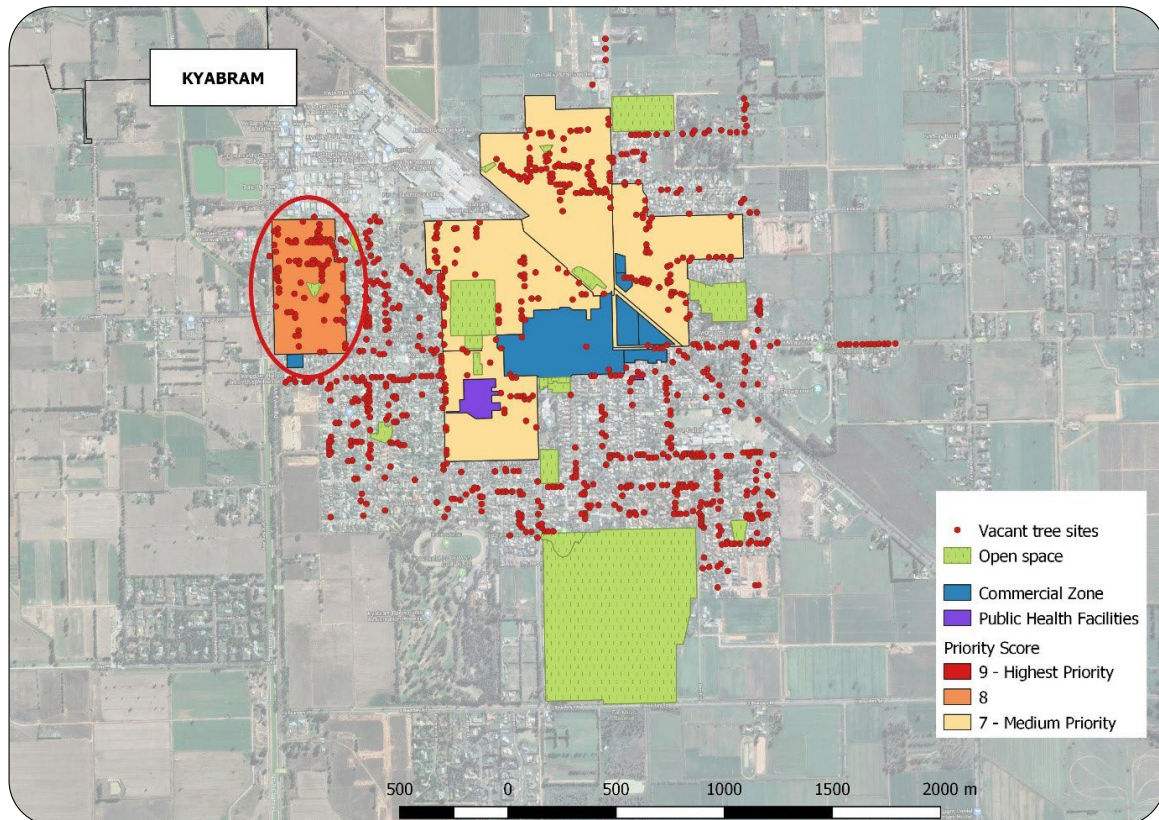
## Identified trends and concerns

- Large number of native, mature trees with average structure.
- Likely to lose 80% of its current trees within a 30-year period due to end of useful life.
- Although many trees are in good health, only 16% of trees have good structure. A legacy of pruning for powerline clearance and more recently, trees handed over from new developments with sub-standard form.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Kyabram to approximately 130 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Priority areas are circled in red.

Image 7: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.



# Rochester

## Existing Township character

Rochester's town centre is planted with more exotic species including Elms. The Phoenix palms set a unique character along the main thoroughfare through town along Moore Street. Rochester has a significant number of Peppercorns, showcasing its heritage plantings as well as River Red gums along the river corridor. The residential areas are planted out with a greater diversity of native, indigenous and exotic species throughout streetscapes. Rochester has the added advantage of very wide road reserves, lending themselves to more road reserve style plantings that can house larger canopied trees.

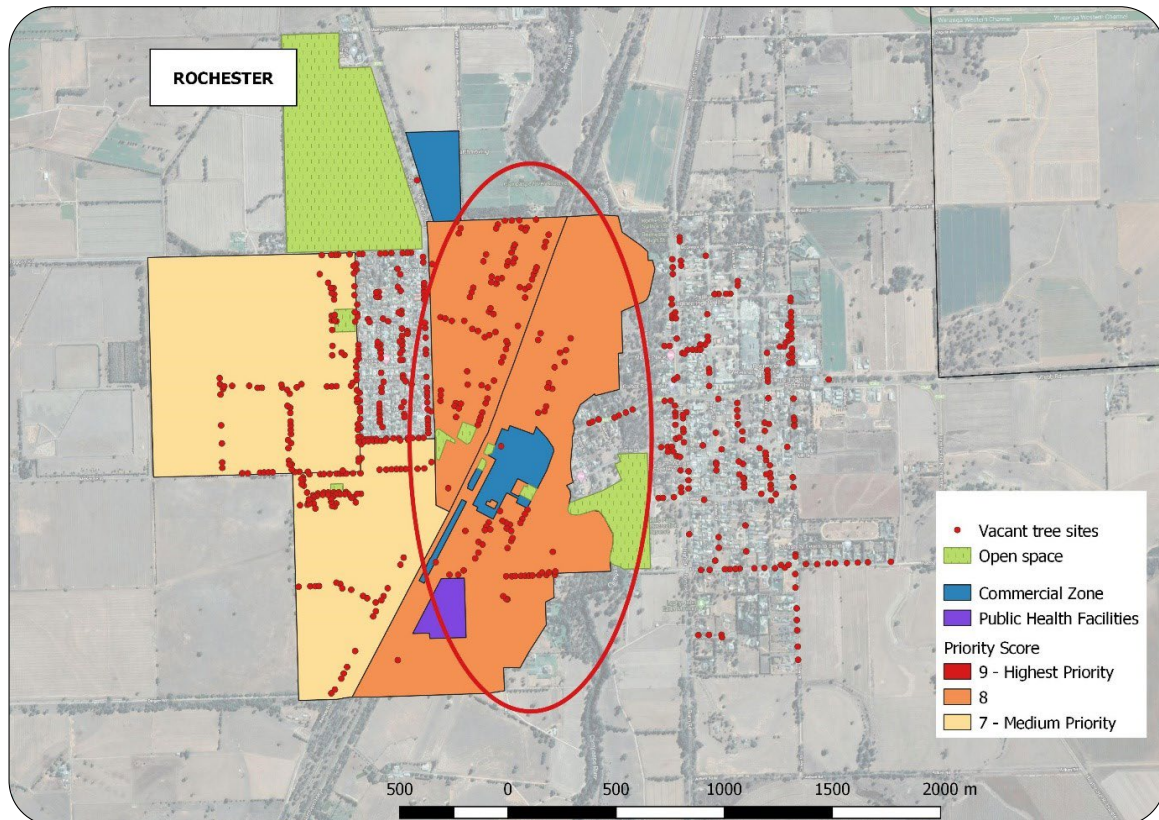
## Identified trends and concerns

- Tree population in relatively good health.
- 81% of all existing trees to be lost within a 30-year period due to end of useful life.
- Many vacant sites.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Rochester to approximately 150 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Priority areas are circled in red.

Image 8: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.



# Rushworth

## Existing Township character

Rushworth is the only township with a distinct unique character due to its proximity to surrounding Box-Ironbark Forest. The majority of the town apart from the centre is covered by a bushfire management overlay. There is a prevalence of native and indigenous trees throughout the streets with only 7% of trees being exotic, most of which are located in the town centre. There is a heritage overlay in town centre as a result. Electrical line clearance undertaken by the distribution company has had very little consideration of the impact on tree structure and amenity. Rushworth is categorised by narrow streets and low overhead wires.

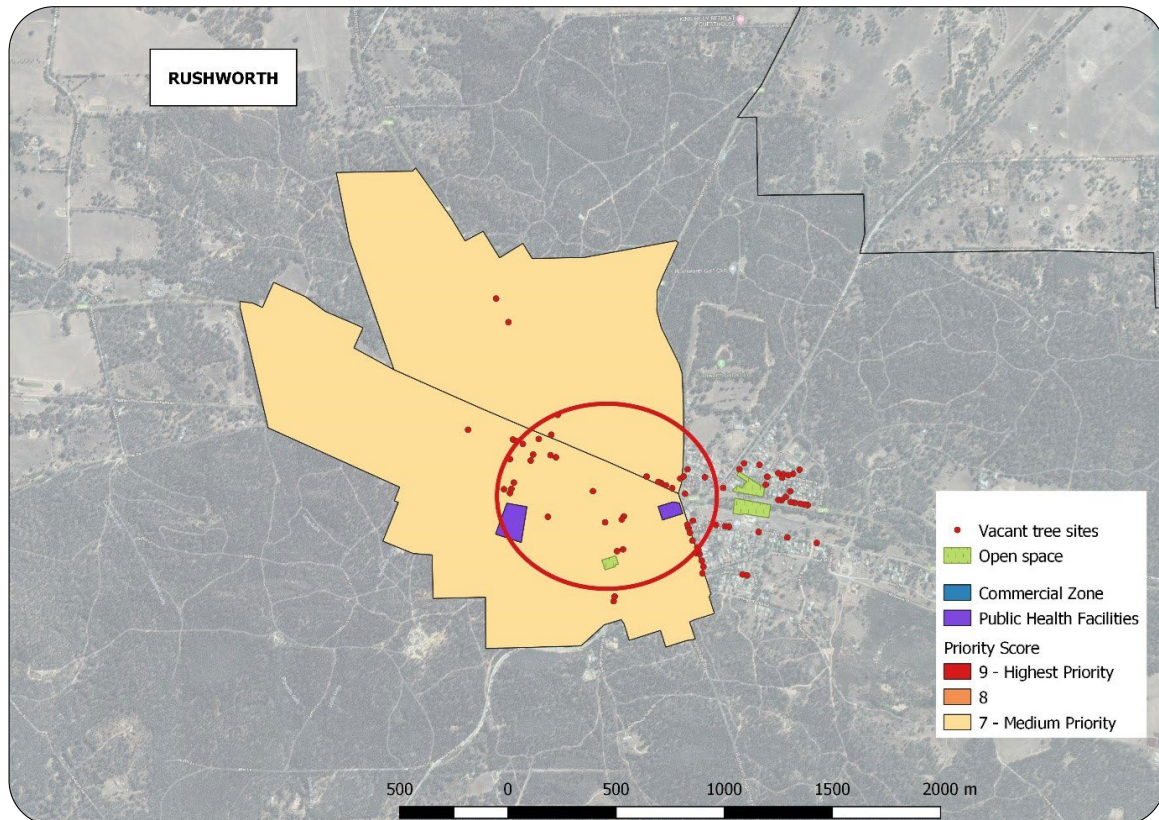
## Identified trends and concerns

- Very few young trees.
- Over 90% of trees are in good or fair health.
- Many trees have been badly pruned for electrical line clearance leaving trees with poor structure.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Rushworth to approximately 50 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Given the low number of vacant sites, Council will focus on a tree renewal program in Rushworth, primarily replacing those trees with ULE less than 10 years, including those disfigured by poor overhead line clearance pruning. Priority areas are circled in red.

*Image 9: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.*



# Tongala

## Existing Township character

Tongala's character is supported by highly maintained parcels of open space such as the Avenue of Honour, gardens around the library, the recreation reserve and around the swimming pool. These parks are dominated by native species such as Ironbarks, Spotted Gums, Casuarinas, Sugar Gums and River Red Gums. The streetscapes themselves are more diverse containing a mix of exotic and native species. Tongala's public urban trees are supported by a scattering of larger trees set within the private realm on resident's front and rear properties which increases general amenity.

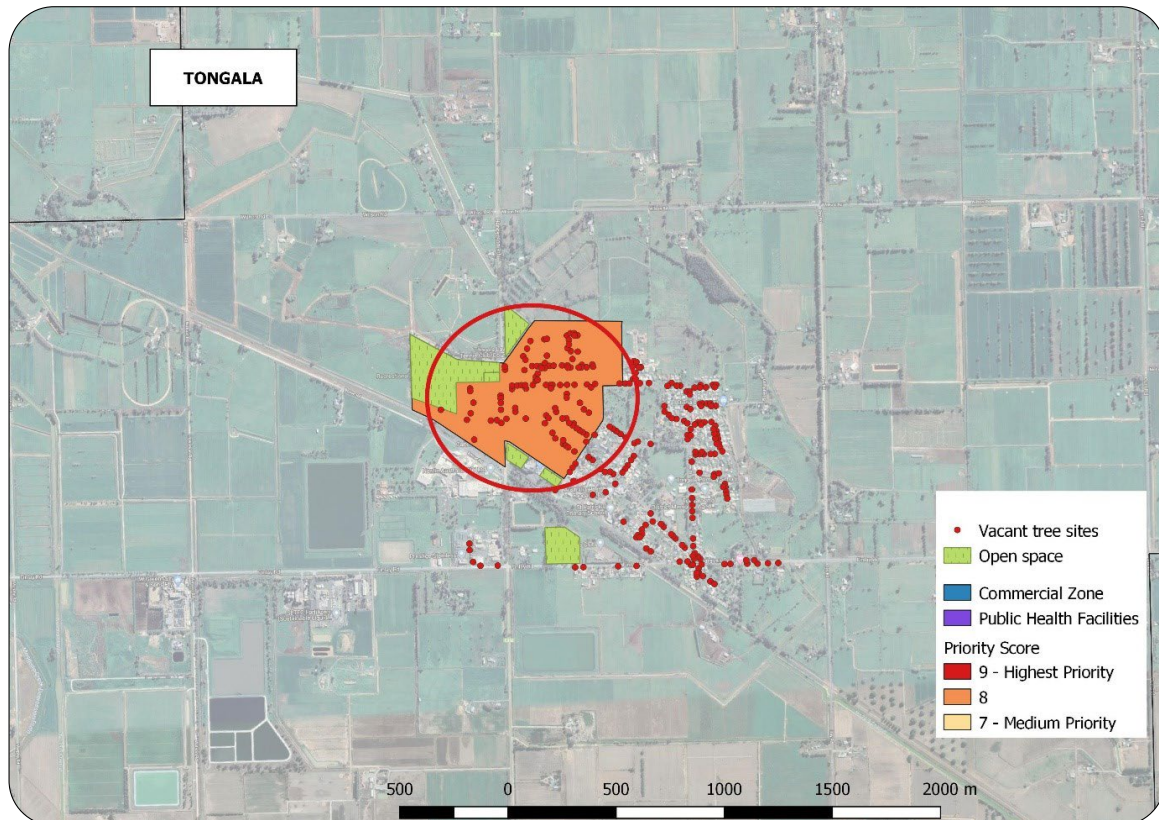
## Identified trends and concerns

- Within a 30-year period, Tongala is likely to lose 80% or 1,519 of its public trees due to useful end of life.
- Over 75% of Tongala's trees are mature suggesting there has been little tree planting across the township over the last decade.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Tongala to approximately 50 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Priority areas are circled in red.

Image 10: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.



## Township Tree Planting Plans

# Gunbower

## Existing Township character

Gunbower sits on the banks of Gunbower Creek and is typical of a small rural township with wide road reserves and nature strips, stocked with a mix of predominantly native tree species. Callistemons feature heavily throughout Gunbower. Parkland is well maintained and irrigated in summer to improve township amenity.

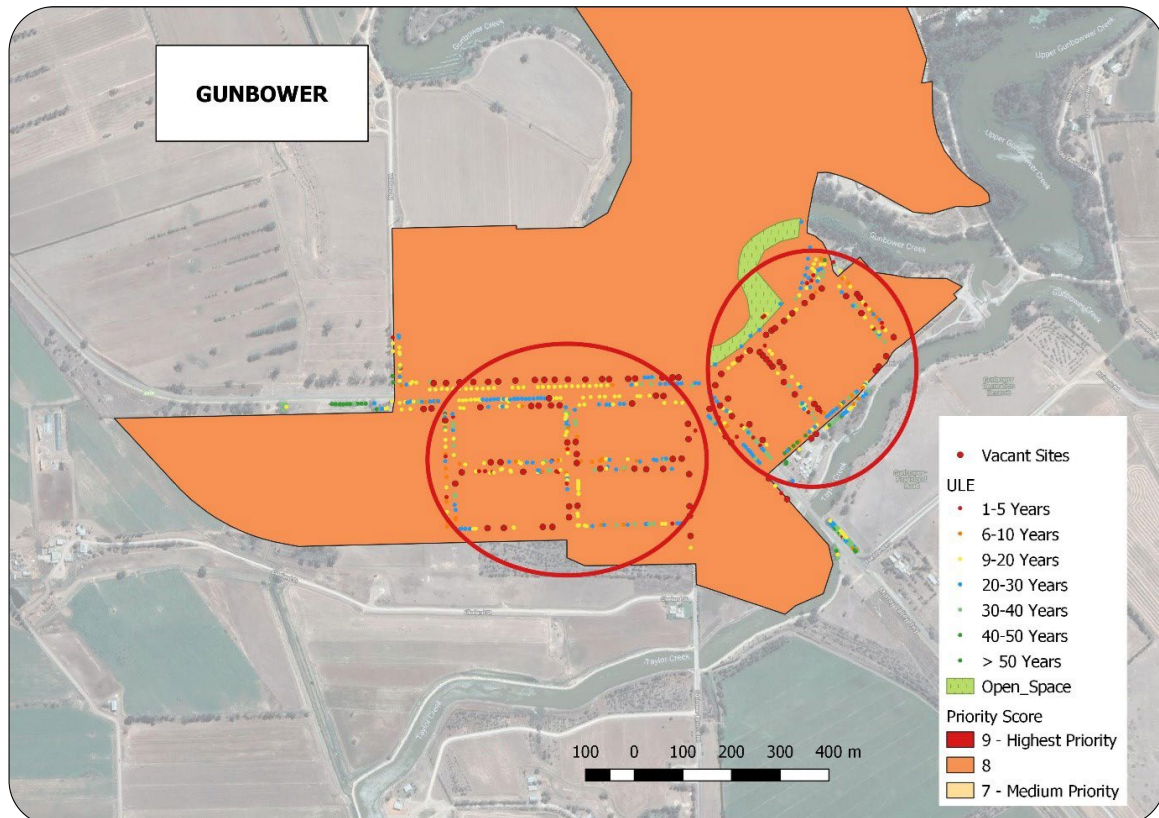
## Identified trends and concerns

- Gunbower is overly dominant with Weeping Bottle Brush, which represents 18.6% of the tree population.
- Within a 30-year period, Gunbower is likely to lose 80% or 460 of its public trees due to end of useful life.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Gunbower to approximately 20 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Priority areas are circled in red.

Image 11: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.



# Lockington

## Existing Township character

Lockington is nestled amongst farmland and supports some irrigation channels running east-west and north-south. The town has been predominantly planted with Eucalypts and houses two well-maintained parks in the centre of town. The main street verge is relatively narrow and supports small to medium trees. Surrounding residential streets have wider verges, some taller trees but more importantly, space for more trees.

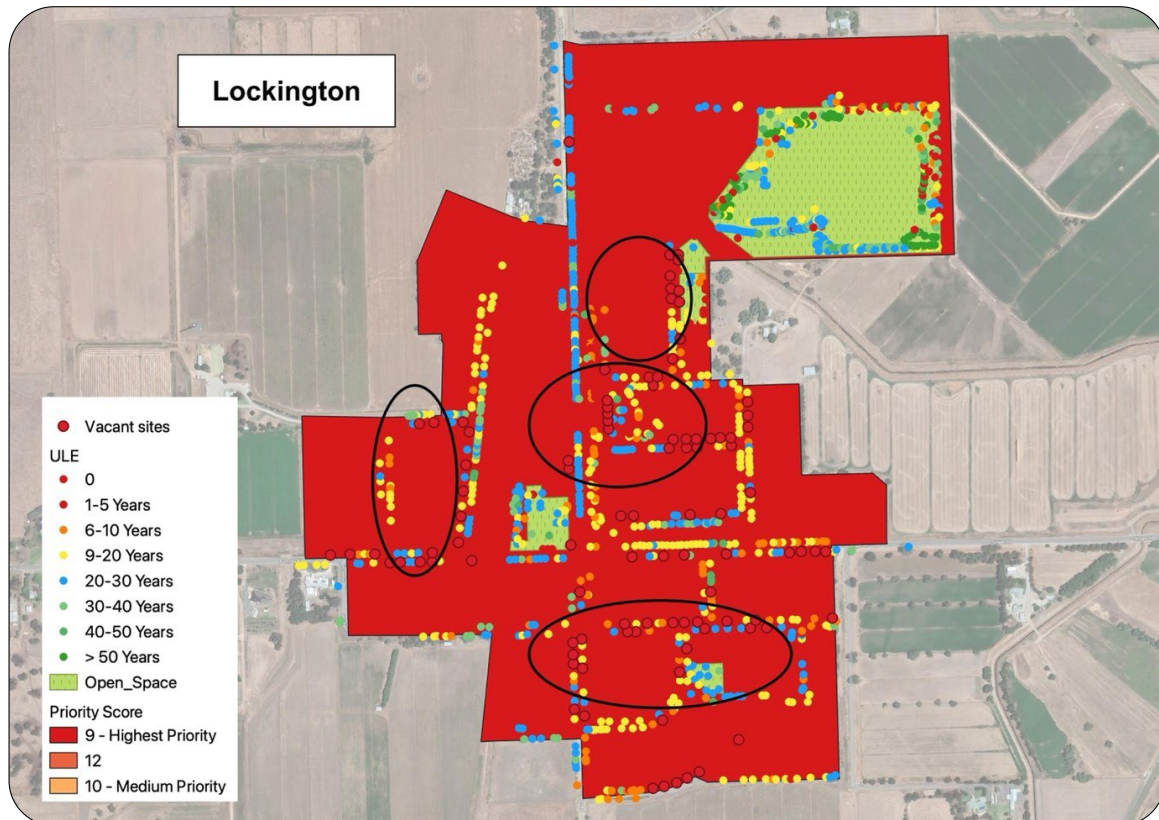
## Identified trends and concerns

- Lockington has a high representation of native tree species, especially Eucalypts.
- Within a 30-year period, Lockington is likely to lose 81% or 895 of its public trees due to end of useful life.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Lockington to approximately 20 trees per year to both cover tree renewal and infill planting of vacant street tree sites. Priority areas are circled in black.

Image 12: Areas of high heat vulnerability and pedestrian intensity (circled in red) for priority street and park tree planting.





# Colbinabbin

## Existing Township character

Colbinabbin is a very small township characterised by one main street, flanked by narrow laneways either side to the north and south. Its view to the surrounding hills and setting amongst farmland form Colbinabbin’s relaxed and spacious character. Its main street is wide with a gravel verge and has recently been planted with Angophora’s.

## Identified trends and concerns

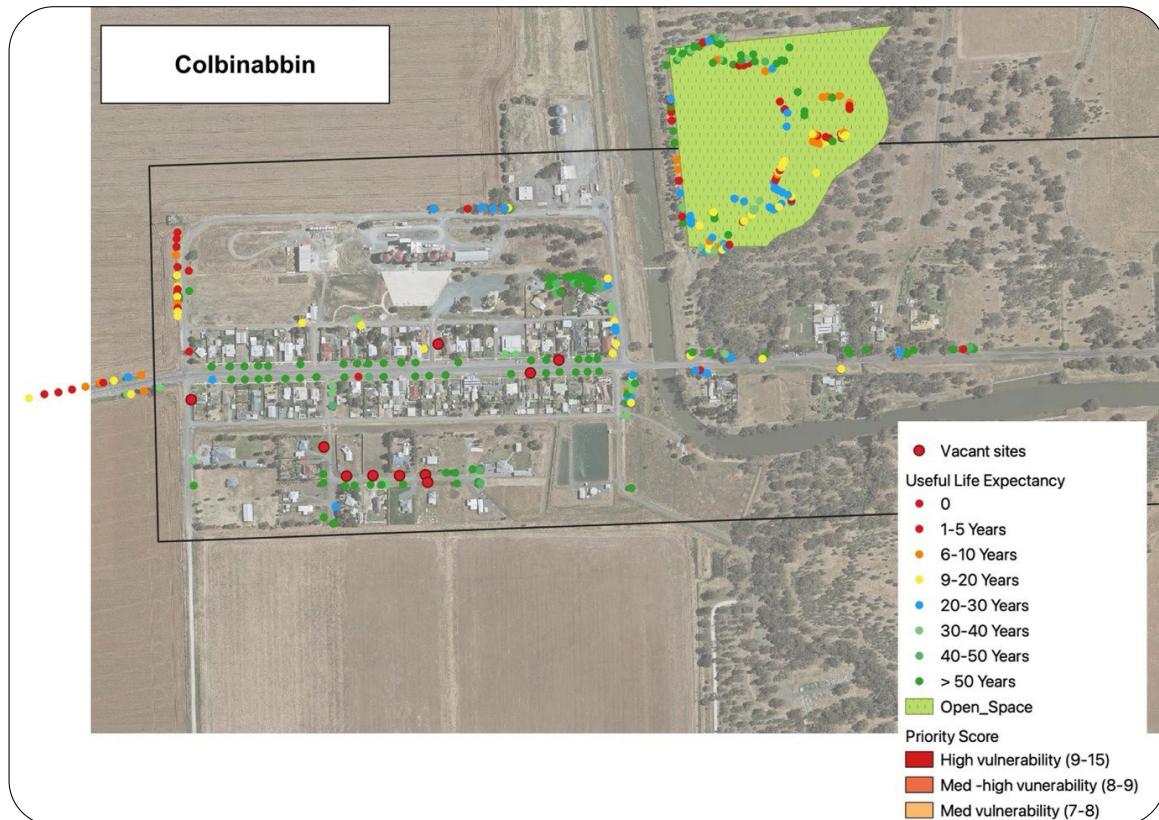
- Colbinabbin’s tree canopy cover is the lowest across all townships at only 7%.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Colbinabbin to approximately 10 trees per year to both cover tree renewal and infill planting of vacant street tree sites.

Planting should target any vacancies in the main street and renewal of low useful life trees in the recreation reserve. Colbinabbin doesn’t record high or medium social vulnerability to heat and as such isn’t a high priority for shade provision. Instead, further tree planting should be done to increase the amenity of the township.

Image 13: Vacant Sites and low ULE trees across Colbinabbin.



# Stanhope

## Existing Township character

Stanhope is home to a large Fonterra facility, yet retains a leafy and relaxed character. This is aided by the Grey Box Forest and ironbarks, with their bold dark trunks lining the southern side of the Midland Highway running east-west through town. Stanhope is also characterised by the presence of many well-maintained private front gardens. The Rushworth Rail Trail runs into town on the western side and is flanked by native trees. The back residential streets do not have kerb and guttering adding to the relaxed feel with grass verges. The main shopping strip, Birdwood Avenue supports kerb outstands containing deciduous trees for a more formal look.

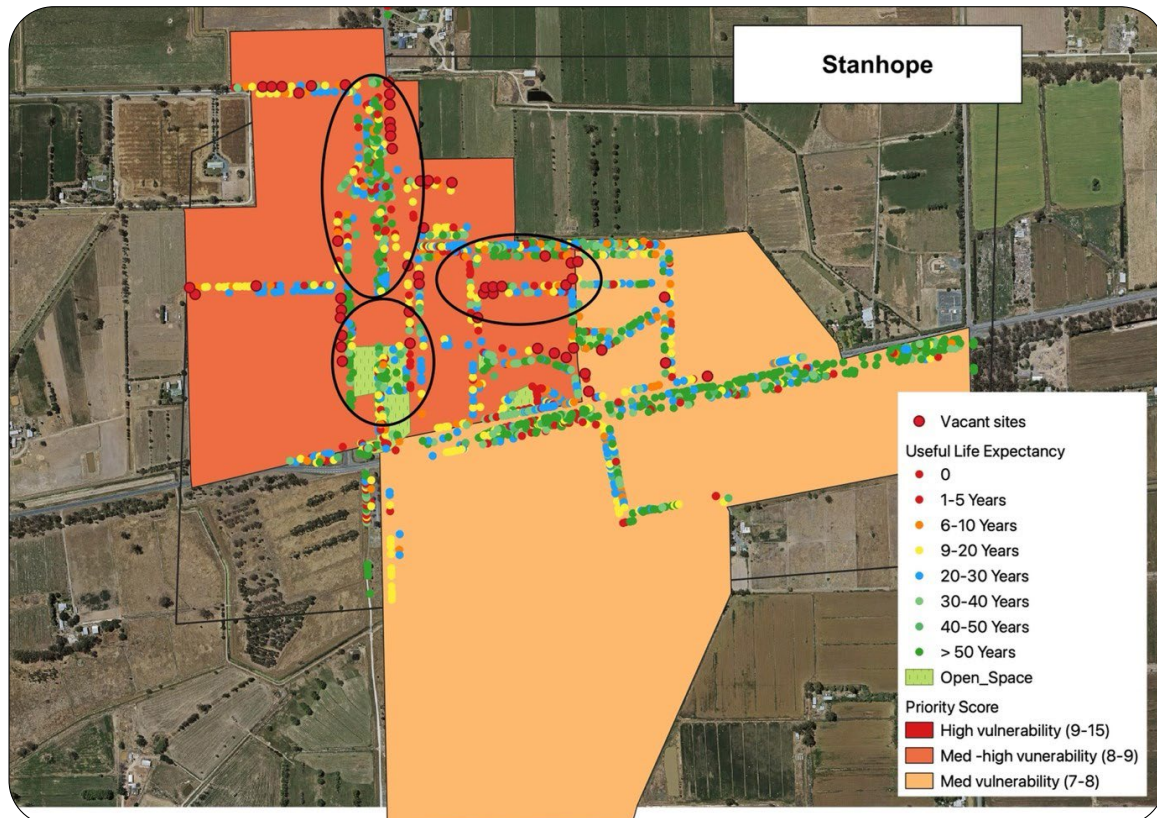
## Identified trends and concerns

- Stanhope has a very high percentage of Grey Box within the tree population. However, these individuals occur predominantly in the roadside vegetation along the southern side of the Midland Highway in remnant style vegetation and is not a cause for concern.
- There are very few young trees so there is no succession for the larger old trees.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Stanhope to approximately 20 trees per year to cover both tree renewal and infill planting of vacant street tree sites. Priority should be given to filling in vacant sites and renewing old trees along streets. Priority areas are circled in black.

Image 14: Areas of high heat vulnerability and pedestrian intensity (circled in black) for priority street and park tree planting.



## Township Tree Planting Plans

# Girgarre

## Existing Township character

Girgarre is characterised by wide road reserves, many with gravel verges and spacious medians. It is home to Girgarre Cheese Factory to the east and the Gargarro Botanic Gardens. Its commercial area comprises the memorial hall and a newsagent on Morgan Crescent and the remainder is low density residential. The predominantly native mix of small to medium trees gives the town a local and relaxed character.

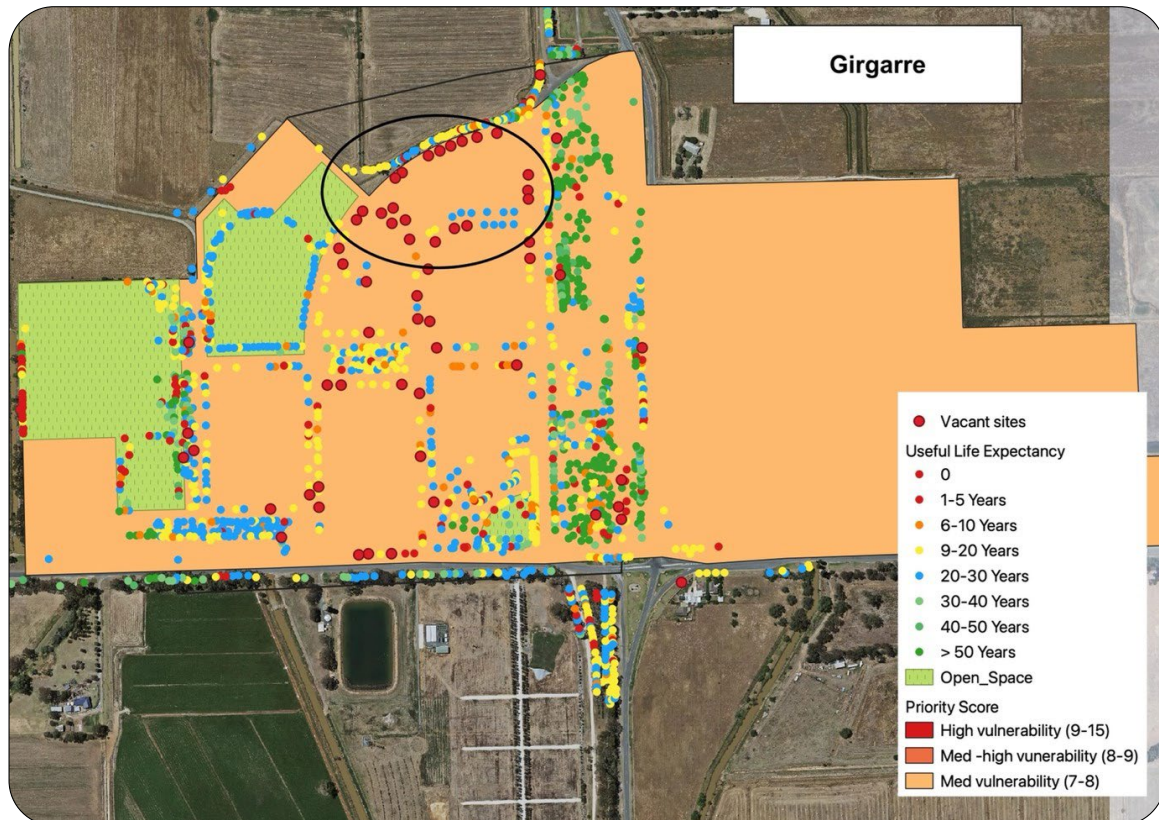
## Identified trends and concerns

- 71% of Girgarre's trees are likely to reach their end of useful life within a 30-year period.
- There are only a very small number of young trees meaning there is no succession planning for when trees need to be removed.

## Priority Areas for Tree Planting, Renewal and Maintenance

Council will aim to increase its tree planting in Girgarre to approximately 20 trees per year to both cover tree renewal and infill planting of vacant street tree sites.

Image 15: Areas of high heat vulnerability and pedestrian intensity (circled in black) for priority street and park tree planting.



# Glossary

## Canopy cover

The area covered by tree crowns as a percentage of a total area.

## Cultural treatments

The practice of arboriculture includes cultural techniques such as selection, planting, training, fertilization, pest, pathogen control, pruning, shaping and removal.

## Integrated Water Management (IWM)

IWM is a holistic and collaborative approach to the way we plan for and manage all elements of the water cycle. IWM considers how the delivery of water, wastewater and stormwater services can contribute to water security, public and environmental health and urban amenity.

## I-Tree Eco

This is a flexible software application designed to use data collected in the field from single trees, complete inventories, or randomly located plots throughout a study area along with local hourly air pollution and meteorological data to quantify forest structure, environmental effects and value to communities.

## PSP

Precinct Structure Plan is a master plan which sets out the location and requirements for future growth in a particular area.

## Risk

A combination of the potential for tree failure and the likely consequences if failure does occur.

## Social vulnerability to heat

The susceptibility of some members of the community to extreme heat or prolonged periods of hot weather. This includes older people, young children, those who are socio-economically disadvantaged, those with existing illnesses or who need assistance.

## Street Tree

For the purpose of this Urban Forest plan, a street tree is defined as a tree in an urban area or township that is actively managed by the Campaspe Shire Council, that form part of the street scape within commercial and public park recreation zones and those that are planted in road reserves in residential zones within the municipality.

## Structural value

Can be thought of as the cost of having to replace a tree with a similar tree. It can be calculated with factors like the tree trunk area and the tree's health condition. That data, also known as the compensatory value, can be used to measure the costs inflicted by catastrophic events such as wildfires or pest infections in their destruction of trees.

## Tree Structure

A tree defect rating system that reviews the condition of the roots, trunk, branches and bark. The majority of defects identified can typically be addressed through pruning or other management practices.

## Useful life expectancy (ULE)

Useful life expectancy is the amount of time that a tree has left in the landscape before it will need to be removed. A number of factors influence a tree's ULE such as age, species, location in which it is planted, health, climatic conditions, structure and proximity to infrastructure. The data works as management tool to help tree managers plan in advance for tree renewal.

## Urban Forest

The sum all trees and other vegetation within urban areas as well as the soil and water that supports it. An urban forest is made up of all vegetation in streets, parks, gardens, campuses, creek and river verges, wetlands, transport corridors, community gardens, balconies and rooftops.

## Urban trees

Trees that occur with urban environments that are usually planted but can also be part of remnant vegetation communities.

# References

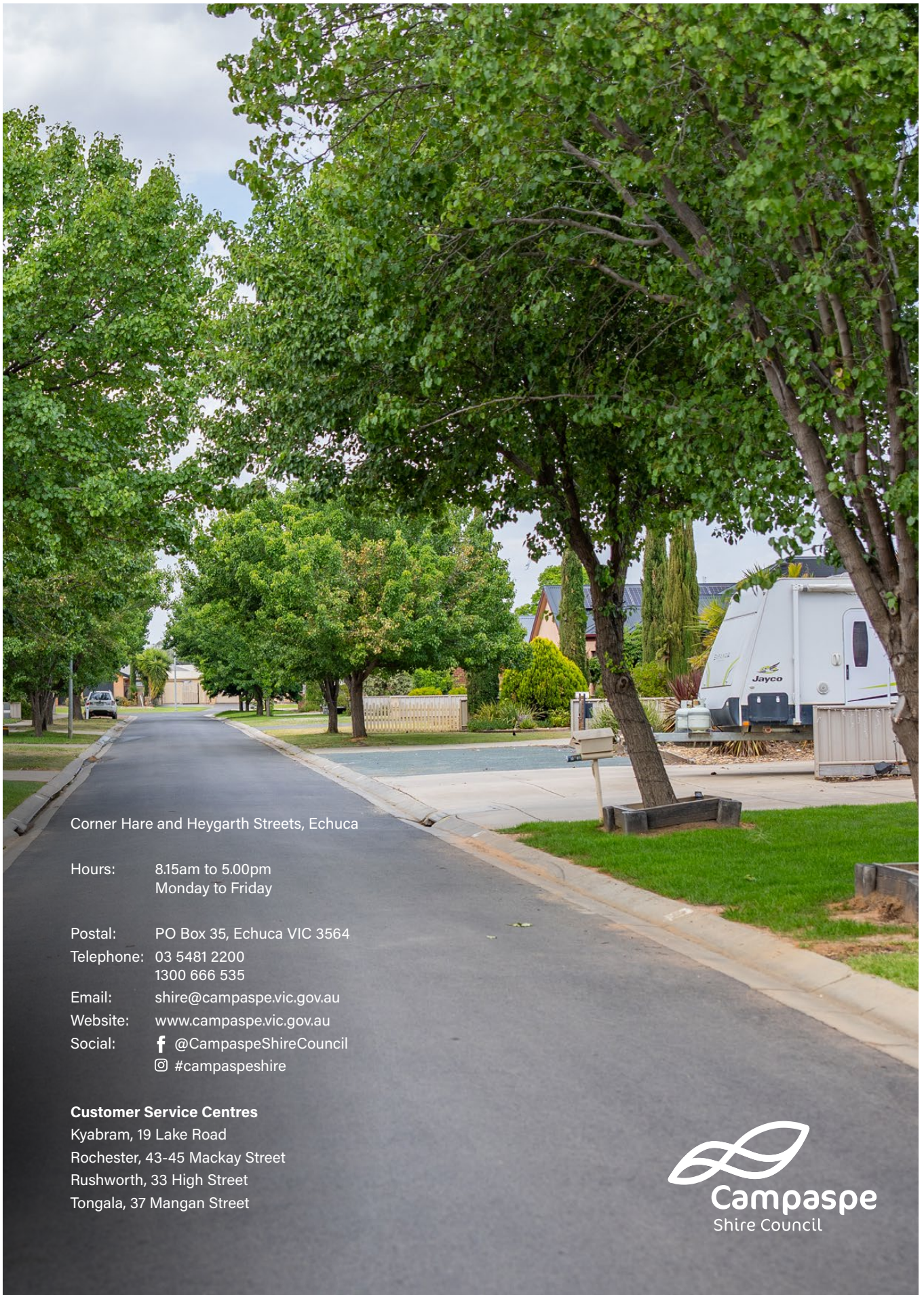
- CFA, 2011. Landscape for Bushfire: Garden Design and Plant Selection, [https://www.cfa.vic.gov.au/documents/20143/72271/landscaping\\_for\\_bushfire.pdf/1c6084e1-159e-a820-b0b3-6dc077e661c0](https://www.cfa.vic.gov.au/documents/20143/72271/landscaping_for_bushfire.pdf/1c6084e1-159e-a820-b0b3-6dc077e661c0).
- City of Melbourne, 2011. Tree Diversity Guidelines, prepared with Aspect Studios <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/urban-forest-diversity-guidelines.pdf>.
- Clark J.R., N.P. Matheny, G. Cross and V. Wake, 1997. A model of urban forest sustainability. *Journal of Arboriculture*. 23(1):17-30.
- Dunn, J. (2016) Improved neighbourhoods generate higher property prices. *Australian Financial Review*, 5 Feb. <http://www.afr.com/news/special-reports/202020-vision/generating-higher-property-prices-through-improved-neighbourhoods-20160204-gmlsxf>.
- Gill, S., Handley, J., Ennos, R., & Pauleit, S. (2007). Adapting cities for climate change: the role of the green infrastructure. *Built Environment* 33(1): 115-133.
- Harthoorn, M. 2017 "Influence of Street Trees on Roadway User Safety". *Community and Regional Planning Program: Student Projects and Theses*. 46. [http://digitalcommons.unl.edu/arch\\_crp\\_theses/46](http://digitalcommons.unl.edu/arch_crp_theses/46).
- Heisler, Gordon M.; Grant, Richard H. 2000. Ultraviolet radiation, human health, and the urban forest. *Gen. Tech. Rep. NE-268*. Newtown Square, PA: U. S. Department of Agriculture, Forest.
- Kardan, O. et al. Neighbourhood greenspace and health in a large urban centre. *Sci. Rep.* 5, 11610; doi: 10.1038/srep11610 (2015).
- Kenney, W.A. & Wassenaer, Phillip & Satel, A.L. (2011). Criteria and indicators for strategic urban forest planning and management. *Arboriculture and Urban Forestry*. 37. 108-117.
- Langenheim, N., White, M., Tapper, N., Livesley, S. J. & Ramirez-Lovering, D., (2020). Right tree, right place, right time: A visual-functional design approach to select and place trees for optimal shade benefit to commuting pedestrians. *Sustainable Cities and Society*, 52, 1-11.
- Livesley, S. J., McPherson, E. G. & Calfapietra, C., (2016). The urban forest and ecosystem services: Impacts on urban water, heat, and pollution cycles at the tree, street, and city scale. *Journal of Environmental Quality*, 45(1), 119-124.
- Miller, R. W., Hauer, R. J., & Werner, L. P. (2015). *Urban forestry. Planning and managing urban greenspaces*. Third edition. Waveland Press, Inc.
- Mullaney J, Lucke T, Trueman SJ (2015). A review of benefits and challenges in growing street trees in paved urban environments. *Landscape and Urban Planning* 134, 157-166.
- Naderi JR, Kweon BS, Maghelal P. 2008. The Street Tree Effect and Driver Safety. *The Journal on the Web*, <https://www.naturewithin.info/Roadside/Tree&Driver ITE.pdf>.
- Norton B, Coutts A, Livesley S, Williams N, (2013). Decision Principles for the selection and placement of green infrastructure to mitigate urban hotspots and heatwaves, Victorian Centre for Climate Change Adaptation Research.
- Norton, B., Bosomworth K, Coutts A, Williams N, Livesley S, Trundle A, Harris R, McEvoy D (2013). Planning for a Cooler Future: Green Infrastructure to Reduce Urban Heat, Victorian Centre for Climate Change Adaptation Research.
- Pandit, R, Polyakov, M., Tapsuwan, S., Moran, T. (2013) The effect of street trees on property value in Perth, Western Australia. *Landscape and Urban Planning*. Volume 110, February 2013, Pages 134-142.
- Plant, L., Rambaldi, A. & Sipe, N., (2017). Evaluating revealed preferences for street tree cover targets: A business case for collaborative investment in leafier streetscapes in Brisbane, Australia. *Ecological Economics*, 134, 238-249.
- Richards, N.A., (1993). Reasonable guidelines for street tree diversity. *Journal of Arboriculture* 19(6). 344-350.
- Simpson, J. R. and E. G. McPherson (1996). "Potential of tree shade for reducing residential energy use in California". *Journal of Arboriculture* 22 (1): 10-1.
- Santamour, Frank S., Jr. (1990). *Trees for Urban Planting: Diversity, Uniformity, and Common Sense*. Conference Proceedings 7th. Metropolitan Tree Improvement Alliance (METRIA) 7:57-65.
- US Forest Service nd, *Trees - benefits of trees*, United States Department of Agriculture, viewed 9 February 2020, <<https://www.fs.usda.gov/learn/trees>>.
- van Dillen, S. M. E., de Vries, S., Groenewegen, P. & Spreeuwenberg, P., (2012). Greenspace in urban neighbourhoods and residents' health: Adding quality to quantity. *Journal of Epidemiology and Community Health*, 66(6), e8.

## References

van Wassenauer, P. J. E., Satel, A. L., Kenney, W. A., & Ursic, M. (2011). A framework for strategic urban forest management planning and monitoring. Trees, people, and the built environment. Proceedings of the Urban Trees Research Conference 13–14 April 2011.

Wolf, K. L., (2005). Trees in the small city retail business district: Comparing resident and visitor perceptions. *Journal of Forestry*, 103, 390-395.

Ziter, CD, Pederson EJ, Kucharik CJ & Turner, MG. (2019). Scale-dependent interactions between tree canopy cover and impervious surfaces reduce daytime urban heat during summer. *PNAS*, Vol 116, no 15, pp 7575-7580.



Corner Hare and Heygarth Streets, Echuca



Hours: 8.15am to 5.00pm  
Monday to Friday

Postal: PO Box 35, Echuca VIC 3564

Telephone: 03 5481 2200  
1300 666 535

Email: [shire@campaspe.vic.gov.au](mailto:shire@campaspe.vic.gov.au)

Website: [www.campaspe.vic.gov.au](http://www.campaspe.vic.gov.au)

Social:  @CampaspeShireCouncil  
 #campaspeshire

**Customer Service Centres**

Kyabram, 19 Lake Road

Rochester, 43-45 Mackay Street

Rushworth, 33 High Street

Tongala, 37 Mangan Street



## 8.4.2 Policy - Private Assets in Road Reserves

**Directorate:** Infrastructure

**Responsible Officer:** Manager Engineering

**Manager:** Director Infrastructure

- Attachments:**
1. 2021 132 Private Assets in Road Reserves [8.4.2.1 - 5 pages]
  2. 2024 132 Private Assets in Road Reserves revised 6 March 2024 [8.4.2.2 - 5 pages]
  3. Draft Policy 132 Private Assets in Road Reserves [8.4.2.3 - 5 pages]
  4. Section 121 Road Management Act 2004 [8.4.2.4 - 1 page]
  5. Section 173 Planning Environment Act [8.4.2.5 - 1 page]

**Conflict of Interest:** In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.

**Council Plan Reference:** **Enablers**  
Governance  
Property management  
  
Asset Management Plans  
Road Management Plan

### 1. PURPOSE

To seek Council adoption of the reviewed Private Assets within Road Reserves Policy.

### 2. RECOMMENDATION

**That Council adopt and endorse the revised Private Assets Within Road Reserves Policy.**

### 3. BACKGROUND

The current Private Assets in Road Reserves Policy was first adopted in October 2011 to define the criteria and requirements under which private assets will be permitted into the road reserve. The last revision was May 2020 with the review period scheduled for three (3) years.

#### **Previous Council Discussion**

Council approved the last Policy revision in May 2020 with the review period scheduled for three (3) years.



## 4. DISCUSSION

Campaspe Shire Council ('Council') is responsible for the provision and maintenance of local road infrastructure.

All roads have a defined road reserve which is owned or managed by Council under the Local Government Act 1989 and the Road Management Act 2004.

Under section 34 of the Road Management Act 2004 Council is compelled to manage the use and maintenance of roads having regard to the principle that:

Council as the road Authority may enter into an agreement with the owner or occupier of land adjacent to one of Council's roads, or any other person for the performance of works on a road which may benefit that person.

Such an agreement can be incorporated into an agreement pursuant to sections 121 and Section 173 of the Road Management Act 2004 and the Planning and Environment Act 1987 subsequently. Such an agreement shall include the following provisions.

- a. Payment for the conduct of the work
- b. Future management in respect of ongoing maintenance and risk allocation

## 5. STAKEHOLDER ENGAGEMENT

### Internal consultation:

- 27 March 2024 Executive Leadership Team
- Properties & Facilities Department
- Engineering Department.

### Councillors:

- 9 April 2024 Briefing Session

### External consultation:

- Not Applicable

### Community Engagement

Nil (Community influence: Nil).

The Policy is of legislative nature and is related to the Management of Council's Assets under the Road Management Act 2004 and the Planning and Environment Act 1987.

### Public Transparency Policy

Once adopted by Council, the Policy will be uploaded onto Council's website.

## 6. LEGISLATIVE CONTEXT

A legal agreement under either Section 121 of the Road Management Act 2004 or Section 173 of the Planning and Environment Act 1987 will be required to be entered into by each beneficiary landowner prior to approval of works in road reserves. The provision of private assets is usually for

the benefit of the proponent, and it is appropriate that obligations should be transferred to the benefitting entity or person to ensure integrity of the management framework.

## **7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

Not Applicable

## **8. ENVIRONMENTAL IMPLICATIONS**

Not Applicable

## **9. OPPORTUNITIES AND RISK**

### **Opportunities:**

This policy clearly outlines the requirements for landowners who are wanting to place private assets in the road reserve.

### **Risk:**

#### **Asset Risk**

Appropriate management frameworks are crucial within road reserves given the risk associated to communities and Council should incidents / accidents occur.

To mitigate potential risk to Council's infrastructure assets and to the community, Council requires private assets owners to annually update and provide:

- Copies of inspection records
- List of beneficiaries (if syndicate / cooperative); and
- Certificate of Currency of Public Liability insurance.

Council will rigorously and proactively ensure that private assets within road reserves are compliant with the principles contained within this policy and will impose penalties under Section 63 of the Road Management Act 2004 should it be required.

## **CONCLUSION**

The currently adopted Policy has been reviewed with the following updates;

- Council officer's positions
- Acronyms related to other stakeholders
- Deleting unrelated material
- Minor editing to improve clarity and reduce risk.

Reviewing the Policy in the context of the above, each third year, is an iterative process and should not affect the legislative requirements of the document.

# Private Assets in Road Reserves

<b>Council Policy Number</b>	<b>132</b>
Date adopted	19 May 2020
Scheduled for review	May 2023



Council Policy

Council Policy

Council Policy

Council Policy

## 1. Purpose

To define the criteria and requirements under which private assets will be permitted into the road reserve.

## 2. Definitions

Syndicate / cooperative	An association owned, controlled and used by its members to undertake a duty or transact specific business. Campaspe Shire Council ('Council') will require the syndicate / cooperative to be a registered legal entity with the Australian Securities and Investment Commission ('ASIC').
Exceptional circumstances	the existence of a physical obstacle (buildings, natural structures including waterways, rock formations, culturally sensitive land, land with significant native vegetation) that prevents access and an alternative route is not available; or where all reasonable attempts have been unsuccessful in obtaining the necessary consent of a non-beneficiary landowner, and a reasonable alternate route within private land is not available. The determination of exceptional circumstance will be at the sole discretion of the General Manager Infrastructure Services, with support provided by the Governance Manager. This assessment is required to be balanced with the requirement of Council to protect the road reserve as outlined in s.4d of the <i>Road Management Act 2004</i> .
Section 173 Agreement	is a legal contract allowed under s.221 of <i>Road Management Act 2004</i> and s.173 of <i>Planning and Environment Act 1987</i> that outlines rights and obligations and is attached to title of private land.
Road reserves	means all of the area of land that is within the boundaries of a road.
Statutory service providers	authorities empowered under an Act with providing utility services such as power, gas, water and telecommunication infrastructure.
Responsible road authority	means the road authority which has operational functions as determined in accordance with s.37 of the <i>Road Management Act 2004</i> . For the purposes of this policy the responsible road authority is Council.
User Pays Principle	when users pay the full costs of the goods or services they consume. It is premised on a principle that those who do not use a service should not be obligated to pay for it. Such a principle is most effective when the beneficiary aligns exactly with the user.
Asset	a physical component of a facility which has value, enables services to be provided and has an economic life of greater than 12 months.
Asset Owner	for the purposes of this Policy the asset owner should be read as an Infrastructure Manager as per the <i>Road Management Act 2004</i> .
Works within Road Reserves permit	evidences the final approvals for work that, once received, allows works within the road reserve to commence.

### 3. Policy Statement

Campaspe Shire Council ('Council') is responsible for the provision and maintenance of local roads infrastructure.

All roads have a defined road reserve which is owned or managed by Council under the *Local Government Act 1989* and the *Road Management Act 2004*. Under section 34 of the *Road Management Act 2004* Council is compelled to manage the use of roads having regard to the principle that:

*"the primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road."*

Council must minimise, as far as is reasonably practicable, adverse impacts on the provision of utility services. As the road authority, Council co-ordinates the installation of infrastructure.

It is acknowledged that the use of the road must be considered alongside other factors such as economic benefit and social need. This Policy intends to provide a framework to enable such needs to be balanced with the protection of the primary purpose of the road.

Infrastructure within road reserves includes, but is not limited to, the road itself (including formation and sub-grade), pavement, seal, shoulders, guideposts, table drains or side cuts, culverts and regulatory or discretionary road signage.

Some statutory service providers have rights and obligations outlined in various Acts to install infrastructure in road reserves without permission of the road authority. Private individuals and privately owned syndicates / cooperatives do not enjoy this right.

Maintenance obligations are imposed on all owners of infrastructure in a road reserve through the *Road Management Act 2004* and other Acts including such things as inspection requirements, documentation, processes for undertaking works and safety regulations. The vast majority of owners of infrastructure within road reserves are statutory service providers. Such bodies have a legislative framework within which they operate and access to appropriate levels of insurance coverage should legal proceedings be undertaken against them.

#### 4.1 Framework

Applications to install private assets in road reserves may be submitted by single landowners or a syndicate / cooperative of landowners. Council will apply the same principles to either ownership model.

##### 4.1.1. Legal Framework

A legal agreement under either Section 121 of the *Road Management Act 2004* or Section 173 of the *Planning and Environment Act 1987* will be required to be entered into by each and every beneficiary landowner prior to approval of works in road reserves. The provision of private assets is usually for the benefit of the proponent and it is appropriate that obligations should be transferred to the benefitting entity or person to ensure integrity of the management framework.

The agreement will require:

- a. Inspection requirements: For assets installed within collector road reserves, inspections will be required every six weeks and for assets installed within access road reserves inspections will be required every 18 weeks. The applicant will need to document the inspections to the satisfaction of the responsible road authority. At the time of a permit being issued the road designation will be identified to the applicant.
- b. Maintenance requirements: includes the execution of all works of any description which are required to keep the road and installed infrastructure in the state of utility determined in accordance with the *Road Management Act 2004* or any other Act deemed applicable.
- c. Public liability insurance of \$10,000,000 and noting Council's interests (or such increased amount as may be periodically advised in writing by Council) to be held and kept current by the benefitting landowner all at the benefitting landowner's cost. Failure to demonstrate ongoing insurance can lead to a requirement to have the asset removed at owner's expense.
- d. Renewal and reinstatement of the road infrastructure/road reserve in the event of failure to meet the agreement conditions or should Council determine the infrastructure is no longer required

Syndicate/cooperative ownership models shall require all participating landowners to enter into individual agreements with Council. The syndicate/cooperative shall be responsible for ensuring all beneficiaries agree to enter into Council's offered agreement prior to their application and at their own cost.

#### 4.1.2. Design Considerations

Council will require any assets within road reserves to be installed "fence to fence" between adjoining property boundaries and running perpendicular across roads. This limits the impact of construction on the road reserve while allowing reasonable access to the requesting individual or group. In circumstances where it is clearly demonstrated that it is not possible to construct the new asset perpendicularly across the road reserve, a maximum offset of 2 metres, from the perpendicular, will be accepted. This offset must be clearly marked on site by the use of marker posts located on each fence line.

Required technical specifications regarding design, annual maintenance, depth, materials and location requirements will be outlined to the applicant by Council's Road Services Coordinator.

Assets will be required to be installed underground.

Sharing of Council's existing or future infrastructure which compromises its intended purpose (such as culverts) will not be allowed.

Applications to install assets running longitudinally within road reserves will only be approved in exceptional circumstances. Should such a circumstance exist, and an application is received to install a privately owned asset longitudinally in a road reserve, permission would only be granted after the acceptance of the following conditions, including but not limited to:

- a. The availability of the corridor within the road reserve between the road reserve fence-line and the commencement of Council's road drainage infrastructure. This is the only location where Council will consent to such privately owned assets being installed.
- b. Only the portion of the pipeline affected by the exceptional circumstance will be considered for inclusion in the road reserve;
- c. Applicant enters into a licence at their own cost for use of the part of the road reserve required for installation of the infrastructure.
- d. An annual licence fee will be applied on the basis of the user pays principle and will be determined annually in Council's budget.
- e. Council will, at its discretion, be able to terminate the licence with a minimum of one months' notice, with no compensation available to the licensee / lessee;
- f. Should Council provide notice under e) the licensee will be required to remove the infrastructure and reinstate the reserve to Council's satisfaction, at their own cost.

#### 4.1.3. Construction Considerations

Requirements for construction will be outlined in detail during the application process and will be controlled through the issuing of a Works within Road Reserves Permit.

#### 4.1.4. Existing Longitudinal Assets identified for decommissioning by the Water Authority

Council may be approached by private landowners or syndicates to purchase existing longitudinal assets within the road reserve owned by the Water Authority and identified for decommissioning. In these instances, Council will require (in order of preference):

- a. That the Water Authority decommissions the asset and reinstates the road reserve to its original condition. Council will then accept an application to install an underground privately owned longitudinal asset to be assessed in accordance with the framework already outlined within this policy; or
- b. The landowner to enter into an arrangement where the Water Authority maintains ownership of the asset that is in the road reserve; or

The above options are dependent upon an understanding as to the impact of the water asset on the safety and function of the road (current and future proposed) and/or Water Authority and Department of Sustainability and Environment consent. Council will work through all the above alternatives to seek to facilitate an appropriate outcome in these specialised instances.

#### 4.1.5. Ongoing Obligations

Council requires owners to annually provide:

- a. Copies of inspection records
- b. List of beneficiaries (if syndicate / cooperative); and
- c. Certificate of Currency of Public Liability insurance.

Appropriate management frameworks are crucial within road reserves given the risk associated to communities and Council should incidents / accidents occur.

Council will rigorously and proactively ensure that private water assets within road reserves are compliant with the principles contained within this policy and will impose penalties under Section 63 of the *Road Management Act 2004* should it be required.

#### 4. Exclusions

Exclusions are available for letterboxes which are not placed in such a way as to be an unreasonable obstruction or road safety risk or are part of a building permit.

#### 5. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

#### 6. Related Legislation

*Road Management Act 2009*

*Local Government Act 1989*

*Local Government Act 2020*

*Planning and Environment Act 1987*

#### 7. Related Policies, Procedures and Strategies

Nil

#### 8. Attachments

Nil

#### 9. Review Period Responsible officer

Three years

Asset Manager

#### 10. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

#### 11. Approval History

Adopted	18 October 2011	Minute Book Reference No 18278 (item 13.10)
Revised	18 September 2012	Minute Book Reference No 1265 (Item 4.26)
Revised	19 August 2014	Minute Book Reference No 885 (Item 6.4)
Revised	18 August 2015	Minute Book Reference No 905 (Item 6.2)
Revised	13 September 2016	Minute Book Reference No 830 (Item 6.8)
Revised	20 March 2018	Minute Book Reference No 486 (Item 7.1)
Revised	19 May 2020	Minute Book Reference No 2059 (Item 9.4)
Revised	1 March 2021	Administrative update to apply consistent reference to Campaspe Shire Council ('Council')

Chief Executive Officer: .....

*[Handwritten Signature]*

Date: .....

*3/3/2021*

Council Policy

Council Policy

Council Policy

Council Policy

# Private Assets in Road Reserves

<b>Council Policy Number</b>	<b>132</b>
Date adopted	9 April 2024
Scheduled for review	April 2027



Council Policy

Council Policy

Council Policy

Council Policy

## 1. Purpose

To define the criteria and requirements under which private assets will be permitted into the road reserve.

## 2. Definitions

Syndicate / cooperative	an association owned, controlled and used by its members to undertake a duty or transact specific business. Campaspe Shire Council ('Council') will require the syndicate / cooperative to be a registered legal entity with the Australian Securities and Investment Commission ('ASIC').
Exceptional circumstances	the existence of a physical obstacle (buildings, natural structures including waterways, rock formations, culturally sensitive land, land with significant native vegetation) that prevents access and an alternative route is not available; or where all reasonable attempts have been unsuccessful in obtaining the necessary consent of a non-beneficiary landowner, and a reasonable alternate route within private land is not available. The determination of exceptional circumstance will be at the sole discretion of the Director General Manager Infrastructure Services, with support provided by the Governance Manager. This assessment is required to be balanced with the requirement of Council to protect the road reserve as outlined in s.4d of the <i>Road Management Act 2004</i> .
Section 173 & 121 Agreement	is a legal contract pursuant to s.173 of <i>Planning and Environment Act 1987</i> and s.121 of <i>Road Management Act 2004</i> that outlines rights and obligations of the landowner and is attached to the title of private land.
Road reserves	means all the area of land that is within the boundaries of a road.
Statutory service providers	authorities empowered under an Act with providing utility services such as power, gas, water and telecommunication infrastructure.
Responsible road authority	means the road authority which has operational functions as determined in accordance with s.37 of the <i>Road Management Act 2004</i> . For the purposes of this policy the responsible road authority is Council.
User Pays Principle	when users pay the full costs of the goods or services they consume. It is premised on a principle that those who do not use a service should not be obligated to pay for it. Such a principle is most effective when the beneficiary aligns exactly with the user.
Asset	a physical component of a facility which has value, enables services to be provided and has an economic life of greater than 12 months.
Asset Owner	for the purposes of this Policy the asset owner should be read as an Infrastructure Manager as per the <i>Road Management Act 2004</i> .
Works within Road Reserves permit	evidences the final approvals for work that, once issued by Council received, allows works within the road reserve to commence subject to any conditions listed on the permit.



### 3. Policy Statement

Campaspe Shire Council ("Council") is responsible for the provision and maintenance of local roads infrastructure.

All roads have a defined road reserve which is owned or managed by Council under the *Local Government Act 1989* and the *Road Management Act 2004*. Under section 34 of the *Road Management Act 2004* Council is compelled to manage the use and maintenance of roads having regard to the principle that:

*"The primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road."*

Upon Mutual written agreement between Council and the department of Transport and planning (DTP) previously known as VicRoads, Council might be responsible (from time to time) for the maintenance/ renewal of parking bays within roads owned by Public Transport Victoria (PTV), especially when they are located within the Township zone.

Council must minimise, as far as is reasonably practicable, adverse impacts on the provision of utility services. As the road authority, Council co-ordinates the installation of infrastructure.

It is acknowledged that the use of the road must be considered alongside other factors such as economic benefit and social need. This Policy intends to provide a framework to enable such needs to be balanced with the protection of the primary purpose of the road.

Infrastructure within road reserves includes, but is not limited to, the road itself (including formation and sub-grade), pavement, seal, shoulders, guideposts, table drains or side cuts, culverts and regulatory or discretionary road signage.

Some statutory service providers have rights and obligations outlined in various Acts to install infrastructure in road reserves without permission of the road authority. They are considered as Exceptional Circumstances. Private individuals, privately owned syndicates / cooperatives, and entities alike, do not enjoy this right.

Maintenance obligations are imposed on all owners of infrastructure in a road reserve through the *Road Management Act 2004* and other relevant Acts including such things as inspection requirements, documentation, processes for undertaking works and safety regulations. The vast majority of owners of infrastructure within road reserves are statutory service providers. Such bodies have a legislative framework within which they operate and have access to appropriate levels of insurance coverage should legal proceedings be undertaken against them.

#### 4.1 Framework

Applications to install private assets in road reserves may be submitted by single landowners or a syndicate / cooperative of landowners. Council will apply the same principles to either ownership model.

##### 4.1.1. Legal Framework

A legal agreement under either Section 121 of the *Road Management Act 2004* or Section 173 of the *Planning and Environment Act 1987* will be required to be entered into by each and every beneficiary landowner prior to approval of works in road reserves. The provision of private assets is usually for the benefit of the proponent and it is appropriate that obligations should be transferred to the benefitting entity or person to ensure integrity of the management framework.

The agreement will require:

- a. Inspection requirements: For assets installed within collector road reserves, inspections will be required every six weeks and for assets installed within access road reserves inspections will be required every 18 weeks. The applicant will need to document the inspections to the satisfaction of the responsible road authority. At the time of a permit being issued the road designation will be identified by Council to the applicant.
- b. Maintenance requirements: includes the execution of all works of any description which are required to keep the road and installed infrastructure in the state of utility determined in accordance with the *Road Management Act 2004* or any other Act deemed applicable.

- c. Public liability insurance of \$10,000,000 and noting Council's interest (or such increased amount as may be periodically advised in writing by Council) is to be held and kept current by the benefitting landowner all at the benefitting landowner's cost. Failure to demonstrate ongoing insurance, can lead to a requirement to have the asset removed at the owner's expense, and the 173 and 121 agreements revoked
- d. Renewal and reinstatement of the road infrastructure/road reserve in the event of failure to meet the agreement conditions or should Council determine the infrastructure is no longer required

Syndicate/cooperative ownership models shall require all participating landowners to enter into individual agreements with Council. The syndicate/cooperative shall be responsible for ensuring all beneficiaries agree to enter into Council's offered agreement prior to their application and at their own cost.

#### 4.1.2. Design Considerations

Council will require any assets within road reserves to be installed "fence to fence" between adjoining property boundaries and running perpendicular across roads. This limits the impact of construction on the road reserve while allowing reasonable access to the requesting individual or group. In circumstances where it is clearly demonstrated that it is not possible to construct the new asset perpendicularly across the road reserve, a maximum offset of 2 metres, from the perpendicular, -May be accepted. This offset must be clearly marked on site by the use of marker posts located on each fence line.

Required technical specifications regarding design, annual maintenance, depth, materials, and location requirements will be outlined to the applicant by Council's Road Services' Co-ordinator Representative.

Assets will be required to be installed underground should the asset type and specification stipulates otherwise, then, further assessment will be conducted by Council officers before the installation/placement of such an asset can or cannot be approved (pending conditions set by Council in this regard).

Sharing of Council's existing or future infrastructure which compromises its intended purpose (such as culverts) will not be allowed.

Applications to install assets running longitudinally within road reserves will only be approved in exceptional circumstances. Should such a circumstance exist, and an application is received to install a privately owned asset longitudinally in a road reserve, permission would only be granted after the acceptance of the following conditions, including but not limited to:

- a. The availability of the corridor within the road reserve between the road reserve fence-line and the commencement of Council's drainage infrastructure. This is the only location where Council will consent to such privately owned assets being installed.
- b. Only the portion of the pipeline (or any other private infrastructure asset) affected by the exceptional circumstance will be considered for inclusion in the road reserve.
- c. Applicant enters into a licence at their own cost for use of the part of the road reserve required for installation of the infrastructure.
- d. An annual licence fee will be applied on the basis of the user pays principle and will be determined annually in Council's budget.
- e. Council will, at its discretion, be able to terminate the licence with a minimum of one months' notice, with no compensation available to the licensee / lessee.
- f. Should Council provide notice under e) the licensee will be required to remove the infrastructure and reinstate the reserve to Council's satisfaction, at their own cost.

#### 4.1.3. Construction Considerations

Requirements for construction will be outlined in detail during the application process and will be controlled through the issuing of a Works within Road Reserves Permit.

#### 4.1.4. Existing Longitudinal Assets identified for decommissioning by the Water Authority

Council may be approached by private landowners or syndicates to purchase existing longitudinal assets within the road reserve owned by the Water Authority and identified for decommissioning. In these instances, Council will require (in order of preference):

- a. That the Water Authority decommissions the asset and reinstates the road reserve to its original condition. Council will then accept an application to install an underground privately owned longitudinal asset to be assessed in accordance with the framework already outlined within this policy; or
- b. The landowner to enter into an arrangement where the Water Authority maintains ownership of the asset that is in the road reserve; or
- c. Pending an asset condition report provided by water authority, Council might allow private landowners and/or beneficiaries to apply for a 173 agreement with Council should they take over ownership from a water authority.

The above options are dependent upon an understanding as to the impact of the water asset on the safety and function of the road (current and future proposed) and/or Water Authority and Department of Energy, Environment and Climate Action (DEECA) Sustainability and Environment consent. Council will work through all the above alternatives to seek to facilitate an appropriate outcome in these specialised instances.

#### 4.1.5. Ongoing Obligations

Council requires owners to annually update and provide:

- a. Copies of inspection records
- b. List of beneficiaries (if syndicate / cooperative); and
- c. Certificate of Currency of Public Liability insurance

Appropriate management frameworks are crucial within road reserves given the risk associated to communities and Council should incidents / accidents occur.

Council will rigorously and proactively ensure that private water assets within road reserves are compliant with the principles contained within this policy and will impose penalties under Section 63 of the *Road Management Act 2004* should it be required.

#### 4. Exclusions

Exclusions are available for letterboxes which are not placed in such a way as to be an unreasonable obstruction or road safety risk or are part of a building permit.

Approved Community installations such as murals, sculptures etc. in Council Road reserves, that are community owned assets covered under a Council issued access and maintenance agreement. This will require Council Executive approval.

#### 5. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

#### 6. Related Legislation

*Road Management Act 2009 2004*

*Local Government Act 1989*

*Local Government Act 2020*

*Planning and Environment Act 1987*

#### 7. Related Policies, Procedures and Strategies

Nil

#### 8. Attachments

Nil

#### 9. Review Period

Responsible officer

Council Policy

Council Policy

Council Policy

Council Policy

Three years

Manager Engineering

**10. Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

**11. Approval History**

Adopted	18 October 2011	Minute Book Reference No 18278 (item 13.10)
Revised	18 September 2012	Minute Book Reference No 1265 (Item 4.26)
Revised	19 August 2014	Minute Book Reference No 885 (Item 6.4)
Revised	18 August 2015	Minute Book Reference No 905 (Item 6.2)
Revised	13 September 2016	Minute Book Reference No 830 (Item 6.8)
Revised	20 March 2018	Minute Book Reference No 486 (Item 7.1)
Revised	19 May 2020	Minute Book Reference No 2059 (Item 9.4)
Revised	1 March 2021	Administrative update to apply consistent reference to
	Reviewed 6 March 2024	

Campaspe Shire Council ('Council')

Chief Executive Officer: .....

Date: .....

Council Policy

Council Policy

Council Policy

Council Policy

# Private Assets in Road Reserves Policy



Council Policy

Council Policy

Council Policy

Council Policy

## 1. Purpose

The purpose of this policy is to define the criteria and requirements under which private assets will be permitted into the road reserve.

## 2. Scope

Council as the road Authority may enter into an agreement with the owner or occupier of land adjacent to one of Council's roads, or any other person for the performance of works on a road which may benefit that person.

Such an agreement can be incorporated into an agreement under section 121 and Section 173 of the road management act 2004 and shall include the following provisions.

- a) Payment for the conduct of the work
- b) Future management in respect of ongoing maintenance and risk allocation

This policy applies to the Councillors and employees (including full time, part time, casual employees, agency staff and students), and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups, and consultants of Campaspe Shire Council.

## 3. Policy Statement

Campaspe Shire Council ('Council') is responsible for the provision and maintenance of local roads infrastructure.

All roads have a defined road reserve which is owned or managed by Council under the Local Government Act 1989 and the Road Management Act 2004. Under section 34 of the Road Management Act 2004 Council is compelled to manage the use and maintenance of roads having regard to the principle that:

*" The primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road."*

Upon Mutual written agreement between Council and the department of Transport and planning (DTP) previously known as VicRoads. Council might be responsible (from time to time) for the maintenance/ renewal of parking bays within roads owned by Public Transport Victoria (PTV), especially when they are located within the Township zone.

Council must minimise, as far as is reasonably practicable, adverse impacts on the provision of utility services. As the road authority, Council co-ordinates the installation of infrastructure.

It is acknowledged that the use of the road must be considered alongside other factors such as economic benefit and social need. This Policy intends to provide a framework to enable such needs to be balanced with the protection of the primary purpose of the road.

Infrastructure within road reserves includes, but is not limited to, the road itself (including formation and sub-grade), pavement, seal, shoulders, guideposts, table drains or side cuts, culverts and regulatory or discretionary road signage.

Some statutory service providers have rights and obligations outlined in various Acts to install infrastructure in road reserves without permission of the road authority. They are considered as Exceptional Circumstances.

Private individuals, privately owned syndicates / cooperatives, and entities alike, do not enjoy this right.

Maintenance obligations are imposed on all owners of infrastructure in a road reserve through the Road Management Act 2004 and other relevant Acts including such things as inspection requirements,

documentation, processes for undertaking works and safety regulations. The vast majority of owners of infrastructure within road reserves are statutory service providers. Such bodies have a legislative framework within which they operate and have access to appropriate levels of insurance coverage should legal proceedings be undertaken against them.

#### 4. Principles

The principles supporting this policy are:

##### 4.1. Sustainability

This is at the heart of everything we do. Sustainability is a key factor in planning for future land use, advocating for additional educational facilities, approving a development, or making decisions around how we use our infrastructure.

#### 5. Framework

Applications to install private assets in road reserves may be submitted by single landowners or a syndicate / cooperative of landowners. Council will apply the same principles to either ownership model.

##### 5.1. Legal Framework

A legal agreement under either Section 121 of the Road Management Act 2004 or Section 173 of the Planning and Environment Act 1987 will be required to be entered into by each and every beneficiary landowner prior to approval of works in road reserves. The provision of private assets is usually for the benefit of the proponent and it is appropriate that obligations should be transferred to the benefitting entity or person to ensure integrity of the management framework.

The agreement will require:

- a. Inspection requirements: For assets installed within collector road reserves, inspections will be required every six weeks and for assets installed within access road reserves inspections will be required every 18 weeks. The applicant will need to document the inspections to the satisfaction of the responsible road authority. At the time of a permit being issued the road designation will be identified by Council to the applicant.
- b. Maintenance requirements: includes the execution of all works of any description which are required to keep the road and installed infrastructure in the state of utility determined in accordance with the Road Management Act 2004 or any other Act deemed applicable.
- c. Public liability insurance of \$10,000,000 and noting Council's interest (or such increased amount as may be periodically advised in writing by Council) is to be held and kept current by the benefitting landowner all at the benefitting landowner's cost. Failure to demonstrate ongoing insurance, can lead to a requirement to have the asset removed at the owner's expense and the 173 and 121 agreements revoked
- d. Renewal and reinstatement of the road infrastructure/road reserve in the event of failure to meet the agreement conditions or should Council determine the infrastructure is no longer required

Syndicate/cooperative ownership models shall require all participating landowners to enter into individual agreements with Council. The syndicate/cooperative shall be responsible for ensuring all beneficiaries agree to enter into Council's offered agreement prior to their application and at their own cost.

##### 5.2. Design Considerations

Council will require any assets within road reserves to be installed "fence to fence" between adjoining property boundaries and running perpendicular across roads. This limits the impact of construction on the road reserve while allowing reasonable access to the requesting individual or group. In circumstances where it is clearly demonstrated that it is not possible to construct the new asset perpendicularly across the road reserve, a maximum offset of 2 metres, from the perpendicular, may be accepted. This offset must be clearly marked on site by the use of marker posts located on each fence line.

Required technical specifications regarding design, annual maintenance, depth, materials, and location requirements will be outlined to the applicant by Council's Road Services' representative.

Assets will be required to be installed underground should the asset type and specification stipulates otherwise, then, further assessment will be conducted by Council officers before the installation/placement of such an asset can or cannot be approved (pending conditions set by Council in this regard).

Sharing of Council's existing or future infrastructure which compromises its intended purpose (such as culverts) will not be allowed.

Applications to install assets running longitudinally within road reserves will only be approved in exceptional circumstances. Should such a circumstance exist, and an application is received to install a privately owned asset longitudinally in a road reserve, permission would only be granted after the acceptance of the following conditions, including but not limited to:

- a. The availability of the corridor within the road reserve between the road reserve fence-line and the commencement of Council's drainage infrastructure. This is the only location where Council will consent to such privately owned assets being installed.
- b. Only the portion of the pipeline (or any other private infrastructure asset) affected by the exceptional circumstance will be considered for inclusion in the road reserve.
- c. An annual licence fee will be applied on the basis of the user pays principle and will be determined annually in Council's budget.

### 5.3. Construction Considerations

Requirements for construction will be outlined in detail during the application process and will be controlled through the issuing of a Works within Road Reserves Permit.

### 5.4. Existing Longitudinal Assets identified for decommissioning by the Water Authority

Council may be approached by private landowners or syndicates to purchase existing longitudinal assets within the road reserve owned by the Water Authority and identified for decommissioning. In these instances, Council will require (in order of preference):

- a. That the Water Authority decommissions the asset and reinstates the road reserve to its original condition. Council will then accept an application to install an underground privately owned longitudinal asset to be assessed in accordance with the framework already outlined within this policy; or
- b. The landowner to enter into an arrangement where the Water Authority maintains ownership of the asset that is in the road reserve; or
- c. Pending an asset condition report provided by water authority, Council might allow private landowners and/or beneficiaries to apply for a 173 agreement with Council should they take over ownership from a water authority.

The above options are dependent upon an understanding as to the impact of the water asset on the safety and function of the road (current and future proposed) and/or Water Authority and Department of Energy, Environment and Climate Action (DEECA) consent. Council will work through all the above alternatives to seek to facilitate an appropriate outcome in these specialised instances.

### 5.5. Ongoing Obligations

Council requires owners to annually update and provide:

- a. Copies of inspection records
- b. List of beneficiaries (if syndicate / cooperative); and
- c. Certificate of Currency of Public Liability insurance

Appropriate management frameworks are crucial within road reserves given the risk associated to communities and Council should incidents / accidents occur.

Council will rigorously and proactively ensure that private assets within road reserves are compliant with the principles contained within this policy and will impose penalties under Section 63 of the *Road Management Act 2004* should it be required.

## 6. Exclusions

Exclusions are available for letterboxes which are not placed in such a way as to be an unreasonable obstruction or road safety risk or are part of a building permit.

Approved Community installations such as murals, sculptures etc.in Council Road reserves, that are community owned assets covered under a Council issued access and maintenance agreement. This will require Council Executive approval.

## 7. Definitions

Terms and definitions used in this policy include:

Term	Details
Syndicate / cooperative	An association owned, controlled and used by its members to undertake a duty or transact specific business. Campaspe Shire Council ('Council') will require the syndicate / cooperative to be a registered legal entity with the <i>Australian Securities and Investment Commission ('ASIC')</i> .
Exceptional circumstances	the existence of a physical obstacle (buildings, natural structures including waterways, rock formations, culturally sensitive land, land with significant native vegetation) that prevents access and an alternative route is not available; or where all reasonable attempts have been unsuccessful in obtaining the necessary consent of a non-beneficiary landowner, and a reasonable alternate route within private land is not available. The determination of exceptional circumstance will be at the sole discretion of the Director Infrastructure, with support provided by the Manager Governance & Risk. This assessment is required to be balanced with the requirement of Council to protect the road reserve as outlined in s.4d of the <i>Road Management Act 2004</i>
Section 173 & 121 Agreements	is a legal contract pursuant to s.173 of <i>Planning and Environment Act 1987</i> and s.121 of <i>Road Management Act 2004</i> that outlines rights and obligations of the landowner and is attached to the title of private land.
Road reserves	means all the area of land that is within the boundaries of a road
Statutory service providers	authorities empowered under an Act with providing utility services such as power, gas, water and telecommunication infrastructure.
Responsible road authority	means the road authority which has operational functions as determined in accordance with s.37 of the <i>Road Management Act 2004</i> . For the purposes of this policy the responsible road authority is Council.
User pays principle	when users pay the full costs of the goods or services they consume. It is premised on a principle that those who do not use a service should not be obligated to pay for it. Such a principle is most effective when the beneficiary aligns exactly with the user.
Asset	a physical component of a facility which has value, enables services to be provided and has an economic life of greater than 12 months.
Asset owner	for the purposes of this Policy the asset owner should be read as an Infrastructure Manager as per the <i>Road Management Act 2004</i> .
Works within road reserves permit	evidences the final approvals for work that, once issued by Council, allows works within the road reserve to commence subject to any conditions listed on the permit.

## 8. Acknowledgements

### 8.1. Traditional Owners

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples. We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this country. We acknowledge their living culture and their unique role in the life of this region.



## Policy Information

<b>Document Number:</b>	<b>ECM Number when finalised</b>		
<b>Document Type:</b>	Council Policy		
<b>Document Status:</b>	Under Review		
<b>Policy Owner (by position):</b>	Manager Engineering		
<b>Internal Endorsement Required:</b>	Not applicable		
<b>Final Approval By:</b>	Council		
<b>Date Approved:</b>	Click or tap to enter a date.		
<b>Evidence of Approval:</b>			
<b>Version</b>	1	<b>Frequency of Review</b>	3 Years
<b>Review Date:</b>	Click or tap to enter a date.		
<b>Related Legislation:</b>	Local Government Act 2020 Victorian Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020 Victorian Disability Act 2020 Road Management Act 2004 Local Government Act 1989 Planning and Environment Act 1987		
<b>Related Strategic Documents, Policies, or Procedures</b>	Council Plan 2021-2025		
<b>Attachments:</b>	Nil		
<b>Date Rescinded:</b>	Not Applicable <input checked="" type="checkbox"/>		

<b>Approval History: Date:</b>	<b>Reason for review</b>
18/10/2011	Minute Book Reference No 18278 (item 13.10)
18/09/2012	Minute Book Reference No 1265 (Item 4.26)
19/08/2014	Minute Book Reference No 885 (Item 6.4)
18/08/2015	Minute Book Reference No 905 (Item 6.2)
13/09/2016	Minute Book Reference No 830 (Item 6.8)
20/03/2018	Minute Book Reference No 486 (Item 7.1)
19/05/2020	Minute Book Reference No 2059 (Item 9.4)
1/03/2021	Administrative update to apply consistent reference to Campaspe Shire Council ('Council')

**Currency:** Documents are amended from time to time; therefore, you should not rely on a printed copy being the current version. Please consult the Campaspe Shire Council website to ensure that the version you are using is up to date. This document is available in alternative formats (e.g. larger font) if requested.

Council Policy

Council Policy

Council Policy

Council Policy



## Victorian Current Acts

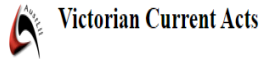
[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#) [\[Help\]](#)

### ROAD MANAGEMENT ACT 2004 - SECT 121

#### Agreement to conduct additional works

- (1) A [road authority](#) may enter into an agreement with the owner or occupier of [land](#) adjacent to a [road](#) or the developer of nearby [land](#) or any other person for the performance of [works](#) on a [road](#) which may benefit that person.
- (2) An agreement under this section may include provisions relating to—
  - (a) payment for the conduct of the [works](#);
  - (b) future arrangements in respect of ongoing [maintenance](#) and risk allocation.
- (3) An agreement under this section is enforceable.
- (4) If a [road authority](#) is the responsible authority under the [Planning and Environment Act 1987](#), provisions of an agreement for the purposes of this section may be incorporated into an agreement under section 173 of that Act.

AustLII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)



[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#) [\[Help\]](#)

## PLANNING AND ENVIRONMENT ACT 1987 - SECT 173

### Responsible authority may enter into agreements

(1) A responsible authority may enter into an agreement with an [owner of land](#) in the [area](#) covered by a planning scheme for which it is a responsible authority.

[S. 173\(1A\)](#) inserted by No. 47/2017 [s. 6\(1\)](#).

(1A) Without limiting subsection (1), a responsible authority may enter into an agreement with an [owner of land](#) for the [development](#) or provision of [land](#) in relation to affordable housing.

(2) A responsible authority may enter into the agreement on its own behalf or jointly with any other person or body.

[S. 173\(3\)](#) amended by No. 47/2017 [s. 6\(2\)](#).

(3) A responsible authority may enter into an agreement under subsection (1) or (1A) with a person in anticipation of that person becoming the [owner](#) of the [land](#).

[S. 173\(4\)](#) substituted by No. 48/1991 [s. 63\(1\)](#), amended by No. 3/2013 [s. 51\(6\)](#).

(4) Despite anything in this Division, if an agreement entered into with a purchaser in anticipation of the purchaser becoming [owner](#) is recorded by the Registrar of Titles, it does not bind the vendor unless the vendor assumes the purchaser's rights and obligations under the agreement.

[S. 173\(5\)](#) repealed by No. 86/1989 [s. 4\(2\)\(j\)](#).

\* \* \* \* \*

## 8.5 Council Information

### 8.5.1 Notes of Appreciation

Directorate: Office of the CEO

#### 1. PURPOSE

To present the notes of appreciation that Council has received since its last meeting.

#### 2. RECOMMENDATION

**That Council acknowledge the notes of appreciation as listed and convey this appreciation to the relevant parties.**

#### 1. Anonymous, Rushworth

*“Just a quick email to say how wonderful the Rushworth pool was this year! I attended almost daily with my girls. All the lifeguards were so friendly, attentive, and just awesome pretty much! It is very appreciated that the Shire runs this for free for the community! We look forward to next summer already!”*

#### 2. Susan, Echuca

*“I write congratulating the Shire for offering the refurbished kiosk at Riverboat Dock to My Dad’s Honey.”*

#### 3. Honourable Margaret Gardner AC, Governor of Victoria

*“I write to thank the Mayor for hosting me during my recent official visit to Campaspe Shire Council.*

*“The spirit of collaboration and resilience amongst everyone we met was particularly apparent and impressive and I know the community will once again come together to support one another to recover from these recent events.”*

#### **Jonathan Burke, Official Secretary to the Governor of Victoria**

*“It was also a wonderful opportunity to hear from your Councillors, Directors, flood recovery staff and community members on the ongoing recovery efforts.”*

*“I sincerely thank you and the team for planning and organising the visit, with particular acknowledgment to Kaye, Emily and Lachlan for all their assistance.”*

#### 4. Kyabram Deakin Ratepayers Residents & Development Group Inc.

Congratulated Campaspe Shire in holding Australia Day events throughout the municipality.

#### 5. Leah Huggard, GV Health

*Feedback regarding Nerida Dye and the Memory Box sessions: She is fantastic, our residents look forward to having her sessions. It’s a special person that can walk into a facility and be very relaxed and engaging. Thank you for supplying such a good service.*

## 9 Notices of Motion

## 10 Urgent Business

## 11 Confidential Business

### Closure of Public Meeting

#### RECOMMENDATION

That pursuant to the provisions of the *Local Government Act 2020* (the Act), the meeting will now be closed to members of the public in accordance with section 66(2)(a) of the Act to enable consideration to be given to items that contain confidential information as defined in section 3(1) of the Act as follows:

#### 11.1 Animal Shelter and Pound Services

- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

For the reason the report considers the personnel arrangements of the service, which could unreasonably identify the personal employment arrangements of persons.

#### 11.2 CEO Key Performance Indicators

- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

For the reason the report considers detailed information relating to the employment of the Chief Executive Officer, the disclosure of which would be unreasonable.

### Resumption of Public Meeting

## 12 Close Meeting

Pauline Gordon

Chief Executive Officer