



M(9) – 27 AUGUST 2024

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Auditorium @ Mount Beauty, 26 Bogong High Plains Road, Mount Beauty on **27 August 2024** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Simon Kelley - Deputy Mayor

Cr Katarina Hughes*

Cr Ron Janas

Cr Tony Keeble

Cr Sarah Nicholas

Cr Kelli Prime

** attendance via electronic means*

OFFICERS

Will Jeremy - Chief Executive Officer

Nathalie Cooke - A/Director Customer and Community

Alan Rees - Director Assets

APOLOGIES

Agenda

1.	Recording and livestreaming of Council meetings.....	4
2.	Acknowledgement of traditional custodians, and recognition of all people.....	4
3.	Confirmation of minutes	4
3.1	Ordinary Council Meeting – M(8) – 30 July 2024	4
4.	Apologies.....	4
5.	Obituaries / congratulations.....	5
6.	Declarations by Councillors of conflict of interest.....	5
7.	Public questions	5
8.	Presentation of reports by officers	7
8.1	Chief Executive Officer – Will Jeremy	7
8.1.1	Taungurung Land & Waters Council - Local Government Forum	7
8.1.2	September Ordinary Council Meetings	11
8.2	Director Assets – Alan Rees.....	13
8.2.1	Community Energy Prospectus 2024.....	13
8.2.2	Community Greenhouse Gas Inventory Report 2021/22	19
8.2.3	Adoption of the Alpine Shire Land Development Strategy 2024.....	23
8.2.4	Alpine Shire Sport and Active Recreation Master Plans.....	37
8.2.5	Mystic Park Management Contract.....	44
8.2.6	Myrtleford Mountain View Children's Centre Funding Application	48
8.2.7	Variation to Contract No CQ23019 for Public Bins and Amenities Cleaning Services	52
8.2.8	Variation to Contract No. CT21070 - Management and Operation of the Seasonal Pools and Bright Sports Centre	55
8.2.9	Dinner Plain Entrance Civil Works and Landscaping	58
8.2.10	Tawonga Memorial Hall Refurbishment.....	62
8.3	A/Director Customer and Community – Nathalie Cooke	65
8.3.1	Sustainable Event Guidelines	65
8.3.2	Instruments of Appointment and Authorisation - <i>Planning and Environment Act 1987</i>	68
8.3.3	Audit and Risk Committee Meeting Minutes - August 2024.....	71
8.3.4	Planning Application P2023.148 - 117 Gavan Street, Bright	73
9.	Informal meetings of Councillors.....	88
10.	Presentation of reports by delegates	89
11.	General business	89
12.	Motions for which notice has previously been given	89

13. Reception and reading of petitions 89

14. Documents for sealing 90

1. Recording and livestreaming of Council meetings

The CEO read the following statement:

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is to hold us more accountable and improve transparency of Council's decision-making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

2. Acknowledgement of traditional custodians, and recognition of all people

All to stand, the Mayor read the following statement:

Alpine Shire Council acknowledges the Traditional Custodians of the lands on which we are meeting today. Council also acknowledges all of the Traditional Custodians of the wider lands of the area known as the Alpine Shire.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(8) – 30 JULY 2024

Cr Janas

Cr Kelley

- 1. That the minutes of Ordinary Council Meeting M(8) held on 30 July 2024 as circulated be confirmed; and*
- 2. That the minutes of the Joint Meeting of Councils held on 13 August 2024 as circulated be noted.*

Carried

4. Apologies

Nil

5. Obituaries / congratulations

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

6. Declarations by Councillors of conflict of interest

Cr Simon Kelley declared a general conflict of interest with respect to item number 8.2.1. Community Energy Prospectus 2024 and; a material conflict of interest with respect to item number 8.2.4 Alpine Shire Sport and Active Recreation Master Plans.

Cr Simon Kelley will vacate the meeting at the appropriate stages of this meeting.

Cr Sarah Nicholas declared a general conflict of interest with respect to item number 8.2.8 Variation to Contract No. CT21070 - Management and Operation of the Seasonal Pools and Bright Sports Centre.

Cr Sarah Nicholas will vacate the meeting at the appropriate state of this meeting.

7. Public questions

Public Question time will be held in accordance with the following provisions of Council's Governance Rules:

G5 Public Question Time

- 1.1.1.a. GS3. Questions submitted to Council may be:
- 1.1.1.b. Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or
- 1.1.1.c. During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.
- 1.1.1.d. GS4. No person may submit or ask more than two questions at any one meeting.
- 1.1.1.e. GS7. A question may be disallowed by the Chairperson if the Chairperson determines that it:
 - is not related to an item on the agenda;
 - relates to a matter outside the duties, functions and powers of Council;
 - is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - deals with a subject matter already answered;
 - is aimed at embarrassing a Councillor or a member of Council staff;
 - relates to confidential information as defined in s3 of the Act;
 - relates to the personal hardship of any resident or ratepayer; or
 - relates to any other matter which the Council considers would prejudice the Council or any person.

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

8.1.1 Taungurung Land & Waters Council - Local Government Forum

INTRODUCTION

The purpose of the report is to seek authorisation for Council to actively participate in the Taungurung Land & Waters Council (TLaWC) - Local Government Forum (the Forum).

Cr Nicholas

Cr Keeble

That Council:

- 1. Notes the Terms of Reference for the Taungurung-Local Government Forum as per attachment 8.1.1;*
- 2. Agrees to become a member of the Forum;*
- 3. Actively participates in the Forum by ensuring representatives attend regular meetings held by the forum; and*
- 4. Considers at a future Ordinary Council Meeting a recommendation relating to any proposed financial commitment in support of the Forum objectives which exceeds that which is required to meet Council's statutory obligations.*

Carried

BACKGROUND

The Taungurung Traditional Owner Group, represented by the Taungurung Land and Waters Council Aboriginal Corporation (TLaWC), is the recognised Traditional Owner group for an area of land within the Alpine Shire municipal boundaries. The Taungurung Recognition and Settlement Agreement (RSA) and the Taungurung Land Use Activity Agreement (LUAA) set out the rights and obligations of parties when working on Taungurung land. There are 14 other Victorian local government authorities whose municipal boundaries similarly encompass Taungurung land.

TLaWC has proposed the establishment of a Taungurung - Local Government Forum (the Forum), invited the 15 councils to be represented on this Forum, and shared a proposed Terms of Reference for the Forum (refer attachment 8.1.1).

The stated purpose of the Forum is to “foster and govern a constructive and meaningful operational partnership between TLaWC and Local Governments on Taungurung Country” and includes governance and procedural arrangements.

The Forum objectives are packaged under three themes:

- Work together in partnership
- Respect, celebrate and support Taungurung People, Culture and Country
- Achieve our responsibilities together

Whilst Council has a good working relationship with the TLaWC, active participation in the Forum will help formalise this relationship and allow all participating entities to work in a more collaborative way to achieve their respective desired outcomes.

Formal Council participation in the forum would signal our intent to continue to strengthen the relationship and build trust with the TLaWC whilst at the same time demonstrating leadership in the sector.

The strengthening of the relationship will enable improved outcomes for the Alpine Shire community as it will ensure any projects or initiatives within the area of the Taungurung RSA have wider support from our key stakeholders including the TLaWC and the State Government.

ISSUES

The Taungurung - Local Government Forum is proposed as a permanent forum. Agreeing to membership of the Forum will commit Council resources to actively participate in the Forum. Participation at this point is understood to include the following as a minimum:

- Mayor and Chief Executive Officer to attend a minimum of two meetings of the Forum per year and to assume the role of the co-Chair on a rotating basis.
- A nominated officer to participate in a 'working group' to progress matters at an operational level in between formal meetings of the Forum. The working group is anticipated to meet 4 times per year.

POLICY IMPLICATIONS

The recommendations are consistent with the following action contained within Council's Reflect Reconciliation Action Plan 2021-2024:

Develop an understanding of the local Traditional Owners of the lands and waters of the Alpine Shire by strengthening our relationships with Traditional Owners.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

There is no immediate financial cost associated with membership of the Forum, and the only identified resource implications at this time are the commitment of the Mayor and Chief Executive Officer to actively participate in Forum meetings including sharing the co-Chair role on a rotating basis, and the nomination of an officer to participate in working group meetings, anticipated to be convened four times per year.

TLaWC has advised that it has secured State Government funding to enable it to recruit a resource for a 12-month period, and that this resource will provide support to the Forum. Beyond the 12-month mark TLaWC has received no further commitment of funding to support the proposed Forum.

A stated TLaWC priority of the Forum is the establishment of 'a collective fund to support the relationship and achievement of our connected responsibilities and goals', funded by contributions from the participating councils. This matter has been flagged by TLaWC as an initiative that they would like the Forum and associated working group to progress through to an agreed resolution as a priority.

The magnitude of the financial contribution to be sought from the Alpine Shire Council in support of the objectives of the Forum is not currently known and will only become clear over time and through active participation in the Forum.

Agreeing to membership of the Forum does not commit Council to contributing towards a collective fund as proposed by TLaWC, however in the event that all other council members of the Forum commit to a funding contribution aligned to an agreed methodology, then the Alpine Shire Council would risk potential reputation damage and damage to the relationship with the TLaWC through electing to withhold a financial contribution.

The following is noted in the proposed Terms of Reference:

It is recognised that, in some circumstances, Members may not be able to make a decision on behalf of their organisation without approval. For example, Local Government Members may need to seek a resolution of their Council. The Forum will seek to accommodate organisational decision-making processes.

Organisations may cancel their membership at any time in writing to the co-Chairs.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Unquantified financial exposure for Council through maintaining an ongoing commitment to participate in the Forum.	Very likely	Minor	<ul style="list-style-type: none"> Terms of Reference include the provision for Council to cancel its membership at any time.
Lost opportunities and potential reputational impact through choosing not to participate in the Forum.	Possible	Moderate	<ul style="list-style-type: none"> Commitment from Council to active participation in the Forum.

CONSULTATION

Council officers have consulted with representatives of other councils which have been invited to participate in the Taungurung - Local Government Forum.

Council has not engaged with the community in relation to the decision whether or not to participate in the Forum. Council will engage with the community in the event that

participation in the Forum might result in a real or perceived change in Council's service delivery or to the use of public facilities or spaces.

CONCLUSION

There is value in Council committing to participate in the Forum which outweighs the risks. There is no immediate financial implication associated with joining the Forum, however the TLaWC has stated its priority to establish a 'collective fund' through contributions from the participating councils. At this stage the requested contribution of the Alpine Shire Council to this fund is not known.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer

ATTACHMENT(S)

8.1.1 Taungurung Local Government Forum - Terms of Reference

8.1.2 September Ordinary Council Meetings

INTRODUCTION

This report seeks Council's endorsement to move the September Ordinary Council Meeting to be held wholly by electronic means.

Cr Nicholas

Cr Prime

That Council:

- 1. Holds the September Ordinary Council Meeting wholly by electronic means and updates the Alpine Shire Council website accordingly; and*
- 2. Invites members from the community to view the meeting via the Alpine Shire Council YouTube Channel.*

Carried

BACKGROUND

In accordance with Council's Governance Rules Chapter 3 section C1, Council must set the date, time, and locations of Ordinary Council meetings (OCM). At the July OCM, Council moved a recommendation to change the date of the September meeting. After careful consideration it is recommended that the September meeting be moved to being held wholly by electronic means. The meeting will be live-streamed and on Council's website as per its current practice and community members will be invited to view the meeting online.

ISSUES

The September Ordinary Meetings is scheduled to be held during the Council election caretaker period. There is no provision for Question Time, Notices of Motion, General Business and Reports by Delegates during an election period. All items for consideration must be scrutinised for compliance in accordance with Council's Governance Rules and Election Period Policy and approved by the Chief Executive Officer.

Each agenda item will include the electoral period statement and Councillors must limit their discussion during debate of the topic under consideration to avoid electoral matters as outlined in Chapter 9 Part C4 Council and Committee meetings.

As a result of the Council election period constraints outlined above, the September Ordinary Council Meeting is anticipated to be largely administrative in nature, with no opportunity for engagement in the meeting by members of the public. It is more efficient and cost-effective to run this meeting online.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

None to report.

RISK MANAGEMENT

No risks to report.

CONCLUSION

That the September Ordinary Council Meeting be held wholly by electronic means be endorsed by Council.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer
- Executive Assistant to CEO

ATTACHMENT(S)

Nil

Cr Kelley declared a conflict of interest with respect to item number 8.2.1 Community Energy Prospectus 2024 and left the meeting at 5:55pm.

8.2 DIRECTOR ASSETS – ALAN REES

8.2.1 Community Energy Prospectus 2024

INTRODUCTION

The Community Energy Prospectus 2024 (Prospectus) identifies opportunities for investment in community energy and electric vehicle (EV) charging infrastructure on Council-owned land. Community energy provides energy cost reductions and energy resilience for the host site and locally generated renewable energy for local communities.

The Prospectus provides detailed design and business models for community batteries at five sites, and smaller scale energy nodes at an additional five sites. These sites were chosen based on an analysis of the space available for on-site solar and battery, existing electrical infrastructure and grid connection, facility usage, EV charger suitability and location. The outcome of the Prospectus is ten investment ready sites that can be put forward when grant funding and/or commercial investment opportunities arise.

Adoption of the final Prospectus will allow Council officers to continue to support grant applications and seek commercial investment to fund the proposed infrastructure.

The Prospectus Executive Summary is attached (8.2.1). The Community Energy Prospectus 2024 is a large interactive documents; and can available on Engage Alpine ([Community Energy and EV Charging Prospectus | Engage Alpine \(alpineshire.vic.gov.au\)](https://alpineshire.vic.gov.au)).

*Cr Nicholas
Cr Keeble*

That Council:

- 1. Adopts the Community Energy Prospectus 2024; and*
- 2. Notes that the Prospectus will inform Council officers' ongoing efforts to source funding and investment opportunities in community energy and public electric vehicle chargers at Council facilities.*

Carried

BACKGROUND

Since declaring a climate emergency in November 2021, Council has been seeking ways to support the community to improve resilience to climate change and reduce greenhouse gas emissions.

Community energy and public EV charging infrastructure projects have the potential to:

- Improve resilience by providing backup power to host sites that can provide a community service during emergency events and power outages;
- Deliver locally generated renewable energy to local communities;
- Provide cost savings to the host site's electricity bills;

- Provide network benefits through the battery exporting during peak demand times to assist with low voltage issues on the network;
- Facilitate uptake of zero emissions vehicles; and
- Provide the innovation to establish the business case for the delivery of community batteries at Council-owned sites in regional Victoria.

Council was a recipient of Recovery and Resilience funding in September 2022, which contributed to the development of the Prospectus. The development of the Prospectus coincided with the announcement of significant government funding for the delivery of community battery facilities. These are the Australian government's \$200 million Community Batteries for Household Solar and the Victorian government's \$10 million 100 Neighbourhood Batteries Initiative Round One. The Prospectus, presenting a number of investment-ready community battery sites, put Council facilities in a favourable position to seek funding for these sites.

Through the Prospectus development process a list of facilities in which Council has ownership, tenancy, maintenance or management interests was reduced to ten suitable sites for either large- or small-scale batteries based on existing infrastructure and grid connection. The models analysed are:

- Large scale Community Power Plant (CPP) systems with oversized solar and battery systems capable of supplying site load and exporting excess power to the local community; or
- Small scale energy nodes that are capable of providing back up power to smaller sites.

Sites suitable for public EV chargers are also analysed.

Sites that were deemed suitable and analysed for larger CPP systems are:

- Bright Alpine View Children's Centre
- Bright Pioneer Park Recreation Reserve
- Myrtleford RC McNamara Reserve
- Myrtleford Recreation Reserve and Showgrounds
- Mount Beauty Stadium and Pool

Sites analysed for energy node systems are:

- Dederang Recreation Reserve
- Dinner Plain School and Community Centre
- Harrierville Community Hall
- Mudgegonga Community Hall
- Running Creek Community Hall

Of the assessed sites, a number were deemed suitable to host public EV chargers:

- Mount Beauty Sports Stadium
- Myrtleford Showgrounds
- Dederang Recreation Reserve
- Dinner Plain School and Community Centre

- Harrietteville Community Hall
- Mudgegonga Community Hall

ISSUES

There is an anticipated two-year window of significant funding from the Australian and Victorian governments in community scale batteries; the development of this Prospectus was commissioned to ensure Council's readiness to apply for these funding opportunities as they arise. Applications for the Australian Renewable Energy Agency (ARENA) Community Batteries Funding Round 1 closed concurrently with the development of this Prospectus.

In June 2024, ARENA announced Indigo Power as a funding recipient for community batteries around the region; however, no announcement has been made regarding the facilities that have been funded. Pending the finalisation of this, and any other funding that becomes available, the development of commercial arrangements and lease agreements will be required to finalise the commercial arrangements of the battery ownership, use of Council roof space and land, as well as the sale and purchase of power generated.

The Prospectus analyses two models for each site, each with varying levels of risk and benefit to Council, outlined below. Decisions on the operational options are not required until funding has been finalised.

Option 1:

Indigo Power funds the co-contribution and owns and maintains the battery and solar PV systems, with a commercial lease arrangement for the use of Council roof space and land, and power is sold to Council for use at the facility at a reduced price. Indigo Power would then use excess generation and storage capacity to supply clean energy to its customers.

Option 2:

Council funds the co-contribution and owns the battery and solar PV systems, with Indigo Power engaged to build, operate and maintain the facility under a licence agreement. The host facility would use the required power and Indigo Power would sell excess capacity and supply clean energy to its customers. Council would recoup some of the costs through the licence payments from Indigo Power.

There are currently no external funding opportunities for public EV chargers; however, the testing of the suitability of sites through the Prospectus development ensures readiness for funding applications as they become available. The list of Council facilities suitable for EV chargers in the Prospectus will also allow Council to seek commercial investment in public chargers at these sites.

POLICY IMPLICATIONS

The recommendations are consistent with section 9(2)(c) of *the Local Government Act 2020*:

Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

The recommendation is in accordance with the following Strategic Objectives of the Council Plan 2021-2025:

- 2.2 Innovative and sustainable business development that supports year-round benefit
- 3.1 Decisive leadership to address the impacts and causes of climate change
- 3.4 A community that is prepared for, can respond to, and recover from emergencies

The recommendations align with the Council Climate Action Plan 2021-2024 as community scale solar PV systems and batteries present an opportunity to offset Council's corporate emissions within the shire while providing long term financial benefit to Council.

The recommendations align with the Community Climate Action Plan Roadmap 2023: Action Opportunity Area Community Energy/Resilience Projects.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial and resource implications will be minimal until suitable funding is secured. After securing funding, likely through Australian and Victorian government grants, the commercial model for ownership and operation of the battery will be finalised in agreement with Indigo Power based on the options presented in the Prospectus documents (as outlined above).

Option 1:

Would have minimal upfront cost from Council with a small benefit in electricity cost savings for the host site and the commercial lease of the roof and land space.

Option 2

Would require Council to fund any required battery co-contribution and solar PV system installations with the benefit of energy cost savings and income from the licence arrangement. Return on investment and payback periods vary depending on the site and finalisation of the commercial agreements.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
There is a risk that grant applications are not successful for funding of the battery from the Australian and Victorian governments	Unlikely	Major	<ul style="list-style-type: none"> The Prospectus shows mature evidence of testing of sites and operational models to support grant applications Indigo Power was announced as a funding recipient; however, no announcement has been made regarding the facilities that have been funded
There is a risk that facility ownership and management models inhibit the ability to enter into commercial arrangements with Indigo Power	Unlikely	Major	<ul style="list-style-type: none"> A number of backup sites have been identified should this risk eventuate

CONSULTATION

Determination of the sites for assessment in the Prospectus development considered sites prioritised by local community energy groups as an element of the short-listing process.

The draft Prospectus was open for public comment for four (4) weeks from mid-June to mid-July 2024. Five submissions were received; all of these submissions supported Council's work in the community energy and public EV charger space, and some raised concerns about specific proposals in the draft Prospectus. Below is a summary of the main points in the submissions:

- Destination chargers should be a focus of Council, in lieu of fast chargers, to allow for charging for workers, day visitors and longer stay tourists;
- More public EV chargers are required across the shire;
- Further scrutiny of ownership models and third-party involvement should be conducted before any agreements are finalised; and
- Concern around the risks associated with a public EV charger at the Harrietville Hall in its capacity as a Bushfire Place of Last Resort.

- While these concerns do not change the content of this document and the modelling conducted by Indigo Power, they will all be considered in the implementation of any community batteries and public EV charging infrastructure in which Council is a party.

CONCLUSION

Adoption of the Prospectus will enable Council to confidently continue to seek external funding for community batteries and public EV charging stations at the assessed Council facilities.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manager Growth and Future
- Sustainability Coordinator

ATTACHMENT(S)

8.2.1 Community Energy Prospectus 2024 - Executive Summary

Cr Kelley returned re-entered the meeting at 6:02pm.

8.2.2 Community Greenhouse Gas Inventory Report 2021/22

INTRODUCTION

The Alpine Shire Community Greenhouse Gas Inventory Report 2021/2022 (Report) presents findings of a community greenhouse gas (GHG) emissions assessment, and provides a detailed profile of emissions across Alpine Shire for the 2021/22 baseline year. The Report provides detailed insight into key emission reduction opportunity areas within the Shire, from which Council can identify community climate mitigation and adaptation initiatives within its influence.

Cr Sarah Nicholas moved an amendment to the original motion as detailed under point 2 below. Cr Keeble seconded the amended recommendation.

Cr Nicholas

Cr Keeble

That Council notes:

- 1. The findings of the Alpine Shire Community Greenhouse Gas Inventory Report 2021-2022; and Alpine Shire Community Greenhouse Gas Emissions Summary; and*
- 2. That officers are preparing a scope of works to develop a community climate action plan and intend to brief Council on its contents before 30 June 2025.*

Carried

BACKGROUND

In November 2021, Council declared a Climate Emergency and noted the resource and cost implications of developing a community climate action plan. In October 2023, Council endorsed the Community Climate Action Plan Roadmap (Roadmap), which provides a blueprint for developing a community climate action plan and was the first formal step in empowering community climate action.

A recommendation of the Roadmap was the development of a detailed community GHG emissions inventory, to provide greater insight into key emissions reduction opportunity areas within the Shire. Council's ability to prioritise and support impactful community climate action is largely influenced by its knowledge of detailed and locally accurate emissions data. Council noted at the Ordinary Council Meeting held in October 2023 that Council officers would undertake a detailed assessment of the community's GHG emissions profile.

Council engaged a suitably qualified consultant to assess and calculate community GHG emissions from open-source data and engagement with local businesses and organisations, resulting in the attached Report. The Report provides a detailed profile of community GHG emissions across the Shire for the 2021/22 baseline year, identifying key emission sources as on-road transport, agriculture and electricity usage. The Report represents a valuable resource from which Council and the community can develop

informed climate mitigation and adaptation goals that reflect community priorities, and respond to climate risks identified in the Roadmap.

ISSUES

Through Council's Corporate Climate Action Plan 2021-2024, Council committed to a net zero GHG emissions target from corporate operations by July 2023. Council has significantly reduced its GHG emissions since the baseline year, has offset its residual GHG emissions for the 2022/2023 financial year and has committed to offsetting residual GHG emissions for subsequent financial years.

Whilst Council has control over its own emissions, and the steps taken to mitigate and offset them, it does not have direct control over the emissions of residents, businesses, industry and visitors. Council can advocate to others in the Alpine Shire to engage in emissions reduction activities; however, certain community emissions and abatement options may be particularly difficult and time consuming to accurately measure and track, such as agricultural practices and land use changes.

POLICY IMPLICATIONS

The recommendations are consistent with section 9(2)(c) of the *Local Government Act 2020*:

Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

The recommendations are also in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.1 Decisive leadership to address the impacts and causes of climate change

FINANCIAL AND RESOURCE IMPLICATIONS

Ongoing community education and engagement on climate action can be resourced within Council's existing Sustainability and Communications and Engagement Teams' capacity.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Extreme weather events cause damage to assets and health of residents, industry and the natural environment	Very likely	Major	<ul style="list-style-type: none"> • Support the community to adapt to climate change threats • Conduct climate mitigation and adaptation initiatives to enhance resilience of residents, industry and the natural environment
Reputation - Council's Climate Emergency Declaration, Community Climate Action Roadmap, and public attitudes towards climate action appear meaningless and tokenistic	Almost certain	Moderate	<ul style="list-style-type: none"> • Endorse the community GHG emissions profile • Progress next steps recommended in the Community Climate Action Plan Roadmap • Provide leadership and support to residents on climate action

CONSULTATION

Council engaged a suitably qualified consultant to undertake an assessment of community GHG emissions, resulting in the attached Report. This was developed by assessing and calculating community GHG emissions from open-source data and engaging with various local businesses and organisations.

CONCLUSION

In order to progress with supporting the community to mitigate and adapt to climate change, it is recommended that Council endorse the community GHG emissions profile, which will be published on Council's website and shared with the community. Council officers will also continue implementing Council's resolution at the Ordinary Council Meeting held in October 2023 to conduct community education based on findings of the community GHG emissions profile.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manager Growth and Future
- Sustainability Coordinator
- Sustainability Officer

ATTACHMENT(S)

8.2.2.a Alpine Shire Community Greenhouse Gas Inventory Report 2021-2022

8.2.2.b Community Greenhouse Gas Emissions Summary

8.2.3 Adoption of the Alpine Shire Land Development Strategy 2024

INTRODUCTION

The Alpine Shire Land Development Strategy 2024 (LDS) shows how growth will be accommodated in Alpine Shire up to the year 2041 and beyond.

The LDS considers projected population growth, and future housing and employment needs for Alpine Shire. It particularly focuses on the four Service Towns (Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah), which will accommodate the majority of the municipality's future growth. It acknowledges the environmental constraints to growth including bushfire risk, flood prone land, as well as infrastructure and servicing needs. It also highlights the key trends that have shifted demand for housing, and identifies key actions and objectives to deliver planning outcomes that are respectful of the unique character and natural landscape of Alpine Shire.

The LDS was informed by extensive community consultation that was undertaken at pre-draft stage in late 2022 and at draft stage in late 2023.

Overall, the LDS:

1. demonstrates to the Department of Transport and Planning how Alpine Shire will accommodate future housing and employment land consistent with community values;
2. identifies the future role and function of the settlements to guide future decision making for liveable places; and
3. provides the strategic basis and scope for future structure planning in the four Service Towns to address neighbourhood character, encourage greater housing diversity and accommodate employment activities.

This report recommends that Council adopts the LDS and proceeds with a planning scheme amendment to implement its high-level policies, settlement hierarchy and Service Town framework plans in the Alpine Planning Scheme.

Cr Kelley

Cr Prime

That Council:

1. *Receives and notes the Draft Alpine Shire Land Development Strategy 2023 Consultation Discussion Report July 2024;*
2. *Endorses the Alpine Shire Bushfire Planning Study 2024;*
3. *Receives and notes the Mount Beauty Odour Buffer Technical Background Report 2024;*
4. *Adopts the Alpine Shire Land Development Strategy 2024;*
5. *Prepares and exhibits a planning scheme amendment to implement the Alpine Shire Land Development Strategy 2024; and*
6. *Writes to North East Water and the Victorian Government requesting that all necessary resources be made available immediately to address the potable water and*

wastewater capacity issues evident across Alpine Shire, but particularly felt in Mount Beauty, Tawonga and Tawonga South.

Carried Unanimously

BACKGROUND

The Alpine Shire Land Development Strategy 2024 (LDS) provides Alpine Shire with an integrated plan for accommodating and guiding future population and employment demands in the municipality out to 2041 and beyond.

Council commissioned SGS Economics and Planning Pty Ltd to complete the LDS, which has been subject to several rounds of community consultation over the last two years. All submissions received to the various consultation processes have informed the final LDS.

ISSUES

Integrating the Findings and Recommendations of the Alpine Shire Bushfire Planning Study 2024

Council commissioned the Alpine Shire Bushfire Planning Study (BPS) in late 2023 following the endorsement of the draft LDS. The Country Fire Authority (CFA) cited concerns during earlier consultation phases about whether Clause 13.02-1S Bushfire in the Alpine Planning Scheme was given appropriate weight in the preparation of the draft LDS. To address this, Council engaged KH Planning Services Pty Ltd to prepare the BPS to better understand bushfire risk in Alpine Shire and to, amongst other things, review the proposed future urban growth areas identified in the draft LDS.

The BPS has resulted in significant changes to the final LDS as it did not support a number of the proposed future urban growth areas, as outlined in Figures 1 and 2, due to high bushfire risk.

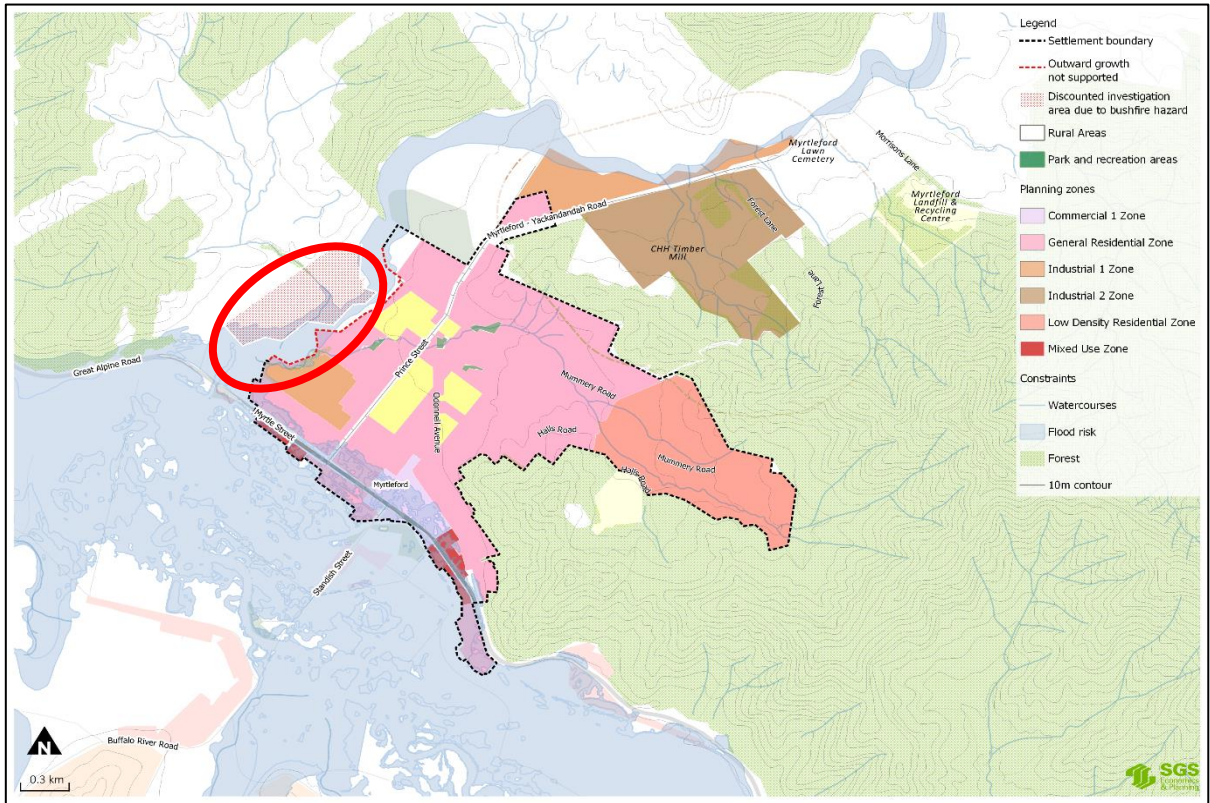


Figure 1: Area outlined in red discounted due to bushfire risk to the north-west of Myrtleford.

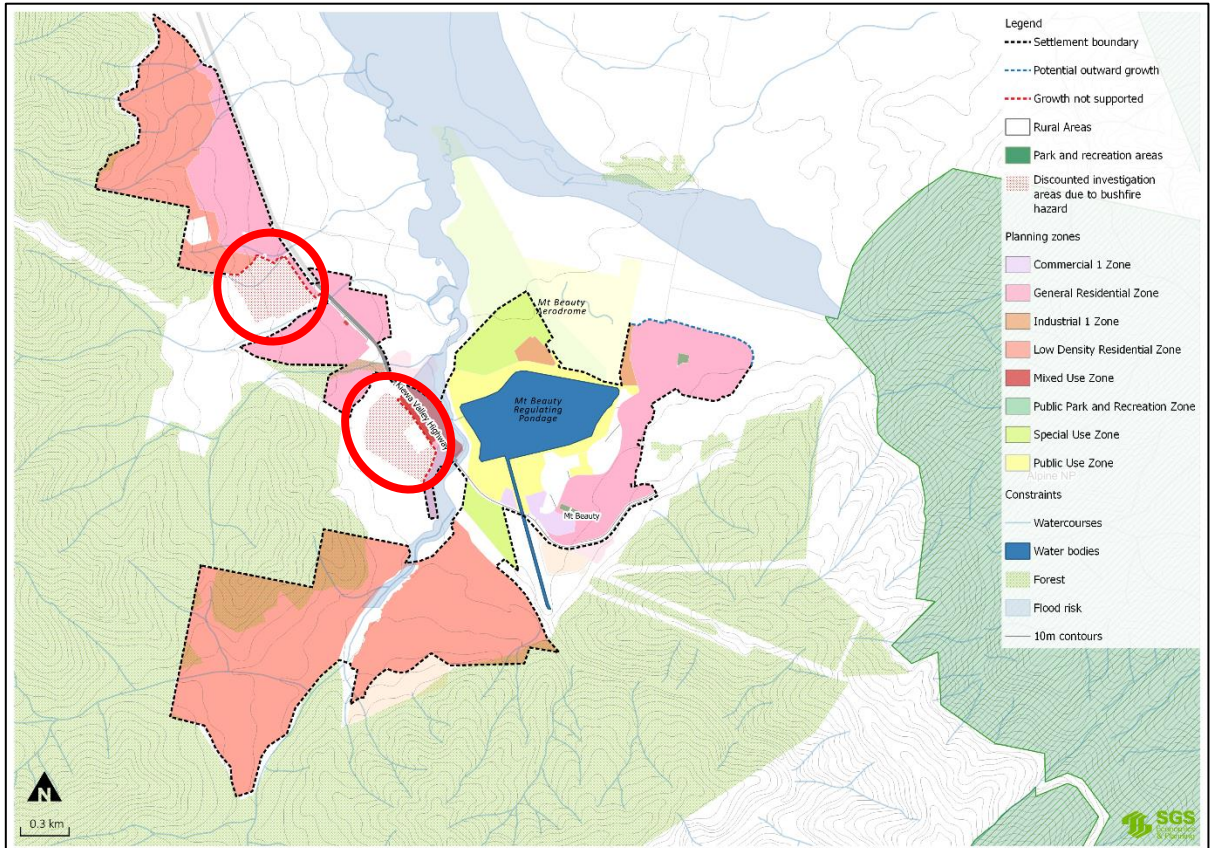


Figure 2: Areas outlined in red discounted due to bushfire risk to the south-west and west of Tawonga South.

The BPS recommended a preferred approach to the accommodation of future growth to the north and north-east of Porepunkah whilst managing bushfire and grassfire risks, see Figure 3. The BPS considers the existing interface between urban and rural land comprising rear lot boundaries backing onto agricultural land at the location to be inappropriate and proposes the construction of additional lots with a service road acting as an interface to be a more appropriate solution. Amongst other things, there are significant stormwater drainage and flooding considerations in this area, and these will be investigated further as part of the preparation of the future Porepunkah Structure Plan.

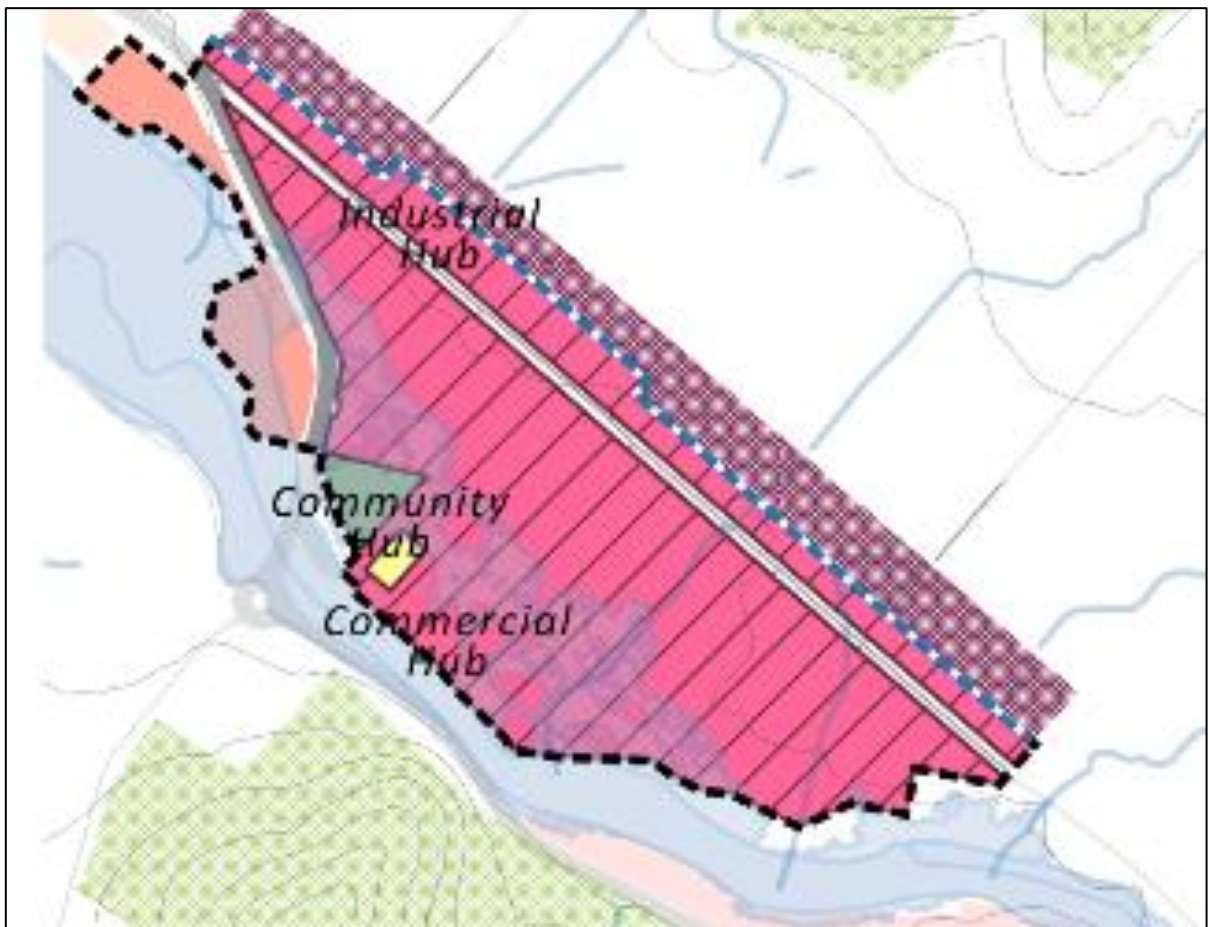


Figure 3: Proposed extent of urban growth to the north and north-west of Porepunkah.

The draft LDS recommended a small growth front to the north of Mouny Beauty comprising three hectares for 'potential residential and employment' purposes. The BPS considers this area to be less flood prone and recommends that additional land in this area be investigated, see Figure 4. There are significant flooding considerations and possible land use conflicts in this area. These will be investigated further as part of the preparation of the future Mount Beauty-Tawonga South Structure Plan.

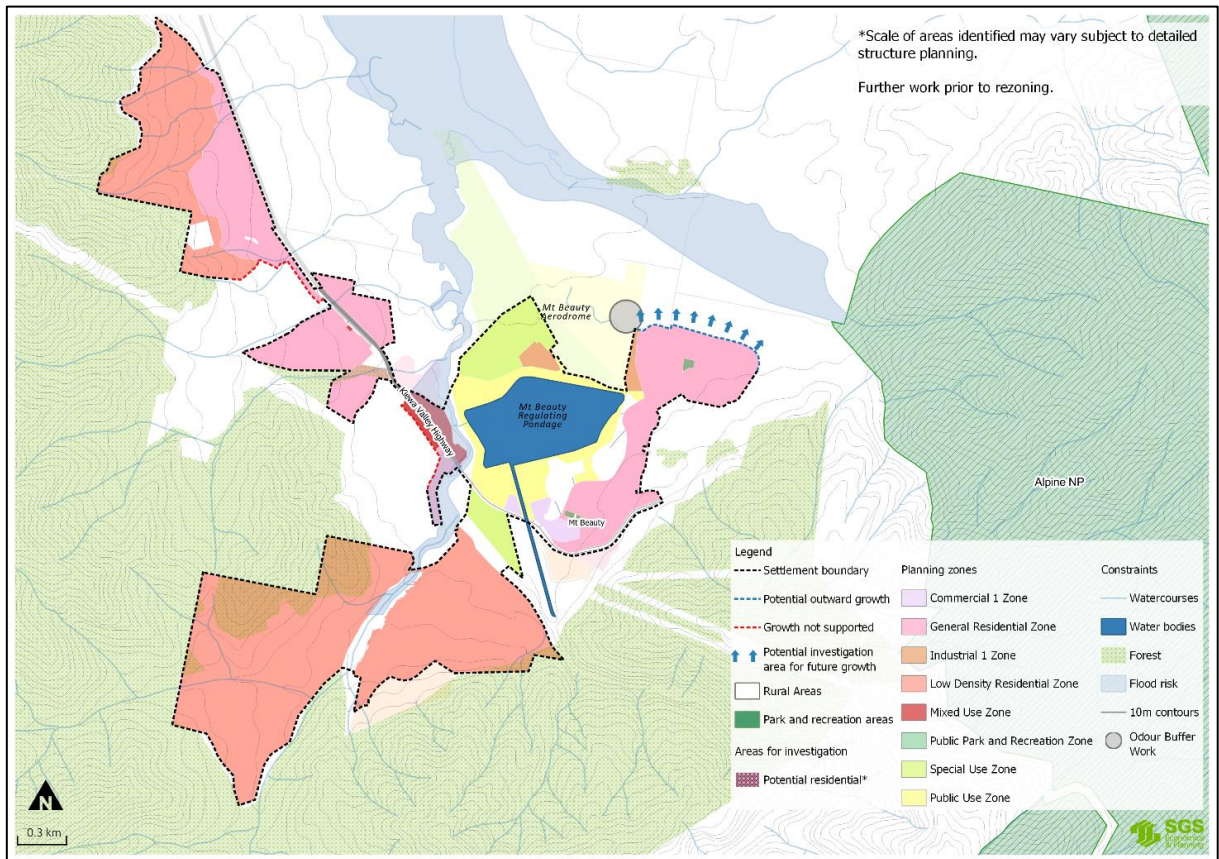


Figure 4: Mount Beauty-Tawonga South Framework Plan. Note the blue arrows identifying the 'potential investigation area for future growth' to the north of Mount Beauty.

Dederang and Mudgegonga were also nominated as low risk areas in a bushfire planning context. Dederang was identified as the preferred area for long-term growth by the BPS. These locations are currently not supported for growth in the short and medium terms owing to significant infrastructure provision challenges to support any urban growth, amongst other considerations. The suitability of future long-term growth in townships in rural areas of the shire like Dederang will be further investigated in the Alpine Shire Rural Directions Strategy, which will, amongst other things, examine the need to identify and protect strategically significant agricultural land, and the subsequent Alpine Shire Rural Settlements Strategy, which will review the planning controls in townships like Freeburgh, Harrierville and Wandiligong.

Detailed findings of the BPS can be found in Attachment 8.2.3.b. of this report.

Plan for Victoria

The Housing Statement released by the Victorian Government in February 2024 has nominated a housing target for all municipalities. Alpine Shire has a draft housing target of 1,700 dwellings by 2051. Council will continue to work with the Victorian Government on refining these targets, and understanding the implications for infrastructure funding and other local needs to support future residential growth associated with these targets.

The LDS notes that the infill capacity of existing zoned land will likely accommodate 1,266 dwellings. New growth areas proposed in the LDS will accommodate a further ~360 homes subject to detailed investigations and infrastructure requirements that will be identified in the future structure planning process.

High Level Findings of the LDS

The LDS projects that Alpine Shire will grow to 15,890 people by 2041, an increase of around 2,734 people in the 20 years from 2021. It is expected that there will be a need for an additional 2,167 houses across the Shire to 2041 to accommodate this growth (75 per cent of this demand is expected to flow to urban settlements (1,625 dwellings) and 25 per cent to rural areas (542 dwellings)).

The high-level assessment for the shire's urban settlements has established there is capacity for 1,266 (~77%) of the 1,625 homes needed by 2041 in areas already zoned for urban use (e.g., existing towns and settlements). Under the existing policy settings, there will be a shortfall of ~360 dwellings in existing settlements by 2041, with the largest housing demand projected in the Bright and Porepunkah townships. The LDS identifies investigation opportunities to accommodate this housing shortfall as well as opportunities to increase the amount of employment land across the municipality.

The future Alpine Shire Rural Directions Strategy will seek to identify the preferred location for the 542 dwellings anticipated to be developed in rural areas. Council has recently engaged a consultant to undertake this work and it is expected to take 12-18 months to complete the strategy.

The LDS identifies about 22,000m² of additional commercial and industrial land in the four Service Towns by 2041 to accommodate future employment activity and attract new industry. This includes consideration for future growth in Myrtleford/Barwidgee to ensure there is some capacity for new industry or larger scale manufacturers in the future, and an expanded mixed-use area in Tawonga South.

Other key findings also include:

- short term rental and vacant properties continue to put strain on long term housing outcomes for local residents;
- the Alpine Shire is significantly constrained by bushfire, flooding, topography and vegetation considerations with 92% of the Shire being Crown land;
- the need to consider preferred neighbourhood character and landscape treatment in Alpine Shire;
- servicing constraints including North East Water's capacity to provide reticulated potable water and accommodate wastewater treatment will continue to affect urban development; and
- housing diversity, particularly the need to construct single- and two-bedroom houses, significantly limit housing availability. Updated framework plans have been prepared for the four Service Towns of Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah. The mapping identifies:

- land that could serve a future urban function subject to detailed investigation; and
- settlement boundaries within which urban development will be focused.

Areas for Investigation

A number of areas are proposed for investigation based on population and employment demand.

Bright

The small area currently nominated for investigation opposite the development known as the Bright Valley residential development (see Figure 5), could provide ~8 hectares of new residential housing; however, this will be subject to the following technical investigations that may affect the extent of this growth potential:

- update the Upper Ovens Regional Flood Study 2021 to include the recently updated Australian Rainfall and Runoff Data; and
- the preparation of the future Bright Structure Plan.

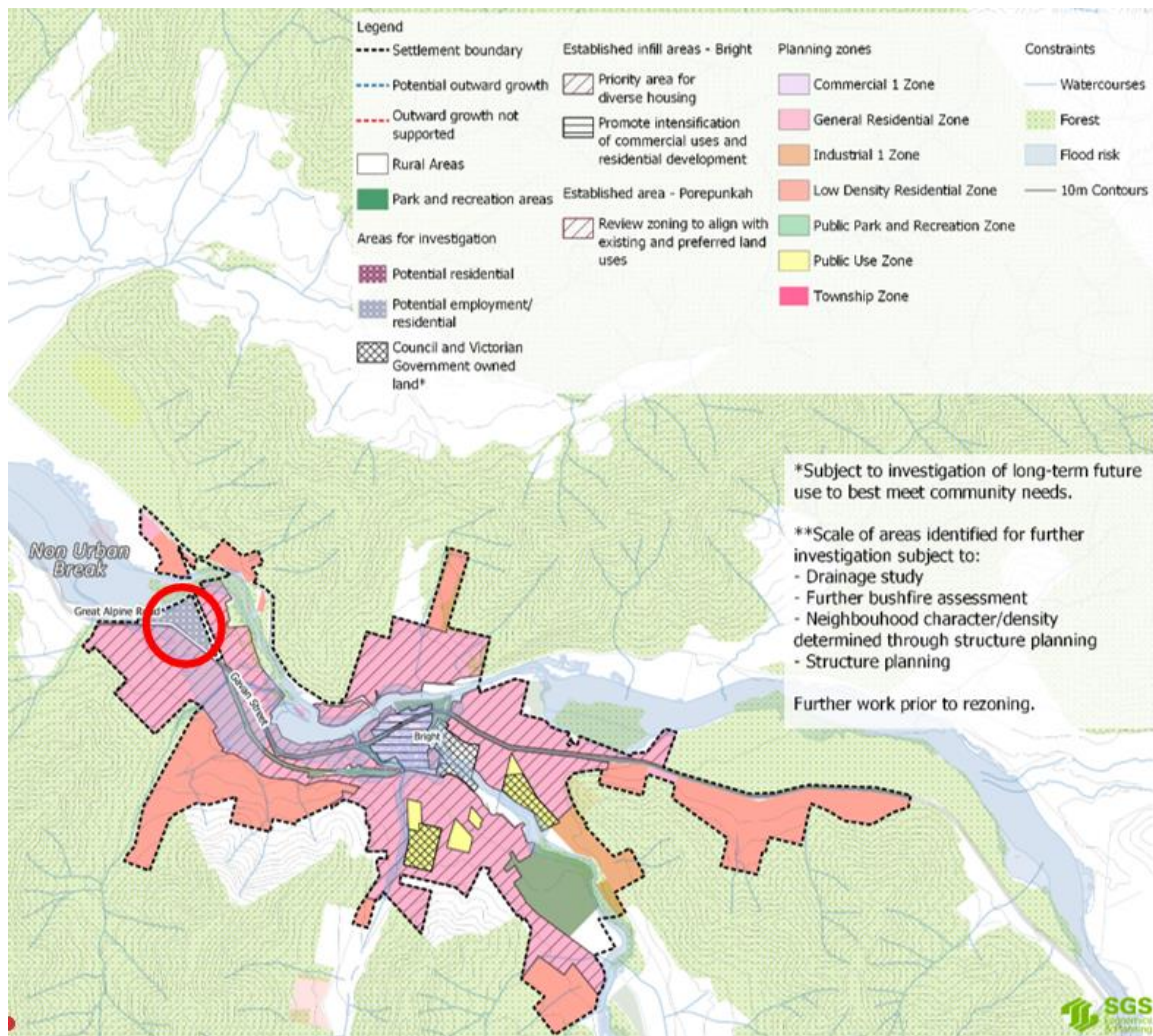


Figure 5: Bright Framework Plan. Area outlined in red for possible future residential development.

Mount Beauty

The area currently nominated for investigation (see Figure 4) could provide ~77 hectares of new residential housing; however, this will be subject to the following technical investigations that may substantially affect the extent of this growth potential:

- finalisation of North East Catchment Management Authority's Kiewa Valley Regional Flood Study;
- completion of a detailed odour buffer assessment for the Mount Beauty Airport, Mount Beauty Transfer Station and Recycling Centre, and the Mount Beauty Wastewater Treatment Plant;
- review of the application of the Significant Landscape Overlay; and
- the preparation of the future Mount Beauty-Tawonga South Structure Plan.

Myrtleford

No future growth areas for residential purposes have been proposed in Myrtleford following receipt of the findings and recommendations of the BPS. A small area for possible future employment purposes to the north of the township will be investigated through a future structure planning process. A parcel of Council-owned land has also been nominated for future residential investigation.

Porepunkah

The area currently nominated for investigation (see Figure 3) could provide ~22 hectares of new residential and employment land; however, this will be subject to the following technical investigations that may substantially affect the extent of this growth potential:

- the completion of a stormwater drainage strategy for Porepunkah;
- update to the Upper Ovens Regional Flood Study 2021 to consider the recently updated Australian Rainfall and Runoff Data; and
- the preparation of the future Porepunkah Structure Plan.

Further Strategic work

Township specific work and municipal wide strategic planning work is required to achieve the strategic directions and actions of the LDS.

This is outlined in the LDS Implementation Plan. Since the draft LDS was endorsed by Council at the Ordinary Council Meeting held in November 2023, Council officers have commenced the following technical documents highlighted in the Implementation Plan:

- Alpine Shire Bushfire Planning Study;
- Review of the application of the Heritage Overlay and the additional heritage controls applied by the control;
- Community Infrastructure Needs Assessment;
- Neighbourhood Character Strategy; and
- Alpine Shire Rural Directions Strategy.

Additional technical work to be developed as part of the Implementation Plan in the LDS, prior to progressing structure planning for the four Service Towns includes:

- Alpine Shire Traffic and Transport Assessment;
- Street Tree Master Plan and Replacement Strategy;
- Integrated Water Management Strategy for the four Service Towns;
- Soil Contamination Assessments for future urban growth areas;
- Aboriginal Cultural Heritage Assessment;
- Odour and Environmental Assessments;
- Utilities Impact Assessment; and
- Retail Needs Assessment.

The preparation of structure plans for each of the Service Towns will be supported by the findings of this work providing a coordinated approach to infrastructure provision and township planning.

Rezoning

A key concern expressed by the community during the initial pre-draft consultation phase was the scale and timeframes for any future rezoning of land. The final LDS does not propose to rezone any land, but has identified areas for investigation based on the principle of promoting growth in areas with higher population forecasts / access to reticulated services (Porepunkah and Mount Beauty) and the constraints associated with future infrastructure provision. Structure planning is the next step to better understand development constraints prior to progressing any planning scheme amendments seeking to amend the planning controls on land.

Supporting infill development (areas already zoned General Residential Zone or Low Density Residential Zone that are underutilised) is expected to be the main way in which Council will accommodate growth over the next five years, rather than supporting rezonings before structure planning is complete.

Any planning scheme amendments seeking to amend planning controls on land to accommodate urban growth will be 'proponent-led', which means they will need to be requested and funded by proponents/landowners, with Council providing support and management of the process. Such amendments can only be progressed when the relevant structure plan and all technical background investigations of the land are complete to provide the strategic justification needed to support any rezoning.

Country Fire Authority and the Alpine Shire Bushfire Planning Study

In response to the CFA's concerns regarding the draft LDS, Council commissioned a bushfire planning study to ensure bushfire risk was fully considered in any final LDS. The CFA attended site visits that informed this work.

Key findings of this work include:

- Discounting a number of land parcels previously nominated for possible future urban growth owing to high bushfire risk;

- Proposing updates to the Schedules to the Bushfire Management Overlay and respective BAL ratings in key locations to align with bushfire risk; and
- Interface considerations for grassland and landscape bushfire risk in preparing for long term resilience of townships.

Council will advocate to the Victorian government and the CFA to implement these findings as custodians of these planning controls. Detailed findings of the BPS can be found in Attachment 2.

North East Water

North East Water notified Council in late 2023 that it is unable to support subdivisions of four lots or more in Bright due to current potable water and wastewater capacity issues.

This greatly impacts Council's ability to deliver or seek the delivery of diverse housing outcomes, which is a key strategic direction in the LDS and is a critical constraint on any planning for future development.

It also highlights the importance of up-to-date strategic planning knowledge. Council and North East Water recognise the importance of working together with the Victorian government to identify solutions to the current water servicing constraints and how additional capacity will be delivered to support future development in the longer term.

The LDS supports and builds upon existing Council policy and adopted strategies, including the Alpine Planning Scheme and the Alpine Planning Scheme Review 2023. The recommendations in the LDS do not conflict with any Council policy.

POLICY IMPLICATIONS

The LDS supports and builds upon existing Council policy and adopted strategies, including the Alpine Planning Scheme and the Alpine Planning Scheme Review 2023. The recommendations in the LDS do not conflict with any Council policy.

The recommendation is in accordance with the following Strategic Objectives of the Council Plan 2021-2025:

- 4.2 Planning and development that reflects the aspirations of the community
- 3.2 Stewardship and care of our natural environment
- 4.1 Conservation and promotion of the distinct character across the Shire

Council Plan

The findings and recommendations of the LDS are in accordance with the direction of the current Council Plan to:

- Develop and implement the Alpine Shire Council Land Development Strategy 2021-2025 as a major initiative.

Planning Scheme

The LDS highlights key policy guidance on managing future housing and employment needs over the long term. It allows for a focus and prioritisation of work based on expected locations of population growth. The LDS contains seven key strategic directions, with the starting point being managing risk and protecting the environment:

1. To avoid development in areas at risk of natural hazard to protect human life, and areas of environmental and landscape significance to preserve our natural resources;
2. To direct future population and housing development in accordance with the defined future roles of service towns, rural towns, small settlements and rural localities;
3. To priorities the creation of compact towns and settlements to enable more efficient use of land and infrastructure;
4. To improve the diversity of housing to provide greater choice for residents throughout all stages of life;
5. To support diversification, prosperity, sustainability, and innovation on employment land;
6. To support new development that contributes to the unique local character of towns and settlements; and
7. To deliver appropriate utility, transport and community infrastructure when and where it is needed to support growth.

These underpin the Implementation Plan, which includes objectives, strategies and further strategic work required to implement each Strategic Direction.

The LDS also establishes a settlement hierarchy for Alpine Shire, which will guide the distribution of development across the municipality.

Settlement Type	Settlements	Direction	Future Planning
Service Towns	Bright, Mount Beauty-Tawonga South, Myrtleford, Porepunkah (emerging)	Primary locations for growth	Structure planning for each town.
Rural Towns	Dederang, Harrietville, Tawonga, Wandiligong Dinner Plain (seasonal tourism town)	Incremental growth within existing urban zoned areas. (Dinner Plain, Harrietville and Wandiligong zoning requires review)	Alpine Shire Rural Directions Strategy Alpine Shire Rural Settlements Strategy
Small Settlements	Freeburgh, Germantown, Ovens	Avoid further growth or subdivisions.	Alpine Shire Rural Directions Strategy
Rural Localities	Bardwidgee Creek, Buckland Valley, Buffalo River, Eurobin, Gapsted, Gundowring, Kancoona, Mudgegonga, Rosewhite, Smoko	Avoid growth not associated with agricultural use of land.	Alpine Shire Rural Directions Strategy

Bogong Village	Bogong Village	No significant development. Refurbishment of existing buildings for seasonal key works can be considered.	Nil
----------------	----------------	---	-----

FINANCIAL AND RESOURCE IMPLICATIONS

Adoption of a final Alpine Shire Land Development Strategy

The recommendations to adopt the LDS, accompanied by the detailed Implementation Plan, will result in a commitment to a significant Strategic Planning Work Program including:

- preparing a planning scheme amendment to include the strategic directions, objectives and strategies, settlement hierarchy and Service Town framework plans in the Alpine Planning Scheme. The estimated cost is \$50,000 plus officer time, which has been included in the 24/25 financial year budget;
- structure plans for each of the four Service Towns (and background work) at an estimated \$500,000 per town, plus officer time;
- the Alpine Shire Rural Directions Strategy was commissioned for \$200,000 with further spending required for additional background work, including the resolution of planning controls for Freeburgh, Harrierville, Ovens and Wandiligong, plus officer time; and
- Further work to address the resolution of planning controls at Dinner Plain is estimated to cost \$200,000 plus officer time.

These projects have already been identified in the recently adopted Alpine Planning Scheme Review 2023. The scale of this future strategic work required in each Service Town, and the development of the Rural Directions Strategy will take at least five years. With two additional officers now employed in the Strategic Planning Team, there will be adequate support to undertake the community consultation, technical analysis and stakeholder engagement required to inform the Strategic Planning Work Program and subsequent planning scheme amendment processes required to implement the recommendations of this work. The necessary budget allocations have been made in the 2024/25 financial year budget.

RISK MANAGEMENT

The recommendations of this Council report will not result in any legal or statutory implications. The future implementation of the LDS in the Alpine Planning Scheme will allow for the consideration of the findings and recommendations of the document in the future assessment of land use planning decision-making and further strategic work.

Adoption of the LDS supports mitigation of the below risks:

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of coordinated infrastructure and township planning	High	Medium	Work closely with infrastructure agencies. Advocate to the Victorian government to get more funding for infrastructure. <ul style="list-style-type: none"> • Progress and effectively resource the Strategic Planning Work Program.

CONSULTATION

Stakeholder Engagement

A Technical Reference Group including local planning professionals, local real estate professionals and engineers who provided discussion, input and consideration to the draft LDS.

Authorities were involved throughout the development of the LDS with submissions received from North East Water and the CFA on the draft document. The CFA also provided input into the BPS that informed the findings of the final LDS.

Community Engagement

The pre-draft community consultation process that informed the draft LDS 2023 was robust and flexible with specific key issues highlighted by township. The key concerns of the community are highlighted in the Your Town, Your Future: Community Engagement Report, May 2023 and include:

- Infrastructure challenges;
- Services and amenity keeping up with growth;
- Scale and timing of any future rezonings;
- Protection of natural places;
- Protection of neighbourhood character and landscapes; and
- Sustainable infrastructure and planning.

A second round of consultation was undertaken from 1 November 2023 to 15 December 2023. Council received 23 submissions during this engagement, plus two late submissions. Key themes and specific feedback raised in submissions and Council officers’ response to these key themes, including how they have been considered in the final LDS and Implementation Plan, can be found in the Draft Alpine Shire Land Development Strategy 2023 Consultation Discussion Report July 2024.

CONCLUSION

The LDS considers population and employment need to 2041 and beyond. It provides clear strategic direction for urban land use and highlights necessary action and further work to provide orderly planning and development over this period. The LDS will be reviewed every five years to consider updated population figures and strategic directions.

Extensive community consultation has been undertaken in the preparation of the LDS. Feedback from submitters has been considered and changes made to the LDS, where appropriate.

The final LDS is now ready to be considered by Council. It is recommended that Council receive and note the submissions to the draft public consultation, endorse the Alpine Shire Bushfire Planning Study 2024, receive and note the Mount Beauty Odour Buffer Technical Background Report 2024, adopt the LDS, and resolve to prepare and exhibit a planning scheme amendment to implement the LDS.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manager Growth and Future
- Strategic Planning Coordinator

ATTACHMENT(S)

- 8.2.3.a Draft Alpine Shire Land Development Strategy 2023 Consultation Discussion Report July 2024
- 8.2.3.b Alpine Shire Bushfire Planning Study 2024
- 8.2.3.c Mount Beauty Odour Buffer Technical Background Report 2024
- 8.2.3.d Alpine Shire Land Development Strategy 2024

Cr Kelley declared a conflict of interest with respect to item number 8.2.4 Alpine Shire Sport and Active Recreation Master Plans and left the meeting at 6:37pm.

8.2.4 Alpine Shire Sport and Active Recreation Master Plans

INTRODUCTION

This report relates to the adoption of the Alpine Shire Sport and Active Recreation Master Plans for major parks in Bright, Mount Beauty and Myrtleford. The report also notes community feedback received during the consultation period associated with the draft Alpine Shire Sport and Active Recreation Master Plans in mid-2024.

Cr Janas
Cr Keeble

That Council:

- 1. Adopts the master plans for Myrtleford, Mount Beauty and Bright; and*
- 2. Seeks external funding in accordance with the priorities identified in these master plans.*

Carried

BACKGROUND

The Alpine Shire Sport and Active Recreation Plan 2022-2033 (the Plan) was adopted by Council in March 2022. The plan recognises the significant physical and mental wellbeing benefits of community participation in sport and active recreation.

The plan identifies three key community locations as a medium to high priority for master planning to ensure they meet the existing and future needs of the community:

1. Pioneer Park, Bright;
2. Mount Beauty Sports and Education Precinct, Mount Beauty; and
3. Myrtleford town centre sport and active recreation facilities.

The plans guide Council's investment in sport and active recreation up to 2032, and seeks to ensure that its resources have the greatest impact in contributing to improved health and wellbeing of the community, and promoting liveability and social connections.

In September 2022, Council awarded a contract to Group GSA Pty Ltd to provide master planning services. The master plans were developed in consultation with key internal and external stakeholders. Subsequently, Simon Leisure Consulting Pty Ltd was contracted to peer review the draft master plans.

The draft master plans were subject to extensive community consultation for a period of 28 days in mid-2024. The feedback received has informed the final master plans.

The final master plans are supported by a strong evidence base and align closely with the Alpine Shire Sport and Active Recreation Plan 2022-2033.

ISSUES

26 submissions were received during the public consultation period with the key requests summarised as follows:

Location	Request	Response
All	Location for new 25m swimming pool not identified on plans	Subject to the Aquatics and Indoor Sport Feasibility Study 2024
Pioneer Park	Request new location for Alpine Cycling clubhouse closer to cycling activity at Pioneer Park	Clubhouse for Alpine Cycling Club integrated with community building at Mystic Park trailhead
Pioneer Park	Request alternative criterium track. Request closed track	Alternative criterium track proposed along Coronation Avenue. Closed track not possible with the limited space available at Pioneer Park
Pioneer Park	Request formal running track around Village Green	Informal running track has now been included in the final master plan. A formal track cannot be included as the area must remain flexible for multi-use
Pioneer Park	Request for provision for lighting for sports practice on Village Green	Lighting added to plans for sport and events on Village Green. Final location subject to detailed design
Pioneer Park	Request for alternative playground location closer to oval and netball courts	Additional nature play area included in master plan between Oval and Oaks Lawn
Pioneer Park	Request for inclusion of soccer oval	The Village Green can be utilised as a temporary soccer oval

Location	Request	Response
Pioneer Park	Request for additional cycling services, such as a medical care and café, to be included at the Mystic Park trailhead	Community building included at trailhead with provision for additional commercial and community services. Note included for other Mystic Park trailhead hub activities and services
Pioneer Park	Request for Bright Vehicle Preservation Clubhouse at Pioneer Park including provision for functions and events	To be considered in a future Alpine Shire Tourism and Events Strategy
Mount Beauty	Request for additional trees and shade	Noted on master plan
Mount Beauty	Request for additional netball courts for practice when a match is on	A demand analysis assessment indicates that no additional court is required
Mount Beauty	Request to retain current location of interchange benches around the oval	The location of the interchange benches has been returned to current location on the master plan
Mount Beauty	Request to improve parking around the Recreation Reserve Oval	Formal parking is currently sufficient for most of the time the reserve is used. Council to investigate informal parking and driving on the reserve, especially during match days
Mount Beauty	Request for lighting on Recreation Reserve Oval	Lighting has been identified on the master plan
Memorial Park, Myrtleford	Request for only one wicket to be shown on plans at Memorial Oval	Turf wicket shown on draft master plan has been removed
McNamara Reserve, Myrtleford	Request to move netball show court to northwest corner of site	Show court has been moved to northwest corner on master plan

Location	Request	Response
McNamara Reserve, Myrtleford	Request for sheltered bench on show court with power access for electronic scoreboard	Power access for electronic scoreboard included on master plan
McNamara Reserve, Myrtleford	Comment that five netball courts are not required	Due to show court being moved to northwest of site, there remains four netball courts in total on the master plan
McNamara Reserve, Myrtleford	Request for fenced dog training area	Fenced area for dog training included on master plan
McNamara Reserve, Myrtleford	Request to retain provision of a tennis court on the Netball Show Court during the Netball off-season and for important tennis events	Provision of tennis court nets and line marking on Show Court to be included at the detailed design stage of project planning
Rotary Park, Myrtleford	Request to include nine course frisbee golf course	New nine course frisbee golf course included on master plan
Rotary Park, Myrtleford	Request for pump track	A pump track was not identified to be in high demand through previous community engagement activities. Need and location of pump track for Myrtleford to be determined in future sport and active recreation planning assessments
Rotary Park, Myrtleford	Opposition to location of dog park	Dog park has been removed and a new location for a dog park will be determined via a future assessment
Savoy Soccer Club	Request for re-purposed lighting to be installed on practice area	Lighting note has been added to master plan

Location	Request	Response
Savoy Soccer Club	Request to raise spectator area between Pitch 1 and Pitch 2	Raised spectator area between Pitches 1 and 2 has been added to the master plan
Savoy Soccer Club	Request for additional warm-up and practice area in the north-east of site	Additional warm-up and practice area added to master plan
Savoy Soccer Club	Request for third soccer pitch to be located across Barwidgee Creek	Additional soccer pitch site to be investigated by Council in future strategic planning assessment

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

The development of the Sport and Active Recreation Master Plans was supported with \$310,000 grant from the Victorian Government through the Alpine Shire Bushfire Recovery Activities and Initiatives. Council has contributed a further \$70,000 for a total project budget of \$380,000.

There are no financial or resource implications associated with the adoption of the master plans and report. Actions arising from the plans will be prioritised by Council and funding sourced when opportunities are identified.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
There may be important infrastructure upgrades that have not yet been captured in the development of these master plans	Possible	Minor	<ul style="list-style-type: none"> • Any newly identified projects can be investigated and included in the master plans where possible

Risk	Likelihood	Impact	Mitigation Action / Control
There may be a community expectation that very high and high priority projects will be delivered in the near future	Very likely	Major	<ul style="list-style-type: none"> Council will communicate budget constraints and relevant delivery timelines to the community to contextualise opportunities

CONSULTATION

Engagement with sport and active recreation clubs, community associations and committees of management for the master planned sites took place between November 2022 and July 2024.

In total, 62 user groups were consulted with including 16 user groups of Pioneer Park, 18 user groups in Mount Beauty and 28 user groups in Myrtleford.

In March 2023, a community survey resulted in a total of 393 survey submissions that informed the three draft master plans.

Sport and Recreation Victoria, Victorian and north-east Victorian sporting bodies also contributed to understanding of infrastructure priorities, and sporting demand and industry trends.

The master plans involved several internal teams within Alpine Shire Council, including the Engineering and Assets Team, Operations Department, Strategic Planning Team, Economic Development Team, and the Events Team. Staff from these teams had input into the draft and final master plans.

CONCLUSION

Council has consulted extensively with the community on the development of the Sport and Active Recreation Master Plans for Bright, Mount Beauty and Myrtleford, and these master plans are broadly supported by the community. It is recommended that Council adopt the three master plans appended to this report.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Manager Engineering and Assets
- Project Manager

ATTACHMENT(S)

- 8.2.4 Alpine Shire Sports and Active Recreation Master Plans
- Part 1: Introduction
 - Part 2: Pioneer Park
 - Part 3: Mount Beauty
 - Part 4: Myrtleford
 - Part 5: Project Prioritisation

Cr Kelley re-entered the meeting room at 6:45pm

8.2.5 Mystic Park Management Contract

INTRODUCTION

This report seeks to provide an update on the recent award of Contract No. CT26055 Mystic Park Management, Operations and Maintenance to Elevation Parks (EP) and the dissolution of Alpine Community Plantation Inc. (ACP).

Cr Nicholas

Cr Prime

That Council:

- 1. Acknowledges and thanks Alpine Community Plantation Inc. and its volunteers that worked with the organisation since it was formed in 2013 for their tireless work in realising and promoting Mystic Park;*
- 2. Notes that the board of Alpine Community Plantation Inc. will consider the organisation's dissolution on 25 September 2024; and*
- 3. Notes the current status of Contract No. CT26055 Mystic Park Management, Operations and Maintenance.*

Carried Unanimously

BACKGROUND

In Victoria, plantations and land intended for long term plantation use are vested in the Victorian Plantations Corporation pursuant to the *Victorian Plantations Corporation Act (1993)*.

In December 1998, the Victorian Plantations Corporation licensed Hancock Victorian Plantations (HVP) in perpetuity to manage approximately 170,000 hectares of plantation land for the purposes of timber production.

Alpine Community Plantation Inc. (ACP) was incorporated in 2013 as a community-based not-for-profit partnership between Alpine Shire Council, HVP and three community groups being Alpine Cycling Club Inc, Bright and District Chamber of Commerce and the North East Victoria Hang Gliding Club Inc.

ACP is governed by a board of volunteer directors representing each of the member organisations to the partnership.

A licence was issued to ACP by HVP to manage the recreational use of almost 20,000 hectares of working pine plantations with a focus on mountain bike activity.

Mystic Park in Bright covers approximately 350 hectares of this working pine plantation and is the main mountain bike precinct containing more than 50km of trails across 84 separate trails, including flow, climbing, downhill and technical mountain bike trails.

Without the tireless work of this not-for-profit community group acting in the role of recreational land manager, Mystic Park would not have been realised.

Since 2016, Mystic Park has experienced a period of rapid growth as a result of the opening of the Hero Trail in December 2016 and Shred Kelly's Last Stand in December 2018.

Mystic Park attracts around 63,000 specialist visitors to the Alpine Shire each year, contributing approximately \$27.1 million into the local economy, supporting 227 local jobs and an economic output of \$66.1 million.

After operating for over a decade, it became clear that the success of Mystic Park necessitated an experienced, established, and capable operator to ensure the future continued success of the park.

At the Ordinary Council Meeting held in April 2024, Council resolved to award Contract No. CT26055 Mystic Park Management, Operations and Maintenance was awarded to Elevation Parks Pty Ltd (EP) for a five-year term, with a further option of five years.

During subsequent contract negotiations in mid-2024, Council officers were advised that ACP's membership funds, which were agreed to be paid and were a condition of the contract with EP, were not available to be paid within the agreed timeframe. As a result, Council entered into an agreement with EP stating that all membership funds already paid for the 2024/25 financial year would be honoured by Council and provided to EP in August 2024. ACP subsequently provided these funds to Council in August.

Council officers were also advised that ACP's residual funds of \$30,000, which will assist in realising the construction of a secondary shuttle access road necessitated by planned harvesting operations, will be transferred to Council prior to dissolution of ACP. The total cost of the road is estimated to be \$150,000, but a final cost will only be known following a detailed design and costing exercise in late 2024. Council has allocated funds in the 2024/25 financial year budget of up to \$80,000 to assist in realising the road. These funds came from the Australian Government's Road to Recovery Program and Council's Gravel Roads Reconstruction Program. Any additional funding required is subject to ongoing negotiations with various stakeholders.

Council officers sought legal advice throughout these negotiations to ensure proper governance processes were followed. A number of conflicts of interest were declared during this time within Council owing to Council employees having roles at ACP and these staff members removed themselves from all decision-making on these matters.

ACP held a special resolution meeting on 11 July 2024 with 100% of the vote to voluntarily cancel or dissolve having fulfilled its role with Mystic Park.

ACP will hold its final annual general meeting on 25 September 2024 and will apply to Consumer Affairs Victoria shortly after that to confirm its cancellation.

ISSUES

The expected trail head master plan due for implementation by December 2024, required for the summer season, may be constrained due to the short timeframe available to secure all necessary approvals. An alternative solution will be developed to address this.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

Council entered into an agreement with EP stating that all membership funds already paid for the 2024/25 financial year budget by Council to EP would be honoured by Council and paid to EP in August 2024. This transaction has occurred and there is no further financial implication to Council. ACP subsequently provided these funds to Council in August.

Council has allocated funds in the 2024/25 financial year budget of up to \$80,000 to realise a secondary shuttle road to support the park necessitated by harvesting operations. These funds came from the Australian Government’s Road to Recovery Program and Council’s Gravel Roads Reconstruction Program. Any additional funding required for the road is subject to a detailed design and costing exercise in late 2024, and subsequent negotiations with various stakeholders.

All remaining ACP funds will be transferred to Council prior to the organisation’s dissolution.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Transition to the new operator is not successful	Possible	Major	<ul style="list-style-type: none"> • Contract is in place with extensive management and support being provided from Council.

CONSULTATION

Council officers worked closely with EP to ensure the effective implementation of all necessary contractual obligations.

EP has undertaken extensive stakeholder engagement planning since contract award, which will inform the park’s development and its continued success.

CONCLUSION

Council considers Mystic Park to be an integral asset to the community for its economic, social and wellbeing benefits. ACP and its volunteers were instrumental in realising Mystic Park and making it the success that it is.

This report notes that EP has met all contractual obligations and continues to professionally develop Mystic Park. This will ensure the continued success and future of the park.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manager Growth and Future
- Property and Contracts Coordinator
- Contracts Officer

ATTACHMENT(S)

Nil

8.2.6 Myrtleford Mountain View Children's Centre Funding Application

INTRODUCTION

This report relates to an available funding opportunity that Council is eligible to apply for that could assist in realising the redevelopment of the Myrtleford Mountain View Children's Centre. The report seeks Council's endorsement to prepare a submission funding application to this funding program to facilitate the delivery of the redevelopment.

Cr Janas

Cr Nicholas

That Council:

- 1. *Endorses the submission of a grant application to the Victorian School Building Authority's 'Building Blocks Grants - Capacity Building' for the redevelopment of the Myrtleford Mountain View Children's Centre for the following funding amounts:***
 - a. Building Blocks Grants funding: \$4.2 million*
 - b. Council co-contribution: \$4.23 million.*
- 2. *Delegates to the CEO the authority to sign a letter in support of the grant funding application and providing in-principle agreement to a Council co-contribution of \$4.23 million; and***
- 3. *In the event that the grant funding application is successful and in advance of the grant funding agreement being signed, formally considers a recommendation relating to the required co-contribution at a future Ordinary Council Meeting.***

Carried Unanimously

BACKGROUND

Myrtleford Mountain View Children's Centre

A condition assessment report completed in May 2021 for the Myrtleford Mountain View Children's Centre (MVCC) identified a total of 59 maintenance issues, known as 'defects', gave an overall building condition rating of fair and a score of 3.46 (scale 1-5). An accessibility assessment, prepared under the *Disability Discrimination Act 1992*, was also completed for the MVCC in May 2021, which found 20 non-compliance issues. An asbestos audit was completed in April 2018 and found asbestos containing material present in two locations in the older part of the original building at the MVCC building complex.

In June 2022, the Victorian Government announced the 'Best Start, Best Life Reforms' rollout, which is an ambitious overhaul of early childhood education and care. Reforms included free kinder for three- and four-year-old children and the transition of four-year-old kindergarten to 'Pre-Prep', which will increase available kinder hours to 30 hours a week by 2032. These reforms will begin in the Alpine Shire in 2026 and will greatly increase the demand on current childcare services over and above the expected increase in demand from population growth.

Due to the MVCC building being in fair condition, having accessibility issues, and being limited in terms of capacity and the ability to expand, the building was found not to be fit-for-purpose for the projected childcare demand. The redevelopment of the MVCC was identified as a high priority in Council's Project Pipeline, which is supported by feedback from the users of the facility and by the operator: Alpine Children's Services.

Building Blocks Grant Program

The Victorian School Building Authority (VSBA) is providing grants to fund planning and pre-construction work; upgrades, refurbishments and renovations to early learning facilities; or to invest in information technology (IT) equipment for not-for-profit organisations offering a three- and four-year-old kindergarten program.

The objective of the grants is to support the creation of more childcare spaces to accommodate the 'Best Start, Best life Reform' rollout. The Victorian Government has pledged \$14 billion over 10 years to realise these ambitions, which include the creation of 50 early learning and childcare centres across the state towards.

Building Blocks Grant - Planning Stream

In 2021, Council received a grant of \$150,000 from the VSBA under the Early Childhood Building Blocks Grants - Planning funding stream to progress the redevelopment of the MVCC. This funding stream provides grants for planning and preconstruction work on kindergarten building projects that support the roll-out of three-year-old kindergarten service across Victoria.

The planning grant funded the detailed designs that were developed with key stakeholders and produced the documentation necessary to enable an application to the second funding phase, the Building Blocks Grants - Capacity Building funding stream.

Building Blocks Grants - Capacity Building Stream

The Building Blocks Grants - Capacity Building funding stream provides funding for upgrades, refurbishments and renovations to early learning facilities, or investment in IT equipment for not-for-profit organisations offering a three- and four-year-old kindergarten program.

Council's completion of the detailed design for the MVCC provides the opportunity to now apply for a grant under the Building Blocks Grants - Capacity Building funding stream to assist in realising the redevelopment of the MVCC.

ISSUES

The design of the footprint for the new MVCC was determined as part of Council's Kindergarten Infrastructure and Services Plan (KISP), which is required to be jointly developed with the Victorian Government to estimate the growth in demand for kindergarten within each local government area. The current design of MVCC increases the number of licensed childcare places able to be accommodated from 97 to 160, which is a total increase of 63 places.

Available funding for this project through the VSBA is based solely on new approved licensed childcare places created applied via a pro-rata approach. This pro-rata approach means Council will have a maximum of \$4.2 million dollars made available for the

creation of the 63 extra places. This amount of funding is much less than what is required to create a new fit-for-purpose childcare centre facility in Myrtleford that meets the expected future demand.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

An in-principle Council co-contribution is necessary to support the funding application, recommended in this Council report. If Council is successful in its application to the VSBA for the redevelopment of the MVCC, Council officers will provide the strategic justification for Council's continued financial support for the provision of childcare infrastructure in the shire at the relevant time that Council is formally asked to provide a co-contribution if this grant application is successful.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
ASC application to VSBA for funding is not completed in the coming months and there is reduced funding pool available for ASC due to other applicants applying ahead of ASC.	Possible	Major	<ul style="list-style-type: none"> • Complete the application as a priority if Council endorsement for the application is provided at the August OCM.
Inadequate service for 3 and 4 year old kinder in Myrtleford if the application is not endorsed/completed.	Possible	Extreme	Complete the application as a priority if Council endorsement for the application is provided at the August OCM.

CONSULTATION

This project is identified as a high priority on Council's Project Pipeline. Consultation has been undertaken to ensure that the community and referral agencies are supportive of the projects that have been nominated.

CONCLUSION

Significant opportunities exist to secure grant funding to support Council's commitment to deliver childcare infrastructure. There is strong community support and a great community need for the redevelopment of the MVCC, and it is recommended that Council endorses the preparation and submission of the funding application.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Manager Engineering and Assets
- Project Officer

ATTACHMENT

Nil

8.2.7 Variation to Contract No CQ23019 for Public Bins and Amenities Cleaning Services

INTRODUCTION

This report seeks approval for a variation to the existing awarded to SSX Group Pty Ltd for Contract No. CQ23019 for 'Public Bins and Amenities Cleaning Services' across Alpine Shire.

This increase is necessary due to an increase in the number of required bin and facility cleaning services needed to cater for current demand, and to accommodate new public amenities and bin installations across the shire.

Cr Kelley

Cr Prime

That Council:

- 1. Approves a variation to Contract No. CQ23019 "Public Bins and Amenities Cleaning Services' to the value of \$59,591 (GST Exclusive) being unbudgeted expenditure for the current 2024/25 financial year;*
- 2. Approves the remaining annual variations to Contract No. CQ23019 "Public Bins and Amenities Cleaning Services' to the value of \$114,491 (GST Exclusive) to accommodate future capital projects nearing completion and to be added to the Contract No CQ23019; and*
- 3. Delegates authority to the Chief Executive Officer to sign the contract variation.*

Carried Unanimously

BACKGROUND

Council terminated a cleaning contract in the Kiewa Valley in December 2022 and in the Ovens Valley in April 2022 owing to the contractor's inability to deliver the service to the required standard.

An interim contract was subsequently awarded to Peopleworks while Council undertook a tender process for the provision of public bins and amenities cleaning services.

In 2023, Council conducted a review of the cleaning service, which resulted in service schedules being adjusted to accommodate for peak periods and a change in service requirements due to the realisation of additional assets such as the Great Valley Rail Trail and Big Hill Mountain Bike Park Trailhead. The supply of consumables was added to the scope of this service.

At the Ordinary Council Meeting held on 19 December 2023, Council awarded Contract No. CQ23019 for 'Public Bins and Amenities Cleaning Services to SSX Group Pty Ltd for a three-year term, with a further three-year option commencing on 1 February 2024.

Since the contract award, a need to increase services in Myrtleford town centre and Harrietville (Harrietville seasonal increase) was identified.

Services are now also required for new public amenities at Mount Beauty Pebble Beach, Myrtleford Splash Park and Mystic Trailhead (Bright). Future planned for facility upgrades that will also shortly require servicing include the Myrtleford Memorial Hall and the Tawonga Memorial Hall.

Finally, Council officers are also aware of the significant interest expressed from some members of the community to Council about specific “hot spot” areas that have seen significant usage and littering in recent months. Council officers have also identified these areas, and are proposing additional bins at various locations throughout the Shire, as well as changes to the frequency of collections in certain areas, to cater for this increased need.

ISSUES

Visitor numbers to Alpine Shire vary significantly throughout the year due to seasonal tourism, events and public holidays.

High visitation during peak periods leads to increased demand for cleaning services across public amenities and bin servicing that requires more frequent servicing.

Maintaining a high standard is challenging without a regular review of service levels. Council officers have undertaken a review of the public bins and amenities cleaning services in mid-2024, and recommend that changes are required to the service. This has necessitated a variation to the contract.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.2 Planning and development that reflects the aspirations of the community

FINANCIAL AND RESOURCE IMPLICATIONS

The approved 2024/25 financial year budget contains a budget allocation of \$796,000. The unbudgeted variation to the 2024/25 financial year budget is \$59,591 bringing the total value of the contract for 2024/25 to \$855,591.

Provision for additional funding for future years will be allocated to the relevant annual budget process.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Service levels are not sufficient	Very likely	Major	<ul style="list-style-type: none"> • Service levels adjusted to accommodate need or expected demand

CONSULTATION

The need for increased servicing levels was identified through consultation with contractors, internal stakeholders and community feedback which has been received through the service's QR codes located on public place bins and other amenities.

Service levels will be adjusted accordingly.

CONCLUSION

The proposed contract variation for the cleaning services and supply of consumables across Alpine Shire is essential to address the evolving demands placed on these services due to fluctuating visitor numbers and the introduction of new services.

This adjustment will ensure Council maintains high standards of cleanliness improving public health.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manager Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

Cr Nicholas declared a general conflict of interest with regard to item 8.2.8 and left the meeting at 7:16pm

8.2.8 Variation to Contract No. CT21070 - Management and Operation of the Seasonal Pools and Bright Sports Centre

INTRODUCTION

This report seeks approval for a variation to the existing Contract CT21070 for the provision of swimming pools, and management and operation of the Bright Sports Centre for an unbudgeted one-year increase in the contract rate. Council officers initiated a one year extension to the current service as provided in the Contract.

Cr Janas

Cr Prime

That Council:

- 1. Enters into a one-year contract extension with Belgravia Leisure Pty Ltd for Contract No. CT21070 for the provision of swimming pools, and management and operation of the Bright Sports Centre; and*
- 2. Approves an unbudgeted spend of \$103,666 for increased costs identified for the operation of the seasonal pools and Bright Sports Centre in the 2024/25 financial year budget (total one-year contract value of \$613,326).*

Carried

BACKGROUND

Council operates the Bright Sports Centre, seasonal pools at Mount Beauty and Myrtleford, and provides lifeguard supervision at the Bright and Porepunkah River Pools (Summer holiday period only).

Up to 2021, Council directly managed these facilities through a labour hire agreement with MomentumOne Shared Services Pty Ltd.

In 2021, Council conducted a joint tender with Indigo Shire Council to assess the operation and management options for the seasonal pools and the Bright Sports Centre in Alpine Shire. At the Ordinary Council Meeting held on 3 August 2021, Council awarded Contract CT21070 to Belgravia Leisure Pty Ltd (Belgravia) for the provision of swimming pools, and management and operation of the Bright Sports Centre for a three-year term. The contract commenced in September 2021 for an estimated cost of \$1,455,758.

The original Contract provides for an initial term of three years plus the option for three further terms of one year each. In line with contractual obligations, Council commenced discussions with Belgravia in June 2024 for a further one-year term.

During this negotiation process, it was proposed that an increase above the predicted consumer price index (CPI) was required to successfully operate the facilities. This increase is largely due to a rise in costs associated with personnel and other operational requirements.

ISSUES

Public swimming pools in small rural and regional communities offer significant health and wellbeing benefits, serving as vital hubs for social and physical connection; however, these facilities consume substantial amounts of water, chemicals and electricity.

The increased contract amount is primarily due to rising costs in the following areas:

Personnel costs, an increase in:

- staff training costs; and
- fitness industry award and recruitment costs.

Operational costs, an increase in:

- increase in utility costs; and
- fluctuations in revenue due to changing visitor numbers.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

The approved 2024/25 financial year budget contains a budget allocation of \$509,660. The additional funds required are \$103,666, bringing the total one-year contract value to \$613,326 in the 2024/25 financial year budget.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Operational disruption (temporary closure or reduced hours of facilities)	Possible	Major	<ul style="list-style-type: none"> • Increase in subsidy payment to cover operating costs

CONSULTATION

Council officers worked closely with neighbouring councils which are undertaking similar negotiations with Belgravia.

Extensive negotiation was undertaken with Belgravia to ensure the best value to Council.

Council has recently undertaken a survey associated with the preparation of the Alpine Shire Aquatics and Indoor Stadium Feasibility Study, which, amongst other things, highlights the positive community sentiment and importance of these facilities.

CONCLUSION

Council officers will commence working with neighbouring councils to explore opportunities to collaborate in the future management and operation of aquatic and sports centre facilities.

It is likely that a joint tender process will be undertaken with neighbouring councils to ensure the best value to Council.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Acting Manger Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

Councillor Nicholas returned to the meeting at 7:22pm

8.2.9 Dinner Plain Entrance Civil Works and Landscaping

INTRODUCTION

This report relates to the contract award for the Dinner Plain Entrance Civil Works and Landscaping and the need to approve an unbudgeted expenditure to enable the completion of the full scope of works.

Cr Nicholas

Cr Keeble

That Council:

- 1. Awards Contract No CT26058 'Dinner Plain Entrance Civil Works and Landscaping' for the total lump sum price of \$2,486,155 (GST Exclusive) to KR Hoysted Construction and Landscapers Pty Ltd, inclusive of unbudgeted expenditure of \$561,414 to be funded from the Dinner Plain Reserve;*
- 2. Delegates authority to the Chief Executive Officer to approve any contract variations up to a cumulative value of \$200,000 (GST exclusive); and*
- 3. Delegates authority to the Chief Executive Officer to sign and seal the contract at the appropriate time.*

Carried Unanimously

BACKGROUND

In December 2020, Council scoped, costed, and applied for a grant from the Victorian Government's Bushfire Recovery Regional Economic Stimulus and Resilience Fund. The grant sought to complete civil and landscaping upgrade works identified as part of Dinner Plain Activation Phase 2. In March 2021, Council secured a grant of \$2 million that required a co-contribution from Council of \$370,000. \$445,259 of this funding was used to fund the costs associated with preparing the detailed construction designs for these works.

Following extensive community engagement and consultation to finalise the design, an invitation to tender was advertised in late April 2024 in order to procure the services of a suitably qualified contractor to deliver the scope of works.

The scope of works tendered included:

1. Recreation Reserve Upgrades
 - Creation of a picnic area including picnic shelter and drinking fountain
 - Nature play areas
 - Children's playground
2. Village Centre Upgrades
 - Improved village entry and central roundabout area
 - Improved and additional car parking including disabled (centralised short term parking and designated overnight parking areas)

- New balustrading between the car parks and the commercial zone
- Expanded pedestrian pathways to and from car parks
- Way finding signage for vehicles and pedestrians
- Designated events area with pathway access to amenities
- Power supply to events area
- Main entry treatment including signage and realignment of a road
- A defined meeting and arrival point
- Widening and realigning of roads to improve safety, access and traffic flow

EVALUATION

The tender was advertised on Tenders.net and the Alpine Shire Council website on 25 April 2024.

A total of 34 prospective tenderers downloaded the document and two submissions were received by the closing date.

The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental sustainability

Following the assessment of the tenders, it was determined that the tender from KR Hoysted Construction and Landscapers Pty Ltd best met the selection criteria.

ISSUES

The tender evaluation process resulted in a final tender cost of \$2,486,155, which is a variance of \$561,414 more than the available project budget.

Since the original funding application for Dinner Plain Activation Phase 2, there have been considerable escalations in building and labour costs in the construction industry and Council has been experiencing inflated construction costs across numerous major construction projects with tender costs significantly higher than that budgeted.

If Council is unable to fund the shortfall, a significant reduction in scope, redesign and retender would be required, which would cause a significant delay to the project. This would likely push the project construction works out beyond the 2025 snow season.

Additionally, the grant funding administrator, Regional Development Victoria (RDV), has indicated to Council officers that the scope reduction would require Ministerial review and approval, which would likely take a minimum of two months, and the variation to the scope and project delivery dates may not be approved. This additional consideration could put the grant funding in jeopardy.

Given these considerations, Council officers recommend that Council approves unbudgeted expenditure of \$561,414 to enable these works to be undertaken. As a result, the total available budget for these works is \$1,924,741.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

There are insufficient funds available to complete the contract, and the approval of additional funds for the civil and landscaping works from an unbudgeted spend is required to complete the full scope of works. The financial implications are summarised in the table below:

Item	Item Amount
Total Funding for the Dinner Plain Civil and Landscaping Contract	\$2,370,000
Total Other Costs for Design, Planning and Professional Fees	\$445,259
Total Construction Cost (KB Hoysted)	\$2,486,155
Total Unbudgeted Funding Required (Shortfall)	-\$561,414

There are sufficient funds available in the Dinner Plain Reserve to fund the shortfall and deliver the tendered scope of works.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Reducing the scope of works may lead to RDV withdrawing the funding.	Possible	Extreme	<ul style="list-style-type: none"> • Obtain additional funding to complete the project.
Latent conditions onsite during construction	Possible	Major	Effective and close project management of the construction contract to alert Council to possible cost implications early in the contract.

CONSULTATION

All aspects of the project have been communicated with the following:

- Acting Director Assets
- Manager Engineering and Assets
- Dinner Plain Community Association
- Regional Development Victoria

CONCLUSION

The additional funds are required to fund the Dinner Plan Entrance Civil Works and Landscaping contract to minimise the required change in the scope and timelines associated with realising these works.

The evaluation panel that assessed all tenders considered that the tender submitted by KR Hoysted Construction and Landscapers Pty Ltd was considered to be the best option due to price, experience, and knowledge, which was derived from other similar contracts that the company delivered.

DECLARATION OF CONFLICT OF INTEREST

In accordance with Section 130 of the *Local Government Act 2020* and Chapter 7 Section A6 of the Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Manager Assets Development
- Project Manager

ATTACHMENT(S)

Nil

8.2.10 Tawonga Memorial Hall Refurbishment

File Number: 22101

INTRODUCTION

This report relates to the award of a contract for the construction of refurbishment works to the Tawonga Memorial Hall.

Cr Keeble

Cr Prime

That Council awards Contract No. 22101 for the refurbishment of the Tawonga Memorial Hall to Joss Facility Management Pty Ltd for the lump sum price of \$705,599 (GST exclusive).

Carried Unanimously

BACKGROUND

In 2021, Alpine Shire Council scoped, costed and applied for a grant from Emergency Recovery Victoria (ERV) to upgrade the Tawonga Memorial Hall. In August 2021, Council successfully secured a grant of \$850,000 (GST exclusive) for these upgrade works. The scope of the project included the addition of amenities (showers and toilets) and wastewater infrastructure to enable the hall to meet building code requirements associated with the use of the hall for overnight accommodation.

Following extensive community engagement to finalise the design and a user requirement statement, an invitation to tender was advertised in late 2022 to procure the services of a suitably qualified company to deliver the scope of the upgrade.

The original tender evaluation process in 2022 resulted in a final tender cost of \$1.51 million (GST exclusive), which far exceeded the project budget. Since the original tender, Council has completed further community consultation and a value management exercise resulting in a new detailed design that incorporates refurbished bathrooms, a commercial grade kitchen upgrade, extra storage and meeting areas, a disabled parking area and access, exterior uplift and stormwater drainage infrastructure upgrades. This final refurbishment redesign was put out to tender to gather competitive lump-sum construction submissions.

EVALUATION

The tender was advertised on Tenders.net and the Alpine Shire Council website on 12 June 2024.

A total of 24 prospective tenderers downloaded the document and three submissions were received.

The key selection criteria listed in the Invitation to Tender were:

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental sustainability

Following the assessment of the tenders, it was determined that the tender from JS Facility Management Pty Ltd best met all the requirements of the selection criteria.

ISSUES

The construction timeline is critical to ensure there is no escalation in construction costs and to retain grant funding that is due to be acquitted in June 2025.

Due to upcoming Council elections and resultant caretaker period, it is critical that the contract be considered by Council at the Ordinary Council Meeting to be held in August 2024.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

This project is fully funded through Local Economic Recovery, Local Community Project Grants Program, which is administered by ERV acting by and through the Department of Justice and Community Safety. There is sufficient allocation within the project budget to complete the refurbishment works identified in this Council report to the Tawonga Memorial Hall.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Construction is not completed by required fund acquittal date.	Possible	Moderate	<ul style="list-style-type: none"> • Expedite award of contract and strict program management
Unknown latent conditions of older building.	Possible	Moderate	<ul style="list-style-type: none"> • Approximate 10% contingency has been provided to allow for unforeseeable existing conditions to be addressed.

CONSULTATION

This project development has been well communicated with stakeholders of Tawonga Memorial Hall, and Council's Engagement and Communication Team.

CONCLUSION

Following a tender evaluation assessment, site visits and reference checks, the tender from JS Facility Management Pty Ltd is considered the best option due to its price, experience and knowledge of construction works for the project and Council.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Manager Engineering and Assets
- Project Officer

ATTACHMENT(S)

Nil

8.3 A/DIRECTOR CUSTOMER AND COMMUNITY – NATHALIE COOKE

8.3.1 Sustainable Event Guidelines

INTRODUCTION

The Sustainable Event Guidelines (the Guidelines) document is an operational document designed to support Alpine Shire operators to run events that are environmentally sustainable.

The Guidelines have been developed to supersede the existing Waste Wise Guide for Events endorsed by Council in 2020.

The Guidelines encompass a broader range of sustainability initiatives while retaining relevant content from the Waste Wise Guide.

*Cr Prime
Cr Keeble*

That Council:

- 1. Approves the Sustainable Event Guidelines to support events held in the Alpine Shire; and*
- 2. Notes that future operational changes to the document will be approved under delegation by the Chief Executive Officer.*

Carried Unanimously

BACKGROUND

The Waste Wise Guide was adopted by Council in 2020 in response to a growing need to support the sustainable delivery of events across the Alpine Shire.

The document was developed to help reduce the environmental impact of waste from events held in the Alpine Shire. It incorporated six minimum requirements for waste management, covering single-use plastics, litter, waste planning, evaluation, and communication.

A review of the Waste Wise Guide commenced in November 2023 and led to the development of the Sustainable Event Guidelines document. The sustainability and waste sectors are dynamic and forever changing, and the new Guidelines incorporate new information and recommendations.

The Sustainable Event Guidelines have been developed to encompass several additional key components of the sustainability sector, including energy efficiency, water wise, transport, stallholders and food and beverage vendors. Much of the content in the Waste Wise Guide has also been incorporated into the Sustainable Event Guidelines.

ISSUES

These Guidelines will continue to evolve and will require updating to reflect changes in the sustainability sector. Because of this changing environment, we recommend that the Guidelines be approved by the Alpine Shire Council Executive Team in the future, without the need to be endorsed by Council unless the strategic direction of the document is changed.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.1 Decisive leadership to address the impacts and causes of climate change

FINANCIAL AND RESOURCE IMPLICATIONS

Implementation and ongoing facilitation of the document will be supported through the current resourcing of the Events Team.

Council has secured the Dish Pig mobile dishwashing station. This is now being used at several events across the Alpine Shire and is helping to reduce waste. This service is free of charge for events within the Alpine Shire, facilitated by the Events and Sustainability teams.

Other key resources and infrastructure may assist event organisers to meet the Guidelines. These will be assessed and subject to Council's annual budget process.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Event organisers may not follow the guidelines	Possible	Moderate	<ul style="list-style-type: none"> • Events team to conduct audits of events to ensure guidelines are followed.
Event organisers may require further assistance with implementing the guidelines	Possible	High	<ul style="list-style-type: none"> • Events team will assist event organisers with resources, such as hiring the dish pig or water stations. • Events team to develop workshops for event organisers.

CONSULTATION

A review of sustainable event practices and guidelines adopted by other Councils throughout Victoria was undertaken in the development of these guidelines. An internal review of a draft version of the proposed guidelines was undertaken by Council's Events and Sustainability teams. Council's waste contractors were also consulted to determine any ongoing waste issues and concerns. Vendors which attend many events in the Alpine Shire have also been consulted to determine their role in delivering a sustainable event. Ongoing conversations with event organisers have also taken place to better understand what further education may be required.

CONCLUSION

The introduction of the Sustainable Event Guidelines provides a tool to support event organisers to plan and deliver sustainable events in the Alpine Shire. The Guidelines incorporate additional key sustainability initiatives including energy efficiency, water wise, transport, stallholders and food and beverage vendors. Implementation of these guidelines will commence as part of the 2024/25 Event Permit application and grants process.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Customer Experience
- Development Officer (Event Operations)

ATTACHMENT(S)

8.3.1 Sustainable Event Guidelines

8.3.2 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for updated authorisations for officers that have responsibilities under the *Planning and Environment Act 1987*.

Cr Nicholas

Cr Prime

That Council exercises the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:

1. *The following members of Council staff referred to in attachments 8.3.2a – 8.3.2.f “S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987” (the instruments) be appointed and authorised as set out in the instruments;*
 - a. *Senior Statutory Planning Officer*
 - b. *Senior Strategic Planner*
 - c. *Project Officer (Strategic Planning)*
 - d. *Graduate Strategic Planner*
 - e. *Civil Development Engineer (A)*
 - f. *Civil Development Engineer (B)*
2. *The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them, or the instrument expiry date has passed;*
3. *The instruments be signed and sealed at the appropriate stage of this meeting.*
4. *On the coming into force of the instruments, the previous “S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987” for the following member of Council staff, as dated, be revoked:*
 - a. *Strategic Planning Coordinator, dated 7 June 2022*

Carried Unanimously

BACKGROUND

Council staff undertaking planning roles require current and accurate authorisations to fulfil their duties. Changes in staffing across Council’s Strategic Planning, Statutory Planning, and Engineering teams, mean that updated authorisations under the *Planning and Environment Act 1987* are required.

ISSUES

Authorised Officers

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff with Planning responsibilities, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

Planning and Environment Act 1987

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that "a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority". However, Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the "S11A – Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*", rather than via the Chief Executive Officer.

Maddocks Delegations and Authorisations Service

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All of the relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

POLICY IMPLICATIONS

Ensuring authorisations are kept up to date ensures that Council's staff with Planning responsibilities can undertake their statutory roles.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided for in Council's annual budget. There are no other financial implications associated with these instruments of appointment and authorisation.

Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.

CONSULTATION

The relevant staff and Director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Customer and Community
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.2a S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Senior Statutory Planning Officer

8.3.2b S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Senior Strategic Planner

8.3.2c S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Project Officer (Strategic Planning)

8.3.2d S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Graduate Strategic Planner

8.3.2e S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Civil Development Engineer (A)

8.3.2f S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Civil Development Engineer (B)

8.3.3 Audit and Risk Committee Meeting Minutes - August 2024

INTRODUCTION

The purpose of the report is to present the (unconfirmed) minutes of the Audit and Risk Committee (Committee) meeting No.2024/25-1 held on 16 August 2024.

The key items presented to and considered by the Committee included updates on:

- Asbestos risk;
- Asset class revaluations;
- Information management status report; and
- Upcoming Council election period.

Cr Keeble

Cr Kelley

That Council receives and notes the unconfirmed minutes of the Audit and Risk Committee meeting No.2024/25-01 held on Friday 16 August 2024.

Carried Unanimously

REPORT

Asbestos Risk Update

A presentation from the Health and Safety Officer provided an update to the Committee on the work council is undertaking in relation to council's asbestos risk.

Asset Class Valuations Report

The Committee was provided with an update on the asset class valuations that had previously been provided to the Committee at the May meeting. Work between Council Officer's and the external Auditors has been undertaken to clarify asset class valuation movements.

Information Status Report

A report was presented to the Committee to detail the work that the Information and Communications Technology team is currently doing across Council. This is the second report provided and will become a regular update to the Committee.

2024 Election Period

A report was provided to the Committee detailing the implications of the upcoming council Election on the operations of council.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Remuneration for Audit and Risk Committee members is contained in the 2024/25 budget.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
The oversight function of the Audit and Risk Committee are not adequately presented to council meeting.	Unlikely	Minor	Minutes prepared within two weeks of the Audit and Risk Committee meeting and taken to the next available Ordinary Council Meeting.

CONSULTATION

Consultation is not required.

CONCLUSION

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the unconfirmed minutes of its meeting No.2024/25-01 held on 16 August 2024 to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Customer and Community
- Manager Corporate

ATTACHMENT(S)

- 8.3.3 Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2024/25-01, 16 August 2024.

8.3.4 Planning Application P2023.148 - 117 Gavan Street, Bright

<i>Application number:</i>	<i>P2023.148</i>
<i>Proposal:</i>	<i>Use and development of a leisure and recreation facility (bathhouse) and to waive the bicycle parking requirements.</i>
<i>Applicant's name:</i>	<i>David De Giovanni, DD Planning</i>
<i>Owner's name:</i>	<i>AAH Altitude Pty Ltd</i>
<i>Address:</i>	<i>117 Gavan Street, Bright</i>
<i>Land size:</i>	<i>1,221sqm</i>
<i>Current use and development:</i>	<i>Vacant land</i>
<i>Site features:</i>	<i>The site is relatively flat and comprises some small canopy trees</i>
<i>Why is a permit required?</i>	<i>Clause 34.01-1 - use of the land for a 'leisure and recreation facility' bathhouse in a Commercial 1 Zone Clause 34.01-4 - buildings and works for a section 2 use in a Commercial 1 Zone Clause 44.06-2 - buildings and works associated with the land use of 'leisure and recreation facility' in a Bushfire Management Overlay Clause 52.34-2 - to waive the bicycle parking requirements</i>
<i>Zoning:</i>	<i>Clause 34.01 - Commercial 1 Zone</i>
<i>Overlays:</i>	<i>Clause 44.06 - Bushfire Management Overlay</i>
<i>Particular Provisions</i>	<i>Clause 52.06 - Car parking Clause 53.02 - Bushfire planning Clause 53.18 - Stormwater management in urban development Clause 52.34 - Bicycle parking</i>
<i>General Provisions</i>	<i>Clause 65.01 - Approval of an application or plan</i>
<i>Area of Cultural Heritage Sensitivity</i>	<i>A Cultural Heritage Management Plan is not required.</i>
<i>Restrictive covenants on the title?</i>	<i>Not applicable</i>
<i>Date received:</i>	<i>5 December 2023</i>
<i>Statutory days:</i>	<i>247 days</i>
<i>Planner:</i>	<i>Rachael O'Neill</i>

Cr Janas
Cr Keeble

That had an Application for Review against the Council's failure to determine the application within the prescribed time not been lodged, that a Notice of Decision to refuse to grant a planning permit would have been issued for buildings and works, use of the land for a leisure and recreation facility and waiver of the bicycle parking requirements for the following reasons:

- 1. The proposal fails to satisfy decision guidelines contained at Clause 34.01-8 of the Alpine Planning Scheme because of the lack of car parking and encroachment by the proposed deck beyond the curtilage of the site.*
- 2. The proposed deck fails to address strategic directions included at Clause 02.03-2 in relation to public and private land interfaces, seeking to privatise public land, with potential adverse impacts on Council's trees.*
- 3. The proposed use will have adverse impacts on the tourism values of Bright through its undue reliance on off-site car parking and is inconsistent with strategic directions at Clause 02.03-7 and Clause 17.04-1L of the Alpine Planning Scheme.*
- 4. The request to approve the proposal that includes no on-site car parking fails to satisfy the purpose of Clause 52.06 of the Alpine Planning Scheme.*

Advise the applicant of the planning permit that as required by Clause 52.06-6 of the Alpine Planning Scheme, car parking spaces have not been provided to the satisfaction of the responsible authority.

Carried

PROPOSAL

The proposal is to develop and use the land for a bathhouse and ancillary café.

The building will be principally single storey in scale with varied skillion roof forms. It is set back 4.2 metres from the street frontage and 2.7 metres from the Howitt Lane side boundary, which includes a walkway that extends from the frontage to a set of stairs proposed to be constructed over the Council owned road reserve at the rear. The front setback comprises benches and seating. The building will be constructed to the western and northern boundaries and a deck will be constructed over the rear Council owned road reserve. The deck features a bath, fireplace and an area for lounge chairs.

A plant room and loading zone will be sited at the rear of the building and accessed by a new crossover/driveway that will formalise the existing vehicle arrangement.

The first floor is well set back from the principal façade and comprises a lift, toilets and shower and bathing area.

Key features of the use include:

- A maximum of 120 fee-paying patrons at any one time (assumed during peak periods including weekends, public holidays and school holidays), with a non-peak average (weekdays and non-school holiday periods) of 30 patrons.

- A maximum of 10 staff members at any one time, with an anticipated five (5) staff members during off peak periods. Staff will include a receptionist, concierge in the pool area (lifeguard), café staff and cleaners.
- The use will be limited to adults only and it is expected that patrons will attend for an average of 1.5 to 2 hours.
- Services include:
 - Bathing in pools, including hot and cold pools, Onsen Japanese style pools, baths, magnesium pool and a spa pool.
 - Sky bathing in 4 roof top pools.
 - Steam room, ice room, sauna and sensory.
- Controlled background amplified music will be played in the building.
- The café will be only accessible to patrons.

The proposed hours of operation are:

- Peak periods - between 8:00am and 10:00pm seven days per week (allowing for the roof area (sky bathing) to operate when the main building is closed (depending on patron numbers)
- Non-peak periods - between 8:00am and 6:00pm seven days per week, with the roof area (sky bathing) in use until 10:00pm.
- The café will operate within the hours of the bathhouse and will close if only the roof area (sky bathing) is operational.

Bins will be stored in the rear loading area and will be collected by a private contractor.

No car parking or bicycle parking is provided on site.



Figure 1: Shows the proposed development layout on site (ground floor).

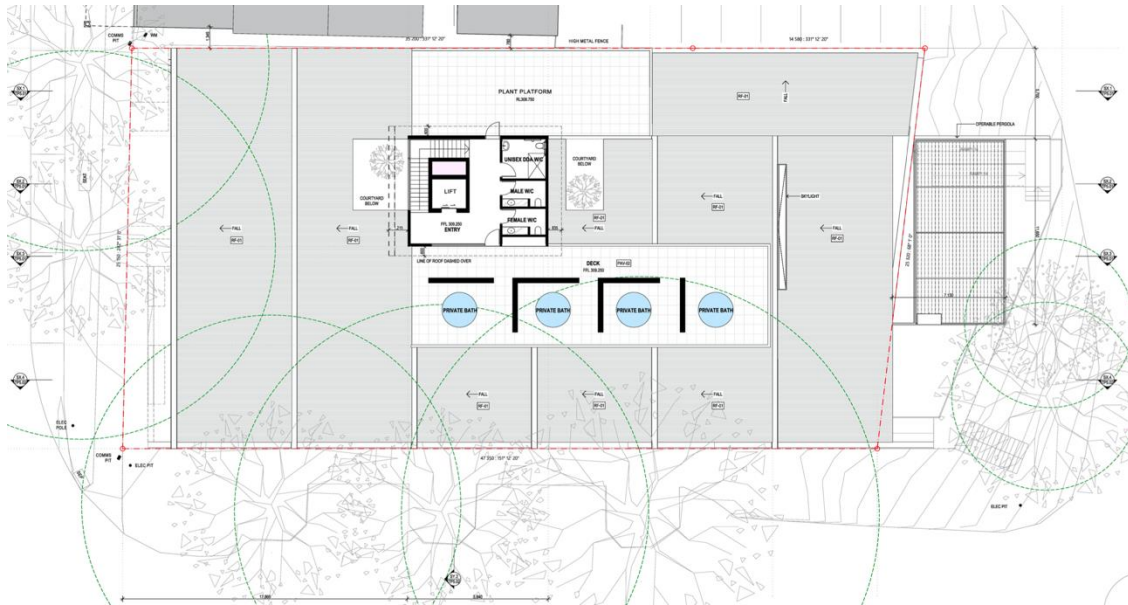


Figure 2: Shows the layout of the proposed first floor

SUBJECT LAND AND SURROUNDS

The subject site comprises two properties, including the principal parcel of land and part of the Council owned road reserve at the rear of the principal parcel. The site has a frontage of 25.15m to Gavan Street, varying depth of 47.35 & 49.78 metres, and rear (Riverside Ave) width of 25.32 metres, with an overall area of 1,221sqm. The section of Council owned road reserve is irregularly shaped and extends from the rear boundary of the principal lot to the north to Riverside Avenue. This parcel comprises mature canopy trees and a vehicle access point. Another vehicle access point is provided from the Howitt Lane frontage. Mature canopy trees extend adjacent the south, north and eastern street frontages.



Figure 3: Subject land.

Historically the site was used and developed with the Rosedale Guesthouse that burnt down in the early 2000s.

The subject site forms part of the Bright activity centre. The property to the west comprises the Bright Medical Centre and on the north-east corner of Gavan Street and Howitt Lane is the Bright Visitor Information Centre. To the west, the subject site also adjoins an at-grade carpark which is accessed via Riverside Avenue. Further east is the Riverdeck Kitchen and Bright Brewery, both of which have access via Council land to the north and the Riverdeck Kitchen has a deck that partially extends over the Council land.

To the north is the Howitt Park reserve and river corridor, including Canyon Walk, as well as other public at-grade car parks.

The built form of the activity centre is varied, ranging from older style buildings, including those opposite the subject site and the more contemporary forms to the east and south. The predominant scale is single storey with pitched roof forms.

PLANNING PERMIT HISTORY

Council issued Planning Permit 5.2005.148 on 10 December 2010 for the subject site. The permit allowed for the use of land for 22 serviced apartments for short-term accommodation, buildings and works for the construction of 22 serviced apartments, 150 seat restaurant, four shops and associated car parking dispensation. Council endorsed plans to comply that form part of the planning permit on 23 December 2010.

Council approved various extensions of time to the permit, with the final one being in February 2015 which required that the commencement of the development must occur before 6 December 2016 and be completed by 6 December 2018.

The proposal in that application also included construction of a timber deck that extended in part over Council land at the rear of the subject site. There does not appear to have been any consideration of the merits of the proposed deck. However, the endorsed plans dated 23 December 2010 show the timber deck. The proposal included a basement car park, which included 27 car spaces.

The following conditions are of relevance to considerations relating to car parking and the provision of a deck over Council land for this current application before Council:

- Condition 1a) required the submission of a revised site plan showing the reinstatement of seven car parking spaces along Howitt Street.
- Condition 7 stipulated that construction of the proposed decking over the Riverside Avenue road reserve is not authorised under this permit. Separate approval is required for these works.
- Condition 8 required the preparation of detailed construction plans, which inter alia, required the plans to detail the proposed construction and works associated with the off-site car parking provision.
- Condition 14b) required the provision of 11 car parking spaces constructed at the cost of the developer in Howitt Park to the satisfaction of the responsible authority.

Having reviewed the Council report that considered application 5.2005.148, it is understood that the offer to provide off-site car parking was provided by the applicant for permit. The following extract is taken from the Council report:

"In support of this application, the applicant has submitted a Traffic Impact Assessment prepared by John Pieper (sic) Traffic Pty Ltd. This report contained a number of recommendations including that the applicant provide 11 additional car parking spaces in Howitt Park and also reinstate 7 car parking spaces along Howitt Street to accommodate the development."

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to 13 surrounding landholders and occupiers. Three signs were displayed on the subject site. Six objections were received, noting that some objectors voiced support for the proposed use, but objected as follows:

- Lack of on-site car parking
- Potential impacts on patient parking at the Medical Centre and parking for other commercial uses
- Streetscape presentation of the building does not blend with the character of Bright

The permit applicant was invited to provide a response to these issues. In summary, the following response was provided:

- It is a well-established planning principle that a centre wide approach to parking represents the sensible and orderly way of dealing with car parking. Visitors to the proposed use may frequent multiple businesses within the town in one visit, contributing to the economic viability of the town.
- Few commercial properties within the town centre provide on-site car parking.
- There are site limitations to providing on-site car parking, including the extent of root zones from the Elm trees and the potential visual prominence of car parking (because of the site's three frontages).

Much of the application is exempt from third party public notice and review rights, but the concerns relate to the use of the land, including the lack of on-site car parking and potential for pressure on car parking. This has been addressed in detail in this report. Buildings and works is exempt from third party notice and review rights, but the suitability of the architectural response and siting of the building is addressed in the assessment section of this report.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA - no objection subject to conditions
Internal referrals:	Engineering - object on grounds of car parking and extension of the proposed deck over public land

PLANNING ASSESSMENT

The following provides an overview of the relevant planning scheme policies and provisions and an assessment of the proposal.

Municipal Planning Strategy and Planning Policy Framework

Relevant provisions of the Municipal Planning Strategy include:

- Clause 02.01 - Context
- Clause 02.03-1 - Settlement
- Clause 02.03-2 - Environmental and landscape values
- Clause 02.03-3 - Environmental risks and amenity
- Clause 02.03-5 - Built environment and heritage
- Clause 02.03-7 - Business
- Clause 02.03-7 - Tourism
- Clause 02.04 - Strategic Framework Plan

Relevant provisions of the Planning Policy Framework include:

- Clause 11 - Settlement
- Clause 11.01-1L-01 - Settlement, including Bright
- Clause 11.03-1S - Activity Centres
- Clause 12.05-2L - Landscapes
- Clause 13.02 - Bushfire
- Clause 15.01-1L-01 - Urban design
- Clause 17.01-1L - Diversified economy
- Clause 17.02-1S - Business
- Clause 17.04 - Tourism
- Clause 18.01-1L - Land use and transport integration

The Municipal Planning Strategy identifies that the Shire's largest industry is its "vibrant tourism industry" that is based on snow sports, cycling, wine and fine food and nature based recreation. It notes that these are important contributors to the local economy. Clause 02.03-1 identifies that Bright has the second largest population in the Shire, and the main industry is tourism, and over 30 per cent of the town's employees work in the industry.

Clause 02.03-2 addresses public and private land interfaces, with strategic directions that avoid private land uses "spilling" or "merging" into adjacent public land; and avoid access to public land via private property on tracks located off surveyed road alignments.

Built environment strategies at Clause 02.03-5 require that new development responds to built and natural landscapes, high quality architectural standards to protect and improve the aesthetics and liveability of the Shire; avoid development that undermines the existing character of towns; and promote environmentally sustainable development.

In relation to business, Clause 02.03-7 identifies the significant impact that natural disasters, such as bushfire, can have on the local economy. Business strategic directions include maintain active and attractive retail centres; and encourage economic diversity and emerging shifts in economic activity.

Noting the importance of tourism to the economy, strategic directions at Clause 02.03-7 also seek to protect the tourism values that attract people to the Shire; and ensure the benefits of tourism are balanced against potential negative impacts, including impacts on local communities through loss of amenity, and pressure on infrastructure, including as relevant, car parking. Clause 02.03-8 also notes that settlements in the municipality are highly car dependent communities, with limited public transport services.

The Planning Policy Framework is also supportive of the role of tourism and seeks to direct development into large townships, including mixed uses around the commercial core. Clause 11.01-1L-02 relates to Bright, where the objective is to maintain and enhance the character of Bright as a vibrant tourist town in a rural setting. Strategies include to recognise Bright as a hub for tourist activities in the region and a vibrant place to live; and ensure commercial development is of high quality design which does not dominate the streetscape.

Clause 17.04-1L also includes strategies that support and build on tourism in the municipality, but also includes a strategy to minimise the transport impact of proposed development on the amenity of the area.

It is clear that support for the proposed development and use is found in the planning policy framework, particularly in relation to tourism and built form outcomes. The issues that it fails to address relate to the interface between the private and public realm at the rear and the absence of on-site car parking, with impacts on the enjoyment of visitors and locals to the township, where there will be impacts on car parking; will cater to potentially 120 patrons at any one time, 10 staff and will operate until 10:00pm seven days per week in peak periods.

The following response in terms of the planning policies is provided:

- The subject site is located within the 'Primarily Commercial Activity Area' in the Bright Structure Plan included at Clause 11.01-1L-01 and the use is consistent with such a designation. It is located beyond the retail core and is sited in close proximity to the Bright Brewery, the river with walking and cycling paths, cafes and restaurants and the Visitor Information centre.
- The development of an under-utilised site within the township boundary is also consistent with policy to consolidate existing settlements.
- The proposed use will cater to tourists and locals but is complementary of other tourism uses within the region and within Bright. It will operate all year round.

- It will also generate local jobs, which is important for the economy, and is reflective of the role that Bright's residents play in the tourism employment sector.
- The built form is primarily single storey in scale, with the first floor adopting a recessive form, that is well set back from all site boundaries. Extensive glazing extends across the façade and for a length of the eastern elevation and on the north elevation, providing activation and a pedestrian scale to the building. Pedestrian permeability is provided within the front setback and adjacent the eastern elevation, and seating is provided within the frontage. The architects have selected a muted palette of materials stone, timber and grey cladding. The built form will enhance the existing character of the town and make a positive contribution.
- Loading will occur from the rear, minimising potential conflicts with pedestrians.
- Whilst the proposed use supports tourism and employment objectives and strategies, it fails to strike a balance with other objectives that seek to minimise potential negative impacts, through placing pressure on car parking within the centre. The planning policy framework notes that the municipality is car based, with limited public transport. Council's engineers have advised that there is limited parking availability at any time within proximity of the subject site and the failure to provide on-site car parking will further impact on the pressures of an already stretched parking availability. Peoples' inability to secure car parking will deter visitors and potentially offset the enjoyment in visiting Bright.
- The proposed large deck fails to satisfactorily address the strategic directions relating to public and private land interfaces, with a privatisation of public land. Whilst there are encroachments into the public land at the rear of the Riverdeck Kitchen and Bright Brewery, these are modest and do not include large decks. Council's engineers have also noted that there are pits in the public land where the deck is proposed that will be affected.
- Through the siting of the proposed deck and stairs, there is also potential impact on trees 8 and 9 (which are Council trees). The arborist report prepared by High Country arborists dated 14 November 2023, assesses the potential impact on these trees and concludes that there will be minimal impact on tree 8 and that in isolation, the stairs have an encroachment of less than 10 per cent of the tree protection zone of tree 9 and that in relation to both trees, they expect them to remain viable. It recommends a "strong Tree Protection Plan". It is officer's preference that there be no risk to these trees through encroachment into the tree protection zones to ensure the safe retention of the trees.

Zoning

The subject site is in the Commercial 1 Zone. As relevant, the purpose of the zone is to implement the Municipal Planning Strategy and the Planning Policy Framework; and to create vibrant mixed use commercial centres for retail, office, business and entertainment and community uses.

In the Table of Uses at Clause 34.01-1 a 'leisure and recreation facility' is a Section 2 - permit required use. Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works. Pursuant to Clause 34.01-8 an application to construct a building or construct or carry out works is exempt from third party notice and appeal rights.

For the reasons provided above, the proposed use and development enjoys policy support relating to tourism and urban design within the activity centre and therefore in turn is consistent with the purpose of the zone and related decision guidelines. The proposed use is appropriate for the town centre and will offer another facility for tourists as well as residents. The design of the building will make a positive contribution to the town centre and the streetscape and will consolidate the town through the development of a vacant site, which has been in this state for many years. The proposed use will not adversely affect surrounding uses.

The decision guidelines that the proposed buildings and works fail to satisfy are in relation to the provision of car parking and the incursion of the built form beyond the curtilage of the site, which ultimately calls into question the responsibility for maintenance.

The lack of on-site car parking is addressed in detail below, but in summary, it is observed that its impact will place further pressure on off-street car parking that is already under pressure, which is also tied to the intensity of the proposed use. The permit applicant notes that the previous planning permit that issued for the site allowed for an intensive use and development, but this included 27 car spaces on site as well as the provision for 18 off-site car parking spaces. The current application proposes no car parking.

The proposed deck is large and extends well into the Council road reserve. It includes a pergola, bath and fireplace. It also includes a timber walkway and stairs leading to the lower ground level. The proposal seeks to privatise public land and represents a significant encroachment beyond the title boundary.

Overlay

The subject site is in the Bushfire Management Overlay. The purpose is to implement the Municipal Planning Strategy and Planning Policy Framework; to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire; to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented; and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

As relevant, pursuant to Clause 44.-06-2 a permit is required to construct a building or construct or carry out works associated with 'leisure and recreation.' Pursuant to Clause 44.06-7 an application is exempt from third party notice and review rights.

As detailed above, the CFA has, subject to conditions, consented to the proposed use and development.

Area of Aboriginal Cultural Heritage Sensitivity

Jo Bell Heritage Services prepared a Due Diligence assessment dated 4 September 2023 that was submitted with the application.

The purpose of the assessment was to advise the applicant for permit of any potential cultural heritage values for the activity area and their requirements and/or obligations under the *Aboriginal Heritage Act 2006*.

A desktop assessment and site inspection were undertaken and consultation with the Registered Aboriginal Party, the Taungurung Land and Waters Council also occurred. On the basis of this investigation, the report notes that no Aboriginal cultural heritage was identified within the activity area and no areas of potential archaeological sensitivity for Aboriginal cultural heritage was identified. It noted that the area has sustained extensive ground disturbance through prior land use (and demolition). It concluded that given "the extent of observed disturbance, it is extremely unlikely that any Aboriginal cultural heritage would remain within the activity area, and certainly not in an undisturbed context."

The assessment concluded that a Cultural Heritage Management Plan is not required and that since the likelihood of finding Aboriginal cultural heritage is very low, there is no requirement for further Aboriginal cultural heritage investigation.

Particular Provisions

Clause 52.06 - Car parking

This clause sets out car parking requirements. Table 1 to the clause does not nominate a car parking rate for 'indoor recreation facility' or 'minor sports and recreation facility.' Where a requirement is not listed, Clause 52.06-6 states that before the new use commences, car parking spaces must be provided to the satisfaction of the responsible authority.

Transport Impact Assessment

OneMileGrid prepared a Transport Impact Assessment (TIA) dated 16 November 2023 which was submitted with the application. Noting that Table 1 to Clause 52.06 of the planning scheme does not nominate a car parking rate for the proposed use, the TIA applied a rate of 0.3 spaces to each patron, which equates to a demand for 36 car spaces. For staff parking, it adopted a rate of 78% utilisation and based on 10 staff, the demand would be for eight spaces. The total demand will be 44 spaces.

The TIA includes parking surveys (within a 250 metre radius of the subject site) that were undertaken on Friday 7 July 2023 between 10:00am and 6:00pm and on Saturday 8 July 2023 between 10:00am and 6:00pm. The TIA notes that these dates were chosen during the school holidays to reflect peak conditions. The survey identified peak occupancy on both days was similar in time and demand rate, and revealed the following:

- On Friday, the peak demand occurred at 12:30pm, with 252 spaces occupied, leaving 149 spaces available.

- On Saturday, the peak demand occurred at 12:30pm, with 248 spaces occupied, leaving 153 spaces available.

The TIA notes that public car parking in a tourist centre such as Bright is a shared resource and that there are benefits to providing shared public car parking rather than requiring each development to provide on-site car parking.

The TIA concludes that a reduction in the statutory requirement is justified for the following reasons:

- The shared nature of public car parking in Bright.
- The location of the site within respect to the activity centre of Bright.
- Car parking surveys demonstrated that there is more than sufficient on and off-street car parking available in the vicinity of the site to accommodate staff and visitors to the development.

Officer assessment

Council officers accept the parking rate adopted by OneMileGrid and therefore the demand generated by the proposed use is 44 spaces. However, as noted above, Council's engineers do not agree with the parking availability shown in the TIA. The proposal to not provide any parking provision cannot be supported on the basis that it is inconsistent with the purpose of Clause 52.06 of the planning scheme. In this regard, the following observations are made:

- For the reasons provided above, the proposal to rely entirely on the off-site car parking provision within the activity centre is inconsistent with planning policy.
- The subject site is vacant and has been so for many years. It therefore has not generated its own car parking demand over this time. Rather, illustrative of the car parking demand within the activity centre is the consistent use of the subject site as an informal car park, to accommodate overflow car parking demand. Due to the proposed hours of use and the attractiveness of the use on a year round basis, there will be consistent demand for car parking, which will compete with demand from other uses.
- The proposed use is for adults only and the average duration will be between 1.5 and 2 hours, meaning that the majority of patrons will drive and if they attend the site for 2 hours or potentially longer, then they will run over the timed parking restrictions that apply in various locations in the centre.
- Bright is a regional centre, with far different characteristics to municipal activity centres, which have good access to public transport, and which may be supported by a local community that can walk or cycle to the activity centre. The proposed use will be attractive to visitors to the municipality, including those who are staying in accommodation removed from within easy walking or cycling distance and/or who are staying in the ski fields.

For these reasons, officers are unable to support the proposed use.

Clause 52.34 - Bicycle parking

This clause sets out bicycle parking requirements. Clause 52.34-1 requires that a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Clause 52.34-2 allows for a permit to be granted to vary, reduce or waive any requirements of Clause 52.34-5 and Clause 52.34-6. Pursuant to Clause 52.34-3 an application is exempt from third party public notification and review.

Table 1 to the clause sets out the requirements for 'minor sports and recreation facility' as 1 space per 4 employees and 1 space to each 200 square metres of net floor area. This generates a requirement of eight bicycle spaces. No on-site bicycle parking is proposed, and a waiver for the requirements is sought.

Transport Impact Assessment

The TIA notes that there is availability within the building to accommodate bicycle parking. It also notes that bicycle parking spaces are provided in close proximity to the site, including:

- A horizontal bicycle rack adjacent the subject site at the visitor centre.
- A horizontal bicycle rack and hoops located in Gavin Street, approximately 45 metres and 60 metres east and west of the site respectively.
- A horizontal bicycle rack located within Howitt Park.
- Horizontal hoops provided throughout the town centre.

On this basis, it concluded that it was not necessary to provide bicycle parking for the proposed use.

Assessment

As relevant, decision guidelines included at Clause 52.34-4 of the planning scheme requires the responsible authority to consider the users of the land and their opportunities for bicycle travel; and the location of the proposed land use and the distance a cyclist would need to travel to reach the land.

On the basis of the land use, it is assumed that many of the guests will be visiting the region and will therefore not necessarily be arriving by bicycle. It is also for this reason, that patrons will arrive by motor vehicle and be looking for car parking spaces. If they do arrive by bicycle, perhaps from proximate accommodation, then it is reasonable to rely on the existing nearby bicycle parking to cater to their requirements as well as those of staff, who will be able to acquaint themselves with the locations of the spaces.

Clause 53.02 - Bushfire planning

This clause sets out bushfire planning requirements, and as relevant to this application, the requirements are set out at Clause 53.02-4.

Officer assessment

Baxter Ecology and Associates prepared a Bushfire Management Plan and Bushfire Management Statement. The CFA requested further information and these documents were updated. In a letter dated 7 May 2024 the CFA advised that it did not object to the grant of a planning permit and included required conditions of permit (should one issue).

The proposal responds to the identified bushfire risk and provides appropriate bushfire protection measures. A Bushfire Management Statement has been prepared which has assessed the risk and includes ongoing mitigation measures set out within Bushfire Management Plan. The bushfire risk to life and property can be mitigated to an acceptable level through the siting and ongoing management measures proposed. The application was referred to the CFA who consented to the proposal subject to conditions.

Clause 53.18 – Stormwater Management in Urban Development

This clause relates to stormwater management and sets out application requirements. Limited details were required in the application material.

Assessment

Council's Engineering Department reviewed the application and did not raise any issues in terms of stormwater management. This matter could be addressed through conditions of permit if one was to issue.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. For the reasons provided in this report, the proposal fails to comply with relevant planning policy pertaining to private and public interfaces and impacts on the current transport system, including car parking.

CONCLUSION

The application is not consistent with all relevant policies and decision guidelines of the Alpine Planning Scheme and car parking has not been provided to the satisfaction of the responsible authority.

The proposed use and development would make a valuable contribution to the tourism sector, however, it is not suited to this site as, for the reasons provided in the application material, including the presence of the tree protection zones and difference in levels, it is unable to provide on-site car parking and will place undue pressure on existing car parking that is already under stress.

The proposal to construct a large deck beyond the site also fails to address the private and public interface and will privatise public land for the benefit of the use.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Customer and Community
- Manager Statutory Planning Compliance and Local Laws
- Statutory Planning Coordinator
- Senior Statutory Planner

9. Informal meetings of Councillors

Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting;

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

Cr Nicholas

Cr Keeble

That the summary of informal meetings of Councillors for July / August 2024 be received.

Carried

Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 9.0 to this report.

Date	Meeting
30 July	Briefing Session
13 August	Briefing Session
20 August	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – July / August 2024

10. Presentation of reports by delegates

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to delegates.

11. General business

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to general business.

12. Motions for which notice has previously been given

Nil

13. Reception and reading of petitions

That Council notes and receives the petition on behalf of concerned residents of Bright from containing 235 signatures requesting:

- a. Our Public Bins emptied more frequently, especially during weekends, events and public/school holidays or*
- b. Replace the current contractors with more effective ones.*

In accordance with Council's Governance Rules, a report will be prepared and presented at the next Ordinary Council Meeting.

14. Documents for sealing

Cr Prime

Cr Janas

That the following documents be signed and sealed.

1. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Senior Statutory Planning Officer*
2. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Senior Strategic Planner*
3. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Project Officer (Strategic Planning)*
4. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Graduate Strategic Planner*
5. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Civil Development Engineer (A)*
6. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Civil Development Engineer (B)*
7. *S173 Agreement – T & S Williams Pty Ltd and Goulburn Murray Rural Water Corporation*

This Section 173 Agreement is required by condition 21 of Planning Permit P.2022.120 for buildings and works and associated dwelling at Lot 8 Morses Creek Road, Wandiligong being the land referred to in Certificate of Title Volume 10709 Folio 343 and described as Lot 8 PS329055Q.

The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available and prohibiting outbuildings from containing plumbing fixtures that allow for the generation of wastewater. The Agreement is a requirement of Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.

8. *S173 Agreement – DM & KP Staig and Goulburn Murray Rural Water Corporation. This Section 173 Agreement is required by condition 14 of Planning Permit P.2017.153 for buildings and works for construction of a dwelling at 166 Great Alpine Road, Harrietville being the land referred to in Certificate of Title Volume 6094 Folio 797 and described as Lot 1 TP368466.*

The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available and limiting the number of bedrooms in the dwelling.

The Agreement is a requirement of Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.

Carried

There being no further business the Chairperson declared the meeting closed at 8:00p.m.



INSTRUMENT OF DELEGATION

**Council to
Chief Executive Officer**

September 2024

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 Alpine Shire 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 **24 September 2024**;
2. the delegation
 - 2.1 comes into force on **12 October 2024**;
 - 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.

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 24th day of September 2024 in the presence of:

COUNCILLOR NAME	SIGNATURE
-----------------	-----------

COUNCILLOR NAME	SIGNATURE
-----------------	-----------

CHIEF EXECUTIVE OFFICER NAME	SIGNATURE
------------------------------	-----------

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. entering into a contract that exceeds the value of \$200,000 (excluding GST);
 - 1.2. making any expenditure that exceeds \$200,000 (excluding GST) unless it is:
 - 1.2.1. expenditure made under a contract already entered into; or
 - 1.2.2. for insurance premiums, in which case it must not exceed \$500,000 (excluding GST); or
 - 1.2.3. expenditure which Council is, by or under legislation, required to make including:
 - WorkCover premiums, in which case it must not exceed \$500,000 (excluding GST);
 - transferring the Fire Services Property Levy to the State Revenue Office; in which case it must not exceed \$1,500,000 (excluding GST); or
 - for any other amounts required under legislation, in which case it must not exceed \$500,000 (excluding GST).
 - 1.3. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4. electing a Mayor or Deputy Mayor;
 - 1.5. granting a reasonable request for leave under s35 of the Act;
 - 1.6. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7. approving or amending the Council Plan;
 - 1.8. adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9. adopting or amending the Governance Rules;
 - 1.10. appointing the chair or the members to a delegated committee;
 - 1.11. making, amending or revoking a local law;
 - 1.12. approving the Budget or Revised Budget;

- 1.13. approving the borrowing of money;
- 1.14. 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; or
2. 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;
3. 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;
4. 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
 - 4.1. policy; or
 - 4.2. strategyadopted by Council;
5. 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
6. 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.



INSTRUMENT OF DELEGATION

Council to

Members of Council Staff

September 2024

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

DELEGATE	TITLE
ACC	Accountant
AMC	Asset Management Coordinator
AOBEH	Administration Officer (Building and Environmental Health)
AOP	Administration Officer (Planning)
AOSLL	Administration Officer (Subdivision and Local Laws)
BC	Building Coordinator
BI	Building Inspector
BSL	Building Surveyor Limited
BSM	Municipal Building Surveyor
BSU	Building Surveyor Unlimited
CEO	Chief Executive Officer
CPC	Compliance Coordinator
CWC	Civil Works Coordinator
DA	Director Assets
DCC	Director Corporate and Community
EACEO	Executive Assistant (CEO)
EC	Engineering Coordinator
ED	Civil Development Engineer
EO	Operations Engineer
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
EMC	Emergency Management Coordinator
FAO	Facilities Officer
FO	Finance Officer
FOS	Senior Finance Officer
GISAO	GIS and Assets Officer
GO	Governance Officer
LLO	Local Laws Officer
LLO2	Local Laws Officer
MBEH	Manager Building and Environmental Health

DELEGATE	TITLE
MC	Manager Corporate
MCD	Manager Community Development
MCE	Manager Customer Experience
MEA	Manager Engineering and Assets
MGF	Manager Growth and Future
MO	Manager Operations
MRS	Manager Regulatory Services
MSPCL	Manager Statutory Planning, Compliance, and Local Laws
PC	Statutory Planning Coordinator
PO	Statutory Planning Officer
POD	Project Officer (Delivery)
POS	Senior Statutory Planning Officer
PMD	Project Manager (Delivery)
PTL	Capital Works Team Leader
PRCC	Property and Contracts Coordinator
PRO	Prosecutor
PRO2	Prosecutor
RC	Rates Coordinator
SP	Strategic Planner
SPC	Strategic Planning Coordinator
SPG	Graduate Strategic Planner
SPS	Senior Strategic Planner
TOA	Technical Officer (Assets)

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **24 September 2024** and

3.2 the delegation:

3.2.1 comes into force on **12 October 2024**;

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

SCHEDULE

<i>CEMETERIES AND CREMATORIA ACT 2003</i>	1
<i>CEMETERIES AND CREMATORIA REGULATIONS 2015</i>	11
<i>DOMESTIC ANIMALS ACT 1994</i>	14
<i>FOOD ACT 1984</i>	15
<i>HERITAGE ACT 2017</i>	21
<i>LOCAL GOVERNMENT ACT 1989</i>	22
<i>PLANNING AND ENVIRONMENT ACT 1987</i>	23
<i>PLANNING AND ENVIRONMENT REGULATIONS 2015</i>	60
<i>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</i>	56
<i>RESIDENTIAL TENANCIES ACT 1997</i>	62
<i>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</i>	63
<i>ROAD MANAGEMENT ACT 2004</i>	66
<i>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</i>	75
<i>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</i>	77

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DA, MO, PRCC	<i>Note: Alpine Shire Council is defined as a Class B cemetery trust - only those clauses that apply to this class is delegated in this document.</i>
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for	DA, MO, PRCC	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its	DA, MO, PRCC	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	not delegated	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	not delegated	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DA, MO, PRCC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	not delegated	
s 15(4)	Duty to keep records of delegations	DA, MO, PRCC	
s 17(1)	Power to employ any persons necessary	CEO	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CEO, DA, MO, PRCC	
s 17(3)	Power to determine the terms and conditions of employment or engagement	CEO	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DA, MO, PRCC	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	not delegated	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	not delegated	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	not delegated	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	not delegated	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	not delegated	Where Council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	not delegated	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	not delegated	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	not delegated	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	not delegated	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	not delegated	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	not delegated	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	not delegated	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	not delegated	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	not delegated	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	not delegated	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	not delegated	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	not delegated	Where Council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	not delegated	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	CEO, DA, MO, PRCC	
s 20(1)	Duty to set aside areas for the interment of human remains	DA, MO, PRCC	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CEO, DA, MO, PRCC	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	CEO, DA, MO, PRCC	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CEO	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	not delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	not delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DA, MO, PRCC	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	not delegated	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DA, MO, PRCC	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DA, MO, PRCC	Report must contain the particulars listed in s 57(2)

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 59	Duty to keep records for each public cemetery	DA, MO, PRCC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DA, MO, PRCC	
s 60(2)	Power to charge fees for providing information	CEO, DA, MO, PRCC	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DA, MO, PRCC	
s 64B(d)	Power to permit interments at a reopened cemetery	CEO, DA, MO, PRCC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	not delegated	The application must include the requirements listed in s 66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DA, MO, PRCC	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DA, MO, PRCC	
s 70(2)	Duty to make plans of existing place of interment available to the public	DA, MO, PRCC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CEO, DA, MO, PRCC	
s 71(2)	Power to dispose of any memorial or other structure removed	CEO, DA, MO, PRCC	
s 72(2)	Duty to comply with request received under s 72	DA, MO, PRCC	
s 73(1)	Power to grant a right of interment	CEO, DA, MO, PRCC	
s 73(2)	Power to impose conditions on the right of interment	CEO, DA, MO, PRCC	
s 74(3)	Duty to offer a perpetual right of interment	DA, MO, PRCC	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CEO, DA, MO, PRCC	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DA, MO, PRCC	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	CEO, DA, MO, PRCC	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DA, MO, PRCC	
s 80(2)	Function of recording transfer of right of interment	DA, MO, PRCC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DA, MO, PRCC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DA, MO, PRCC	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CEO, DA, MO, PRCC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DA, MO, PRCC	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DA, MO, PRCC	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	CEO, DA, MO, PRCC	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	CEO, DA, MO, PRCC	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	DA, MO, PRCC	
84I(6)(a)	Power to remove any memorial on the place of interment	CEO, DA, MO, PRCC	
s 84I(6)(b)	Power to grant right of interment under s 73	CEO, DA, MO, PRCC	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DA, MO, PRCC	The notice must be in writing and contain the requirements listed in s 85(2)

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DA, MO, PRCC	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	CEO, DA, MO, PRCC	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	CEO, DA, MO, PRCC	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CEO, DA, MO, PRCC	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CEO, DA, MO, PRCC	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CEO, DA, MO, PRCC	
s 86(4)	Power to take action under s 86(4) relating to removing and re-intering cremated human remains	CEO, DA, MO, PRCC	
s 86(5)	Duty to provide notification before taking action under s 86(4)	DA, MO, PRCC	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DA, MO, PRCC	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DA, MO, PRCC	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DA, MO, PRCC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	CEO, DA, MO, PRCC	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91(3)	Duty to publish notice of intention to cancel right of interment	DA, MO, PRCC	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CEO, DA, MO, PRCC	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DA, MO, PRCC	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CEO, DA, MO, PRCC	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DA, MO, PRCC	
s 100(1)	Power to require a person to remove memorials or places of interment	CEO, DA, MO, PRCC	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	CEO, DA, MO, PRCC	
s 100(3)	Power to recover costs of taking action under s 100(2)	CEO, DA, MO, PRCC	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DA, MO, PRCC	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	CEO, DA, MO, PRCC	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CEO, DA, MO, PRCC	
s 103(1)	Power to require a person to remove a building for ceremonies	CEO, DA, MO, PRCC	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CEO, DA, MO, PRCC	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 103(3)	Power to recover costs of taking action under s 103(2)	CEO, DA, MO, PRCC	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CEO, DA, MO, PRCC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CEO, DA, MO, PRCC	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	CEO, DA, MO, PRCC	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	CEO, DA, MO, PRCC	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CEO, DA, MO, PRCC	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	CEO, DA, MO, PRCC	
s 108	Power to recover costs and expenses	CEO, DA, MO, PRCC	
s 109(1)(a)	Power to open, examine and repair a place of interment	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CEO, DA, MO, PRCC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	CEO, DA, MO, PRCC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent	CEO, DA, MO, PRCC	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CEO, DA, MO, PRCC	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	CEO, DA, MO, PRCC	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CEO, DA, MO, PRCC	
s 112	Power to sell and supply memorials	CEO, DA, MO, PRCC	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DA, MO, PRCC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CEO, DA, MO, PRCC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CEO, DA, MO, PRCC	
s 119	Power to set terms and conditions for interment authorisations	CEO, DA, MO, PRCC	
s 131	Function of receiving an application for cremation authorisation	DA, MO, PRCC	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DA, MO, PRCC	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DA, MO, PRCC	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	CEO, DA, MO, PRCC	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	CEO, DA, MO, PRCC	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DA, MO, PRCC	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	CEO, DA, MO, PRCC	
s 151	Function of receiving applications to inter or cremate body parts	DA, MO, PRCC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CEO, DA, MO, PRCC	
SCHEDULE 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	CEO, DA, MO, PRCC	
SCHEDULE 1 cl 8(8)	Power to regulate own proceedings	CEO, DA, MO, PRCC	Subject to cl 8
SCHEDULE 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	not delegated	Where Council is a Class A cemetery trust
SCHEDULE 1A cl 8(8)	Power to regulate own proceedings	not delegated	Where Council is a Class A cemetery trust. Subject to cl 8.

CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCC, MO, PRCC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCC, MO, PRCC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	not delegated	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	not delegated	
r 28(2)	Duty to ensure any fittings removed or are disposed in an appropriate manner	not delegated	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	not delegated	
r 30(2)	Power to release cremated human remains to certain persons	not delegated	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	not delegated	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	not delegated	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	not delegated	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	not delegated	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DA, MO, PRCC	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DA, MO, PRCC	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DA, MO, PRCC	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	DA, MO, PRCC	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	not delegated	

CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40	Power to approve a person to play sport within a public cemetery	CEO, DA, MO, PRCC	
r 41(1)	Power to approve fishing and bathing within a public cemetery	CEO, DA, MO, PRCC	
r 42(1)	Power to approve hunting within a public cemetery	CEO, DA, MO, PRCC	
r 43	Power to approve camping within a public cemetery	CEO, DA, MO, PRCC	
r 45(1)	Power to approve the removal of plants within a public cemetery	CEO, DA, MO, PRCC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CEO, DA, MO, PRCC	
r 47(3)	Power to approve the use of fire in a public cemetery	CEO, DA, MO, PRCC	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CEO, DA, MO, PRCC	
Note: SCHEDULE 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CEO, DA, MO, PRCC	See note above regarding model rules

CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DA, MO, PRCC	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DA, MO, PRCC	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, DA, MO, PRCC	See note above regarding model rules

<u>DOMESTIC ANIMALS ACT 1994</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DCC, MSPCL, MRS, LLO, LLO2, CPC	Council may delegate this power to a Council authorised officer

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DCC, MBEH, MRS, EHC, EHO	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's internet site and and (ii) inform the public by notice in a published newspaper, on the internet site, or otherwise	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	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).	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution. Only in relation to temporary food premises or mobile food premises.
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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19E(1)(d)	Power to request a copy of the food safety program	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Only in relation to temporary food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Only in relation to temporary food premises Refusal to grant or renew the registration of a food premises <u>must</u> be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19FA(3)(c)	Power to suspend the registration of food premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to register, or renew or transfer the registration of a food premises	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Refusal to grant/ or renew/transfer 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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority.
s36B	Duty to pay the charge for use of online portal	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	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)	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38E(2)	Power to register the food premises on a conditional basis	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority. Not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority.
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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a or transfer food premises despite minor defects	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DCC, MBEH, MRS, EHC, EHO	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 <i>Public Health and Wellbeing Act 2008</i>	DCC, MBEH, MRS, EHC, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40D(1)	Power to suspend or revoke the registration of food premises	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	DCC, MBEH, MRS, EHC, EHO	
s 40F	Power to cancel registration of food premises	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority.
s 43	Duty to maintain records of registration	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DCC, MBEH, MRS, EHC, EHO	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	DCC, MBEH, MRS, EHC, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises <u>must</u> be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	DCC, MBEH, MRS, EHC	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DCC, MBEH, MRS, EHC, EHO, PRO	Where Council is the registration authority

<u>HERITAGE ACT 2017</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO[1]	

[1] [The only member of staff who can be a delegate in Column 3 is the CEO.](#)

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A(5)	Function of receiving notice of the Minister's decision	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
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, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
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, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 12B(1)	Duty to review planning scheme	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 17(1)	Duty of giving copy amendment to the planning scheme	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 17(2)	Duty of giving copy s 173 agreement	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	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, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	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	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s197B of the Act	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 28(1)	Duty to notify the Minister if abandoning an amendment	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	Note: the power to make a decision to abandon an amendment cannot be delegated

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28(2)	Duty to publish notice of the decision on Internet site	DA, DCC, MGF, MSPCL, MRS, PC	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DA, DCC, MGF, MSPCL, MRS, PC	
s 30(4)(a)	Duty to say if amendment has lapsed	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 30(4)(b)	Duty to provide information in writing upon request	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 32(2)	Duty to give more notice if required	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 33(1)	Duty to give more notice of changes to an amendment	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 36(2)	Duty to give notice of approval of amendment	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 38(5)	Duty to give notice of revocation of an amendment	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 40(1)	Function of lodging copy of approved amendment	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
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	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	not delegated	Where Council is a responsible public entity and is a planning authority. <i>Note: this provision does not affect Alpine Shire Council.</i>
s 46AW	Function of being consulted by the Minister	DA, DCC, MGF, MSPCL, MRS, SPC, PC	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy. Power to endorse the draft Statement of Planning Policy	DA, DCC, MGF, MSPCL, MRS, SPC, PC	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	DA, DCC, MGF, MSPCL, MRS, SPC, PC	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	DA, DCC, MGF, MSPCL, MRS, SPC, PC	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	not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency. <i>There are no Development Contribution Plans incorporated in the Alpine Planning Scheme. Currently, Infrastructure Contribution Plans only apply to the Metropolitan Greenfield Growth Area surrounding Melbourne. Therefore, no delegations are made regarding these provisions for Alpine Shire Council.</i>
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	not delegated	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	not delegated	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	not delegated	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	not delegated	
s 46GP	Function of receiving a notice under s 46GO	not delegated	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	not delegated	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	not delegated	
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister	not delegated	
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	not delegated	
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	not delegated	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	not delegated	
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	not delegated	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	not delegated	
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	not delegated	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution. Power to specify the manner in which the payment is to be made	not delegated	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	not delegated	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)	not delegated	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	not delegated	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	not delegated	
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	not delegated	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	not delegated	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	not delegated	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	not delegated	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	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	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Function of receiving the monetary component	not delegated	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	not delegated	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	not delegated	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)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	not delegated	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	not delegated	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	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan.

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	not delegated	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4). 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	not delegated	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	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	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)	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	not delegated	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

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	not delegated	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)	not delegated	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)	not delegated	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	not delegated	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	not delegated	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)	not delegated	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	not delegated	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)	not delegated	Where Council is the development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Function of receiving proceeds of sale	not delegated	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)	not delegated	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)	not delegated	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	not delegated	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	not delegated	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	not delegated	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)	not delegated	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	not delegated	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	not delegated	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	not delegated	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	not delegated	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	not delegated	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	not delegated	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	not delegated	
s 46Q(1)	Duty to keep proper accounts of levies paid	not delegated	
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	not delegated	
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	not delegated	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	not delegated	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)	not delegated	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	not delegated	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	not delegated	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	not delegated	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46QD	Duty to prepare report and give a report to the Minister	not delegated	Where Council is a collecting agency or development agency.
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	not delegated	<i>Does not apply to Alpine Shire Council</i>
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 prescribed fee, after the inspection period	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public availability requirements	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46Y	Duty to carry out works in conformity with the approved strategy plan	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCC, MSPCL, MRS, PC, POS, PO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(4)	Duty to amend application	DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50(5)	Power to refuse to amend application	CEO, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50(6)	Duty to make note of amendment to application in register	DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(1)	Power to make amendment to application	CEO, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested
s 50A(4)	Duty to note amendment to application in register	DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	MGF, SPC, SPS, SPG delegation limited to an application for permit under s96A when an amendment is also requested

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
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	DCC, MSPCL, MRS, PC, POS, PO	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	DCC, MSPCL, MRS, PC, POS, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DCC, MSPCL, MRS, PC, POS, PO	
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	DCC, MSPCL, MRS, PC, POS, PO	
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	DCC, MSPCL, MRS, PC, POS, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DCC, MSPCL, MRS, PC, POS, PO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DCC, MSPCL, MRS, PC, POS, PO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCC, MSPCL, MRS, PC, POS, PO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DCC, MSPCL, MRS, PC, POS, PO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DCC, MSPCL, MRS, PC, POS, PO	
s 54(1)	Power to require the applicant to provide more information	CEO, DCC, MSPCL, MRS, PC, POS, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DCC, MSPCL, MRS, PC, POS, PO	
s 54(1B)	Duty to specify the lapse date for an application	DCC, MSPCL, MRS, PC, POS, PO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DCC, MSPCL, MRS, PC, POS, PO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time und s 54A(3)	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCC, MSPCL, MRS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availaibility requirements	DCC, MSPCL, MRS,PC, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 57A(5)	Power to refuse to amend application	CEO, DCC, MSPCL, MRS, PC	
64	Duty to note amendments to application in register	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DCC, MSPCL, MRS, PC, POS, PO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DCC, MSPCL, MRS, PC, POS, PO	
s 57C(1)	Duty to give copy of amended application to referral authority	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 58	Duty to consider every application for a permit	DCC, MSPCL, MRS, PC, POS, PO	
s 58A	Power to request advice from the Planning Application Committee	CEO, DCC, MSPCL, MRS, PC	
s 60	Duty to consider certain matters	DCC, MSPCL, MRS, PC, POS, PO	
s 60(1A)	Duty to consider certain matters	DCC, MSPCL, MRS, PC, POS, PO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DCC, MSPCL, MRS, PC, POS, PO	
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, DCC, MSPCL, MRS, PC	1. The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> 2. Exercise of delegation must align with any approved operational guidelines in operation at time of decision
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DCC, MSPCL, MRS, PC, POS, PO	
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, DCC, MSPCL, MRS, PC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	not delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	not delegated	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DCC, MSPCL, MRS, PC, POS, PO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DCC, MSPCL, MRS, PC, POS, PO	
s 62(2)	Power to include other conditions	CEO, DCC, MSPCL, MRS, PC, POS	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCC, MSPCL, MRS, PC, POS, PO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, PC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCC, MSPCL, MRS, 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)	DCC, MSPCL, MRS, PC, POS, PO	
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)	DCC, MSPCL, MRS, PC, POS, PO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DCC, MSPCL, MRS, PC, POS, PO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DCC, MSPCL, MRS, PC, POS, PO	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	DCC, MSPCL, MRS, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DCC, MSPCL, MRS, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DCC, MSPCL, MRS, PC, POS, PO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69(1A)	Function of receiving application for extension of time to complete development	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 69(2)	Power to extend time	CEO, DCC, MSPCL, MRS, PC, POS	
s 70	Duty to make copy permit available in accordance with public availability requirements	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 71(1)	Power to correct certain mistakes	CEO, DCC, MSPCL, MRS, PC, POS	
s 71(2)	Duty to note corrections in register	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 73	Power to decide to grant amendment subject to conditions	CEO, DCC, MSPCL, MRS, PC, POS	
s 74	Duty to issue amended permit to applicant if no objectors	DCC, MSPCL, MRS, PC, POS, PO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DCC, MSPCL, MRS, PC, POS, PO	
s 83	Function of being respondent to an appeal	DCC, MSPCL, MRS, PC, POS, PO	
s 83B	Duty to give or publish notice of application for review	DCC, MSPCL, MRS, PC, POS, PO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCC, MSPCL, MRS, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	DCC, MSPCL, MRS, PC, POS, PO	
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	DCC, MSPCL, MRS, PC, POS, PO	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	DCC, MSPCL, MRS, PC, POS, PO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCC, MSPCL, MRS, PC	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	DCC, MSPCL, MRS, PC, POS, PO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCC, MSPCL, MRS, PC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DCC, MSPCL, MRS, PC, POS, PO	
s 91(2)	Duty to comply with the directions of VCAT	DCC, MSPCL, MRS, PC, POS, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DCC, MSPCL, MRS, PC, POS, PO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DCC, MSPCL, MRS, PC, POS, PO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 93(2)	Duty to give notice of VCAT order to stop development	DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 95(3)	Function of referring certain applications to the Minister	DCC, MSPCL, MRS, PC, POS, PO	
s 95(4)	Duty to comply with an order or direction	DCC, MSPCL, MRS, PC, POS, PO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO	
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, DA, DCC	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG,	
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, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO	
s 96F	Duty to consider the panel's report under s 96E	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	CEO, DA, DCC, MGF, MSPCL, MRS, SPC PC	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 96J	Duty to issue permit as directed by the Minister	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, 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	not delegated	
s 97C	Power to request Minister to decide the application	CEO, DCC, MSPCL, MRS	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
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	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DCC, MSPCL, MRS, PC, POS, PO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCC, MSPCL, MRS, PC	Within Financial Delegations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DCC, MSPCL, MRS, 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	DCC, MSPCL, MRS, PC, POS, PO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCC, MSPCL, MRS, PC, POS, PO	
s 97Q(4)	Duty to comply with directions of VCAT	DCC, MSPCL, MRS, PC, POS, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 101	Function of receiving claim for expenses in conjunction with claim	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DA, DCC, MGF, MSPCL, MRS	
s 107(1)	Function of receiving claim for compensation	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC	
s 107(3)	Power to agree to extend time for making claim	CEO, DA, DCC, MGF, MSPCL, MRS	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DA, DCC, MGF, MSPCL, MRS	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DA, DCC, MGF, MSPCL, MRS	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applies on an application to the Tribunal.
s 129	Function of recovering penalties	DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DCC, MSPCL, MRS, PC, CPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 149B	Power to apply to the Tribunal for a declaration	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
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)	DA, DCC, MGF, SPC, SPS, SP, SPG	Where Council is the relevant planning authority

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, CPC	
s 171(2)(g)	Power to grant and reserve easements	CEO, DA, DCC, MGF, MSPCL, MRS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan <i>As previously stated, ICPs do not apply to Alpine Shire Council.</i>
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)	not delegated	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)	not delegated	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, DCC	
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	not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DA, DCC, MGF, MSPCL, MRS, SPC, SPS, PC, POS, CPC	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	CEO, DA, DCC, MGF, MSPCL, MRS, SPC PC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, PC	
s 178A(1)	Function of receiving application to amend or end an agreement	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DCC, MSPCL, MRS, PC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DCC, MSPCL, MRS, PC	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DCC, MSPCL, MRS, PC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DCC, MSPCL, MRS, PC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DCC, MSPCL, MRS, 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	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DCC, MSPCL, MRS, POS, PO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DCC, MSPCL, MRS, POS, PO	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, PC	If no objections are made under s 178D. Must consider matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, PC	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DCC, MSPCL, MRS, 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)	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
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	DCC, MSPCL, MRS, PC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DCC, MSPCL, MRS, 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, DCC, MSPCL, MRS, PC, POS, PO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DCC, MSPCL, MRS, POS, PO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCC, MSPCL, MRS, POS, PO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DCC, MSPCL, MRS, POS, PO	
s 182	Power to enforce an agreement	CEO, DCC, MSPCL, MRS, PC, POS, PO, CPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DCC, MSPCL, MRS, POS, PO	
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, DCC, MSPCL, MRS, 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	DCC, MSPCL, MRS, 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	DCC, MSPCL, MRS, POS, PO	
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	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
s 184G(2)	Duty to comply with a direction of the Tribunal	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(3)	Duty to give notice as directed by the Tribunal	DCC, MSPCL, MRS, POS, PO, AOSLL, AOP	
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	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, CPC, AOSLL, AOP	
s 198(1)	Function to receive application for planning certificate	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 199(1)	Duty to give planning certificate to applicant	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	
s 201(3)	Duty to make declaration	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, PC, POS	
-	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	CEO, DCC, MSPCL, MRS, PC, POS, CPC	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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, DCC, MSPCL, MRS, PC, POS	
	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, DCC, MSPCL, MRS, PC, POS	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCC, MSPCL, MRS, PC, POS	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	not delegated	GAIC does not apply to Alpine Shire Council.
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	not delegated	GAIC does not apply to Alpine Shire Council.

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	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 s 54 of the Act	CEO, DCC, MSPCL, MRS, PC, POS, PO	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available in accordance with the public availability requirements	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	DCC, MSPCL, MRS, PC, POS, PO, AOSLL, AOP	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	DA, DCC, MGF, MSPCL, MRS, SPC, SPS, SP, SPG, PC, POS, PO, AOSLL, AOP	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 3	
Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED		CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DA, DCC, MGF, MSPCL, MRS	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DA, DCC, MGF, MSPCL, MRS	
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, DA, DCC, MGF, MSPCL, MRS	

<u>RESIDENTIAL TENANCIES ACT 1997</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCC, DA, MCD, EMC, MBEH, MRS, BSM, EHC, EHO, CPC, MO, PRCC	
s 522(1)	Power to give a compliance notice to a person	CEO, DCC, MBEH, MRS, MCE, EHC, EHO, PRCC, FAO, EC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	GO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBEH, MRS, MCE, EHC, EHO, AOBEL, PRCC, FAO	
s 526A(3)	Function of receiving report of inspection	CEO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DCC, MSPCL, MRS, MBEH, CPC, EHC, EHO	
r 10	Function of receiving application for registration	MBEH, MRS, EHC, EHO, AOBEL	
r 11	Function of receiving application for renewal of registration	MBEH, MRS, EHC, EHO, AOBEL	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, MRS, EHC, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, MRS, EHC, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, MRS, EHC, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DCC, MBEH, MRS, EHC, EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, DCC, MBEH, MRS, EHC, EHO	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, DCC, MBEH, MRS, EHC, EHO	
r 14(1)	Function of receiving notice of transfer of ownership	MBEH, MRS, BSM, BSL, BSU, EHC, EHO, AOBEL	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 14(3)	Power to determine where notice of transfer is displayed	MBEH, MRS, EHC, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MBEH, MRS, EHC, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	MBEH, MRS, EHC, EHO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MBEH, MRS, EHC, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MBEH, MRS, EHC, EHO	
r 17	Duty to keep register of caravan parks	MBEH, MRS, BSM, BSL, BSU, EHC, EHO, AOBEL	
r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MBEH, MRS, EHC, EHO, AOBEL	
r 21(2)	Duty to consult with relevant emergency services agencies	DCC, MSPCL, MRS, MBEH, CPC, EHC, EHO	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	MBEH, MRS, EHC, EHO	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	MBEH, MRS, EHC, EHO, BSM, BSL, BSU	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24(2)	Power to consult with relevant floodplain management authority	MBEH, MRS, EHC, EHO, BSM, BSL, BSU	
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	MBEH, MRS, EHC, EHO	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MBEH, MRS, BSM, BSL, BSU, EHC, EHO, AOBEL	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DCC, MSPCL, MRS, MBEH, CPC, EHC, EHO	
r 39(3)	Function of receiving installation certificate	MBEH, MRS, BSM, BSL, BSU, EHC, EHO, AOBEL	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	MBEH, MRS, BSM, BSL, BSU, EHC, EHO	
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	MBEH, MRS, BSM, BSL, BSU, EHC, EHO	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO	
s 11(9)(b)	Duty to advise Registrar	DA, DCC, MEA, MSPCL, MRS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DA, DCC, MEA, MSPCL, MRS	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DA, DCC, MEA, MSPCL, MRS	Where Council is the coordinating road authority
s 12(10)	Duty to notify of decision made	DA, MEA	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, DA, MEA	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, DA	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DA	
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	CEO, DA	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DA	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 15(2)	Duty to include details of arrangement in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DA, DCC	
s 16(8)	Duty to enter details of determination in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 17(2)	Duty to register public road in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DA	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	DA, MO, GISAO, EC, ED, EO, AMC	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	CEO, DA, DCC	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DA, MO, GISAO, EC, ED, EO, AMC	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DA	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	DA, MO, GISAO, EC, ED, EO, AMC	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	DA, MO, GISAO, EC, ED, EO, AMC	
s 19(4)	Duty to specify details of discontinuance in public roads register	DA, MO, GISAO, EC, ED, EO, AMC	
s 19(5)	Duty to ensure public roads register is available for public inspection	DA, MO, GISAO, EC, ED, EO, AMC	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21	Function of replying to request for information or advice	CEO, DA, MEA, MO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DA, MEA, MO	
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, DA, MEA, MO, GO	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DA, MEA, MO	
s 40(1)	Duty to inspect, maintain and repair a public road	DA, MO, MEA, CWC, EC, DE, TOA	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DA, MO, MEA, CWC, EC, DE, TOA	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DA, MEA, EC, ED, EO, AMC	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DA	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, DA	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	DA, MO	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, DA	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

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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)	DA, MEA, MO	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	DA, DCC, MEA, MO, MSPCL, MRS, MGF	
s 49	Power to develop and publish a road management plan	CEO, DA, MEA, AMC	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DA, MEA, AMC	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DA, MEA, AMC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DA, MEA, AMC	
s 54(6)	Power to amend road management plan	CEO, DA, MEA, AMC	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DA, MEA, AMC	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DA, MEA, AMC	
s 63(1)	Power to consent to conduct of works on road	CEO, DA, MEA, AMC, EC, TOA	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, DA, MEA, MO, CWC, EC, ED, EO, TOA	Where Council is the infrastructure manager

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to comply with cl 13 of sch 7	DA, MEA, MO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DA, DCC, MEA, MO, MSPCL, MRS, LLO, CPC	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	DA, DCC, MEA, MO, MSPCL, MRS, LLO, CPC	Where Council is the coordinating road authority
s 67(3)	Power to request information	DA, DCC, MEA, MO, MSPCL, MRS, LLO, CPC	Where Council is the coordinating road authority
s 68(2)	Power to request information	DA, DCC, MEA, MO, MSPCL, MRS, LLO, CPC	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	MC, GO	
s 85	Function of receiving report from authorised officer	DA, DCC, MEA, MO, MSPCL, MRS, GO	
s 86	Duty to keep register re s 85 matters	DA, DCC, MEA, MO, MSPCL, MRS, GO	
s 87(1)	Function of receiving complaints	CEO, DA, MEA, MO	
s 87(2)	Duty to investigate complaint and provide report	CEO, DA, DCC, MO, MEA	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, DA	
s 116	Power to cause or carry out inspection	DA, MEA, MO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DA, MEA, MO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DA, MEA, MO	
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)	DA, MEA, MO	
s 121(1)	Power to enter into an agreement in respect of works	DA, MEA, MO	
s 122(1)	Power to charge and recover fees	DA, DCC, MO, MSPCL, MRS, MC	
s 123(1)	Power to charge for any service	DA, DCC, MO, MSPCL, MRS, MC	
SCHEDULE 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DA	
SCHEDULE 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DA	
SCHEDULE 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DA	
SCHEDULE 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DA	
SCHEDULE 2 cl 5	Duty to publish notice of declaration	CEO, DA	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
SCHEDULE 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	DA, MEA, MO	Where Council is the infrastructure manager or works manager
SCHEDULE 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	DA, MEA, MO	Where Council is the infrastructure manager or works manager
SCHEDULE 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	DA, MEA, MO, EC, ED, EO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
SCHEDULE 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	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO, GISAO, AMC	Where Council is the infrastructure manager or works manager
SCHEDULE 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	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO, GISAO, AMC	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 12(5)	Power to recover costs	DA, DCC, MEA, MO, MC, ACC	Where Council is the coordinating road authority

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
SCHEDULE 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)	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the works manager
SCHEDULE 7 cl 13(2)	Power to vary notice period	CEO, DA	Where Council is the coordinating road authority
SCHEDULE 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the infrastructure manager
SCHEDULE 7 cl 16(1)	Power to consent to proposed works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(4)	Duty to consult	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
SCHEDULE 7 cl 16(5)	Power to consent to proposed works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(6)	Power to set reasonable conditions on consent	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 16(8)	Power to include consents and conditions	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 18(1)	Power to enter into an agreement	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
SCHEDULE 7 cl 19(1)	Power to give notice requiring rectification of works	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 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	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
SCHEDULE 7A cl 2	Power to cause street lights to be installed on roads	DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
SCHEDULE 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DA, MEA, MO, MC, ACC	Where Council is the responsible road authority
SCHEDULE 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	DA, MEA, MO, MC, ACC	Where Council is the responsible road authority
SCHEDULE 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	DA, MEA, MO, MC, ACC	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	CEO, DA, MEA, AMC	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DA, MEA	
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)	DA, MEA	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	DA, MEA	
r 13(1)	Duty to publish notice of amendments to road management plan	DA, MEA	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	DA, MEA	
r 16(3)	Power to issue permit	DA, MO, MEA, PTL, PMD, POD, EC, ED, EO, TOA	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DA, MO, MEA, PTL, PMD, POD, EC, ED, EO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DA, DCC, MO, MEA, MSPCL, MRS	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) <i>Road Management Act</i>	CEO, DA, DCC, MC	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, DA, MO, MEA, TOA, CWC, BC, LLO, LLO2, CPC, EC, ED, EO, PTL, PMD, POD	Where Council is the responsible road authority

<u>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, DA, DCC, MEA, MC, MO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DA, DCC, MEA, MC, MO	

<u>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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, DA, MEA, MO, PTL, PMD, POD, EC, ED, EO	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, DA, DCC, MEA, MO, MC	Where Council is the coordinating road authority



INSTRUMENT OF SUB-DELEGATION

Council to

Members of Council Staff

(Environment Protection Act 2017)

September 2024

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 in column 3 of the Schedule;
2. record that references in the Schedule are as follows

DELEGATE	TITLE
CPC	Compliance Coordinator
DCC	Director Corporate and Community
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
LLO	Local Laws Officer
LLO2	Local Laws Officer
MBEH	Manager Building and Environmental Health
MRS	Manager Regulatory Services
MSPCL	Manager Statutory Planning, Compliance and Local Laws

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on **24 September 2024** pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
 - 4.1 comes into force on **12 October 2024**;
 - remains in force until varied or revoked;
 - 4.2 is subject to any conditions and limitations set out in sub-paragraph 5, and the
 - 4.3 Schedule; and
 - must be exercised in accordance with any guidelines or policies which Council
 - 4.4 from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;

- 6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1.1 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;
 - 6.1.2 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;
 - 6.1.3 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
 - 6.1.4 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.

**Instrument of Sub-Delegation to Members of Council Staff
(Environment Protection Act 2017)**

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 24th day of
September 2024 in the presence
of:

COUNCILLOR NAME	SIGNATURE
-----------------	-----------

COUNCILLOR NAME	SIGNATURE
-----------------	-----------

CHIEF EXECUTIVE OFFICER NAME	SIGNATURE
------------------------------	-----------

SCHEDULE

ENVIRONMENT PROTECTION ACT 2017 **1**

ENVIRONMENT PROTECTION ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 271	Power to issue improvement notice	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	
s 272	Power to issue prohibition notice	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	
s 279	Power to amend a notice	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	
s 358	Functions of the Environment Protection Authority	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	
s 359(2)	Power to give advice to persons with duties or obligations	DCC, MBEH, MSPA, MRS, CPC, EHC, EHO, LLO, LLO2	

INSTRUMENT OF APPOINTMENT AND
AUTHORISATION
*(PLANNING AND ENVIRONMENT
ACT 1987)*

**Director Corporate and
Community**

Nathalie Cooke – September 2024

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
DCC	Director Corporate and Community	Nathalie COOKE

By this Instrument of Appointment and Authorisation, Alpine Shire Council –

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **DCC** to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Under s313 of the *Local Government Act 2020* authorises the **DCC** either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument -

- comes into force on **12 October 2024**;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Alpine Shire Council made on **24 September 2024**.

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed 24th day of September 2024 in the presence of:

.....
COUNCILLOR NAME	SIGNATURE

.....
COUNCILLOR NAME	SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME	SIGNATURE

INSTRUMENT OF APPOINTMENT AND
AUTHORISATION
*(PLANNING AND ENVIRONMENT
ACT 1987)*

**Senior Statutory
Planning Officer**

Mark Friedrichsen – September 2024

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
POS	Senior Statutory Planning Officer	Mark FRIEDRICHSEN

By this Instrument of Appointment and Authorisation, Alpine Shire Council –

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **POS** to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Alpine Shire Council made on **24 September 2024**.

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed 24th day of September 2024 in the presence of:

.....
COUNCILLOR NAME	SIGNATURE

.....
COUNCILLOR NAME	SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME	SIGNATURE