



GANNAWARRA

Shire Council

Wednesday, 21 August 2019

6:30pm

Council Chambers

Kerang

AGENDA

Ordinary Council Meeting

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Tom O'Reilly
CHIEF EXECUTIVE OFFICER

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respect to elders both past and present.

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Ordinary Meeting - 17 July, 2019

5 DECLARATION OF CONFLICT OF INTEREST

The Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a direct interest in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have an indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

Disclosure of conflict of interest

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –
- the Council or special committee immediately before the matter is considered at the meeting, *or*

- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.
- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for three years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the three year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with Section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under Section 29(2) of the Act.

6 QUESTION TIME

Question Time at Council meetings enables an opportunity for members of the public in the gallery to address questions to the Council of the Shire of Gannawarra.

QUESTIONS FROM THE GALLERY

- All questions are to be directed to the Chair.
- Members of the public may ask questions from the gallery and should provide their name (and organisation if relevant) at the beginning of their questions.
- There is a maximum number of three questions of up to two minutes each.
- Chair will respond or refer to Councillor or CEO.
- Sometimes a Councillor/officer may indicate that they require further time to research an answer. In this case, the answer will be provided in writing generally within 10 days.
- Where a question cannot be answered on the spot, the person is asked to write out their questions on a form provided to enable an accurate response to be prepared.
- Questions will be answered at the meeting, or later in writing, unless the Chairperson has determined that the relevant question relates to:
 - Personal matters
 - The personal hardship of any resident or ratepayers
 - Industrial matters
 - Contractual matters
 - Proposed developments
 - Legal advice
 - Matters affecting the security of council property
 - An issue outside the Gannawarra Shire Council core business

- Or any other matter which the Council considers would prejudice it or any person
 - A matter which may disadvantage the Council or any other person
 - Is defamatory, indecent, abusive or objectionable in language or substance
 - Is repetitive of a question already answered (whether at the same or an earlier meeting)
 - Is asked to embarrass an officer or another Councillor
-
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 17 JULY, 2019 TO 20 AUGUST, 2019

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments: 1 [Assembly of Councillors - 12 August 2019](#) 

RECOMMENDATION

That Council note the records of Assembly of Councillors from 17 July, 2019 to 20 August, 2019.

EXECUTIVE SUMMARY

This report presents to Council written records of Assembly of Councillors in accordance with Section 80A of the *Local Government Act 1989*.

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2021: Good Governance and a Healthy Organisation.

BACKGROUND INFORMATION

In accordance with Section 80A of the *Local Government Act 1989* a written record of assembly of councillors must be reported at an Ordinary Council meeting and minuted as soon as practicable.

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a councillor attending
4. Whether a councillor who has disclosed a conflict of interest left the assembly.

CONSULTATION

Consultation with councillors and staff has occurred to ensure the accuracy of the Assemblies of Councillors records.

CONCLUSION

To ensure compliance with Section 80A of the *Local Government Act 1989*, it is recommended that Council note the Assembly of Councillors records as outlined in this report.



Assembly of Councillors Record Form

Date:	Monday, 12 August, 2019
Time:	9.00am -3:10pm
Location:	Kerang Council Chambers
In Attendance: (Councillors)	Cr Lorraine Learmonth Cr Charlie Gillingham Cr Steve Tasker Cr Sonia Wright
Apologies:	Cr Mark Arians, Cr Jodie Basile, Cr Brian Gibson
In Attendance: (Officers)	Tom O'Reilly, Geoff Rollinson, Phil Higgins, Stacy Williams, Narelle O'Donoghue, Roger Griffiths, Katrina Thorne, Wade Williams
In Attendance: (Other)	Mark Williams – Managing Director – GMMWater Nick Byrne - REPLAN
Matters Discussed:	<p>Presentations:</p> <ul style="list-style-type: none"> • GMMWater – Mark Williams • Sir John Gorton Regional Multi-Purpose Facility – Nick Byrne <p>Council Reports:</p> <ul style="list-style-type: none"> • CEO Performance and Remuneration Committee • Delegation Update – Council to Members of Council Staff • Draft Economic Development Strategy 2019-2023 • Application for Planning Permit P19.049 • Notice of Motion 70 <p>Councillor Updates:</p> <ul style="list-style-type: none"> • Corporate Performance Reporting Framework Quarterly Report • Council Plan 2017-2021 Progress Report • Rates Notice via Email • Communication and Engagement Strategy – Review <p>Councillor Strategic Briefing Update:</p> <ul style="list-style-type: none"> • Gannawarra Shire Council #100Services#100Days Campaign • 2019/2020 Capital Works Program Update • Strategic Projects – Towards 2025 <p>Councillor Issues Raised</p>
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Tom O'Reilly – Chief Executive Officer 

8 BUSINESS REPORTS FOR DECISION

8.1 CEO PERFORMANCE AND REMUNERATION COMMITTEE

Author: Tracey Clifford, Human Resources Manager

Authoriser: Phil Higgins, Director Corporate Services

Attachments: 1 [Managing the employment cycle of a council CEO](#) [↓](#)

RECOMMENDATION

That Council receive and note this report.

EXECUTIVE SUMMARY

Council has requested a report on the CEO Performance Review and Remuneration issues. A review was undertaken of the small rural, neighbouring and some larger councils to gauge their current practices.

The pending change to the *Local Government Act 1989*, could have a profound effect on industry best practice on this issue.

BACKGROUND

Historically, CEO performance reviews have been conducted by the Mayor and all Councillors. This process has usually occurred using the services of an independent external consultant to facilitate the process.

At Council's May, 2019 meeting it was resolved that a report be prepared for Council on the practices adopted by other councils regarding an Independent CEO Performance Review and Remuneration Committee (CEO Employment Matters Advisory Committee), the purpose being that Gannawarra Shire Council adopt an objective methodology in this process and seek Industry Best Practice Standards, now and for future councils.

POLICY CONTEXT

Under various provisions of the *Local Government Act 1989*, Council is responsible for the appointment of the CEO (Section 94(1)) and for reviewing the performance of the CEO at least once each year (Section 97A(1)). These provisions do not dictate how that review is conducted.

At present Council does not have a policy on the employment and remuneration for the CEO.

In February, 2019 the Local Government Inspectorate released its report "Managing the employment cycle of a council CEO". The recommendations of this report include "legislate the requirement for a CEO remuneration policy, with any changes to remuneration made by a resolution of the full council".

The proposed Local Government Bill 2019 currently includes the requirement for a Chief Executive Officer Employment and Remuneration Policy. It dictates that the policy must provide for Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy, however it does not dictate how the CEO annual reviews or performance monitoring should occur.

DISCUSSION

Independent CEO Performance Review and Remuneration Committees provides one structure for the conduct of the annual CEO performance and remuneration review. These committees may or may not be Advisory Committees of Council. These committees may include the Mayor, some or all of the Councillors and an independent expert.

Use of Independent CEO Performance Review and Remuneration Committees

A review of the extent of use of CEO Performance Review and Remuneration Committees by neighbouring and other small rural councils has been undertaken with the following results:

Small Rural Councils – of the 15 small rural councils who responded (from a total of 19) only one has an Independent CEO Performance Review and Remuneration Committee. Central Goldfields Shire Council has a Committee made up of the Mayor, two Councillors and one independent person.

Other neighbouring councils - Swan Hill Rural City Council, Campaspe Shire Council, Mildura Rural City Council and Greater Bendigo City Council were also contacted. Of these only Mildura has an Independent CEO Performance Review and Remuneration Committee.

Whilst the use of Independent CEO Performance Review and Remuneration Committees is low for the small rural councils a number of the larger councils do use them. Examples are Cardinia, Brimbank, Darebin, Whittlesea, Banyule, Monash and Surf Coast.

Industry Best Practice

The process of the CEO performance and remuneration review has been dictated by the *Local Government Act 1989* and CEO Contract of Employment. Beyond that, Local Government Victoria provided the Governance Practice Note; “Employment of Council CEO”, that provided guidance with these matters including the options of conducting performance reviews by Council or by way of a special committee (2011).

In more recent times the Local Government Inspectorate reviewed existing arrangements between councils and CEOs, including recruitment and the annual review process. This resulted in its report titled “Managing the employment cycle of a council CEO” in February, 2019. This report noted that there is currently no “best practice” for the industry and that the process for CEO performance reviews varied across councils. Processes included the use of an Employment Matters Committee, performance reviews undertaken by all councillors, use of a councillor only committee or the engagement of an independent facilitator. One of the recommendations from this report is the development of best practice guidelines.

The Local Government Bill 2019 proposes the requirement for all councils to have a CEO Employment and Remuneration Policy. This policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the CEO Employment and Remuneration Policy. These matters include the recruitment and appointment process, provisions to be included in the contract of employment, performance monitoring and annual review. Of note is that the Bill requires that the policy is consistent with the remuneration principles contained in the Government of Victoria’s Policy on Executive Remuneration in Public Entities.

Local Government Victoria, as part of its support of the Local Government Bill 2019, has committed to providing direct support to councils in the form of detailed regulations, guidelines and model policies. However, timing on this support is not known and is still dependent upon the passing of the Bill.

CONSULTATION

The process undertaken was:

- A request via the 'HR Network' of an affiliated contractor.
- Direct discussion with applicable councils, particularly the small rural councils and neighbouring councils.
- Access of policies on various city council websites.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

There are a number of key facets that are pending at the moment on the CEO Performance Review and Remuneration issue. These include the pending debate on the Local Government Bill 2019, which may lead to the development of detailed Regulations, guidelines and model policies on the CEO Performance Review and Remuneration issue. Waiting for these items and guiding documents will give greater clarity and direction on this issue.

FEBRUARY 2019

Protecting integrity: Leading the way

Managing the employment cycle of a council CEO



Local Government Inspectorate



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Foreword

David Wolf, *Chief Municipal Inspector*



The role of Chief Executive Officer of a municipal council comes with significant responsibility but also presents many challenges in delivering the expected operational or service delivery functions in the context of a political democracy. Council CEOs are, by virtue of leading a public entity, visible and accessible with high levels of accountability to their employer (elected councillors), the community and the council as a business. While accountability to these three areas is common for most CEOs, it is the status or composition of the employer and the relationship with this employer that contributes to the uniqueness of the role.

Recent investigations and events have directed our focus on the unique employer/employee relationship. This is prescribed under the legislative framework for local government, where the CEO is employed and managed by an entity comprised of elected community representatives (council) who make decisions by democratic vote. It creates a unique situation where a group of people, who may have limited capability in managing employment cycles, have a say in the employment relationship but no single individual holds responsibility.

The challenges this creates are numerous and are, for the most part, managed well across the sector but in the cases we have reviewed, the employment and management process has not worked well. In each case there were either adverse outcomes for the CEO, adverse outcomes for the councillors or significant challenges for the council as an organisation, or a combination of all three. What was consistent in all cases was the cost of the outcome, a cost which is ultimately borne by the community.

With the cost to community in mind, the purpose of this review was to seek views from across the sector to assist in defining the issues and then identify where improvements to legislation, policies or processes could reduce the instances of adverse outcomes. I wish to thank the parties that provided advice and opinions to inform this work and look forward to the progress of our recommendations that, in our view, will assist councils and CEOs in their employment relationship.

Terms used in this report

Act: *Local Government Act 1989* (where no other Act is specified)

Council/full council: democratically elected council

CEO: Chief Executive Officer

CMI: Chief Municipal Inspector

Inspectorate: Local Government Inspectorate

Employment cycle: encompassing the full CEO employment process from advertising to contract negotiation, employment, performance management and end of tenure

Peak bodies: Local government representative bodies comprising Municipal Association of Victoria, Victorian Local Governance Association and LG Professionals

1 Background

The role of a Chief Executive Officer in Victorian local government is essential to the delivery of council services to the community. Successful appointees to the position are accountable to the councillors who are their employer, to ratepayers, the media and local industry and to staff. They are also a crucial player in the council’s interaction with other levels of government.

Often the role of council and CEO are misunderstood. The council are elected under the Local Government Act to undertake their duties in the best interests of the people in the municipality by providing the overall policy and strategic direction. One of the most important decisions a council makes relates to the employment cycle of their CEO, who is the only person council employs. CEOs manage council’s operations and business including its delegated functions and powers, employ staff, deliver projects and implement council decisions including the budget and council plan. This is a unique and complex role given the political nature, service delivery and business imperatives.

The Local Government Inspectorate has reviewed existing arrangements between councils and CEOs, including the complete employment cycle of recruitment, performance management, tenure and separation. This was completed for the purpose of identifying opportunities to strengthen employment practices and performance management, with the overall goal of ensuring the best overall outcome for the community.

Previous work by the Inspectorate together with the Local Government Act review has identified a number of issues with the employment relationship between CEOs and councils. The way in which both new and reappointed CEO contracts are negotiated, prepared and executed has at times been problematic, prompted in part by a misunderstanding by councillors of their roles and obligations in this process and/or limited experience or capability in human resource management.

Instances have occurred in which the proposed contract has not been subject to proper consultation with councillors; the proposed appointment and contract has not been subject to a report and recommendations to the

council; or the council has not formally adopted or executed the contract. Each of these circumstances could pose an unintended financial risk for the council.

The Inspectorate is aware of instances where CEO performance reviews have not been appropriately conducted or where review outcomes were not formally reported and adopted by the council. There was also many examples of a lack of capability by the council in managing the CEO review process.

The Inspectorate consulted a cross-section of current and former CEOs and mayors and the peak representative organisations and reviewed relevant reports and publications on the topic. In particular their views were sought on the way in which both new

and reappointed CEO contracts are negotiated, prepared and executed and on performance management of CEOs by councils. Views were also sought on the appropriate length of CEO contracts and the termination process.

Case study 2 - Excessive CEO separation payouts

The Ararat Commission of Inquiry found there was no sound or defensible reason for the termination of the CEO on 7 July 2017. The Commission found that the CEO was paid \$171,000 in excess of what was legally necessary without any sound or defensible reason.

The Commission also found that the majority of councillors failed in their obligation to act in the interest of the municipality at arm’s length from the CEO in the decision to terminate the contract and by failing to obtain independent and impartial advice on the applicable termination payment.

There appeared to be no appreciation that the sum of \$271,044 gross paid to the CEO as an ex gratia payment raised risk issues as to whether the council had paid over and above the CEO’s contractual entitlements.

In another example, the Ombudsman was concerned about CEO severance packages, particularly the lack of transparency to council and the community. The Ombudsman called for guidance to be provided on all remuneration packages to ensure the packages were in the community’s interest.

Case study 1 – Closed-door contract negotiations without full council approval

An Inspectorate investigation found that contract negotiations had not been properly conducted and ratified for three separate contracts for the same CEO at two different metropolitan councils.

Contracts were negotiated by two mayors to give favourable terms to the CEO, which also left the employer exposed to substantial financial risk due to costly exit clauses.

The same CEO was investigated previously at another council, leading to the successful prosecution of two mayors for misuse of position for exceeding their authority by agreeing to contract arrangements during the CEO appointment process.

Case study 3 – Excessive termination payout clauses

A review of two successive CEO contracts at a regional council revealed a termination clause had been included over and above sector standards. The clause allowed council to terminate the agreement for any reason, provided the CEO was compensated for early termination with the full remaining value of the agreed remuneration package. In effect, this would mean that a council could be liable, based on an average CEO salary, for nearly \$1 million if an early termination was sought after only 12 months. This may expose the council to significant financial risk, which would ultimately be borne by the ratepayer.

2 The role of CEO

The role and responsibilities of a council CEO are largely set out in relevant sections of the Local Government Act and within individual contracts but the position presents many unique challenges.

Some of the challenges relate specifically to the operation of a local council as a business but whose CEO is directly managed by a democratically elected body of people who form a representative tier of government. A CEO’s responsibilities under the Occupational Health and Safety Act 2004 (OH&S Act) also broaden and add complexity to the role.

Political risk for the role of CEO

One of the key issues across the sector was the political risk inherent in local government politics. It was commonly considered that a CEO is not fairly judged on their performance.

In an academic paper¹, Stephen Jones observes that the contractual and performance arrangements established by the elected councillors can considerably impact on a CEO’s ability to successfully undertake their role. Their performance indicators served as the basis for the performance of senior managers and the organisation as a whole.

Victorian CEOs prefer the presence of third parties, primarily legal advisers or HR consultants, throughout the performance assessment process to ensure councils do not make unprecedented or unconfirmed demands.

Jones reported that effective CEOs that are given management discretion with little political interference from councillors led to better performing councils. Poor performing councils, in his opinion, are politically fractious.

The ability for CEOs to separate themselves from electoral politics while remaining politically sensitive is the most common factor contributing to CEOs successfully doing their job. A key challenge for councils is to establish contractual and performance management systems that allow CEOs to achieve their objectives, to deal more effectively with challenges facing communities and contribute to more sustainable local governments.

It is argued that CEOs performance is not the major determinant of success in the role; rather the capacity to engage councillors was identified as the most critical issue in gaining successful outcomes.

The CEO must be policy oriented but not political. Without this balance there can be serious consequences. Several empirical studies, referred to in Jones’ paper, have suggested that political disputes can be a significant cause of CEO turnover contributing to resignations prior to contract completion.

Chief Executive Officer responsibilities under workplace safety legislation

Recent events at Melbourne City Council raised the challenges for a CEO in respect to their obligations as an employer under workplace safety legislation and the relationship with councillors. The Melbourne case was made more complex due to the involvement of the Lord Mayor and allegations of sexual harassment.

One of the responsibilities of the CEO, as specified under section 94A(1)(e) of the current Act, is the carrying out of the council’s responsibilities as a deemed employer of councillors. Under this section, they are considered as deemed workers in relation to any matters which arise under or with respect to the *Accident Compensation Act 1985* or the *Workplace Injury Rehabilitation and Compensation Act 2013*.

The Act refers to section 14AA of the *Accident Compensation Act* (which was repealed in 2013) and clause 15 of Schedule 1 to the *Workplace Injury Rehabilitation and Compensation Act*.

1 Jones, Stephen (2011) "Superheroes or Puppets? Local Government Chief Executive Officers in Victoria and Queensland," Journal of Economic and Social Policy: Vol. 14 : Iss. 2 , Article 6.

Chief Executive Officer responsibilities under workplace safety legislation (continued)

Under this legislation, the council of which the councillor is a member, while the councillor is carrying out the duties of their role, is deemed to be their employer. In effect those Acts define a councillor as a worker.

Similarly, under the *Occupational Health and Safety Act 2004* (OH&S Act), the council as an entity is the employer but it is the CEO as the 'officer' who manages and controls the workplace. The CEO has a responsibility, along with employees, to 'the extent that is reasonably practical' to ensure that the workplace is safe and without risks to health and safety. The council also has an obligation to persons other than employees under the OH&S Act to ensure they are not exposed to risks to their health and safety. This obligation extends to members of the community, contractors and, in this case, councillors.

Having established the CEO's responsibilities under workplace safety legislation, it is necessary to understand the practical challenges faced by a CEO in managing issues where there is a potential risk to health and safety as a result of actions by a councillor, who is in effect their employer.

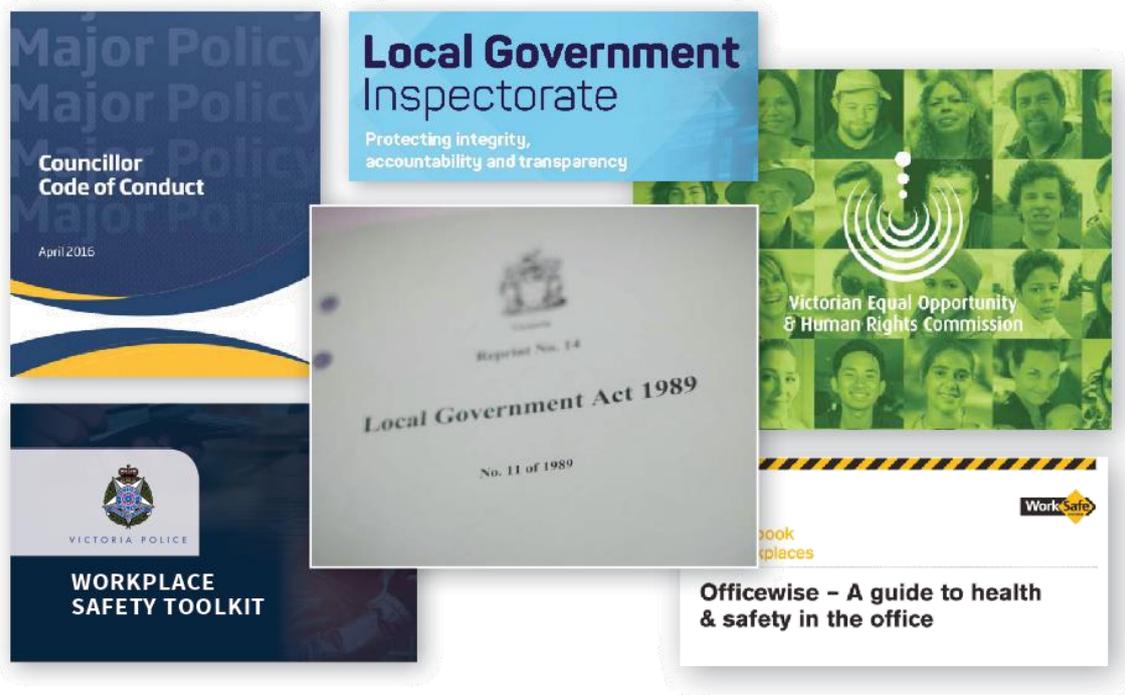
It is important to mention that this does not include allegations of assault, sexual assault or threats of assault, which in all cases ought be directed to Victoria Police who then have mechanisms to intervene in appropriate circumstances. Setting aside minor behavioural or conduct matters that councils are expected to resolve through their councillor conduct process, a difficult space for the CEO and council exists where allegations relate to bullying and harassment including sexual harassment, and where health and safety may be at risk.

In the case of a significant allegation such as harassment by a councillor is reported to the CEO, it is incumbent on the CEO to take steps so far as reasonably practicable to ensure the workplace is safe. There are a range of steps a CEO could take in these

circumstances and a number of pathways to deal with these allegations under the existing framework in the Local Government Act and other Acts, as well as referring matters to bodies including Worksafe, Victoria Police and the Victorian Equal Opportunity and Human Rights Commission.

However, unlike council employees, the CEO has no powers to direct a councillor to take certain action, not to attend certain places or not to contact certain people. Any of the intervention steps a CEO may take can exacerbate the political risk of their role. This may depend on the political or personal affiliations of the councillors who make up the employer, and the people involved.

In the Inspectorate's view, this anomaly where the CEO has primacy to a degree over elected councillors raises expectations of the CEO and uncertainty on their part. Acknowledging the complexity of this issue, this is an area where consultation with sector stakeholders will identify opportunities to improve awareness and understanding of workplace safety responsibilities.



Protecting integrity: Leading the way

3 Current employment arrangements

Under section 94 of the Act, a council must appoint a Chief Executive Officer and fill that position as soon as reasonably practicable, after a vacancy occurs. Applications for the CEO position must, as a minimum, be invited by notice in a newspaper circulating generally throughout Victoria. The exception occurs when the council wishes to reappoint its existing CEO without advertising the position. In this circumstance the council must give public notice two weeks in advance of its intention to put a resolution to reappoint. Details of the reappointed CEO’s total remuneration under the new contract must then be made public.

A council may not re-contract its incumbent CEO earlier than six months before his or her current contract is due to expire. Prior to a general election, the council is prohibited from cutting short its CEO contract and then entering into a new contract to extend the CEO’s employment beyond that election. Nor can a council make any decisions with regard to CEO employment during the caretaker period before a general election.

A CEO’s contract cannot extend beyond five years but there is no limit on how many times a CEO can be reappointed and enter into a new contract. The CEO’s contract must specify performance criteria, and the council must review the CEO’s performance at least once a year.

The Minister may exempt a council from employing a CEO under contract, and may also forbid a council from employing a CEO or entering into a new contract with an incumbent CEO.

What do the arrangements mean?

The current arrangements give full discretion to councils on how they employ their CEOs and under what conditions, with minimum regulation based around ensuring that the public is notified if a reappointment is to occur and that the CEO’s performance criteria are specified and regularly assessed by the council.

There are other prescriptive elements such as limits on a CEO’s contract terms, timelines for renewing a CEO’s contract and requirements for councils to monitor their CEO’s performance. These provisions reflect the interest of local communities about what is an important public office.

It is argued that the existing provisions fall short in two important respects. Firstly, they attempt to regulate for responsible employment practices in a prescriptive way, rather than specifying high-level objectives. It is argued this promotes a compliance culture, where councils and CEOs can seek to achieve what they want by ticking the necessary statutory boxes.

Secondly, while councils are responsible for employing and monitoring their CEOs performance, councillors sometimes do not have the expertise to do so (for example, expertise to set appropriate remuneration and contractual conditions and to conduct effective and timely performance monitoring). Councillors have expressed concern that CEOs have a disproportionate advantage in negotiating their own contractual conditions and that there is insufficient oversight of their performance.

Proposed legislative reforms

In 2016 the State Government set about a process of reforming the Local Government Act. This resulted in a Bill before Parliament in 2018.

The proposed Local Government Act reforms required all councils to have a CEO remuneration policy that broadly aligns with the Remuneration Principles of the VPSC’s Policy on Executive Remuneration for Public Entities in the Broader Public Sector. A council would be required to publish its CEO remuneration policy on its website.

The reforms also enable the audit and risk committee to monitor and report on a council’s performance against the remuneration policy but this is not mandated.

There were also reforms proposed that required the Mayor and/or council to obtain independent advice in overseeing CEO recruitment, contractual arrangements and performance monitoring.

This will be discussed later in the report, noting that the proposed legislation lapsed during the 2018 parliamentary term.

4 Views from the sector

As part of this review we sought comment from peak representative bodies, legal practitioners, mayors and CEOs and reviewed past decisions and literature on the subject of CEO employment. While this wasn't exhaustive, it gave the Inspectorate a good understanding of each stakeholder's views.

Mayors

The Inspectorate spoke to current and former mayors seeking their views on the employment cycle of their CEOs.

Key issues that arose from discussions included:

Independent advice

Mayors that were interviewed agreed that gaining independent advice was critical to assist them in the CEO appointment and remuneration process.

Effective performance management

Mayors considered effective performance management of the CEO was vital and needed to be an ongoing process, not a 'tick and flick' at the end of each year. Independent assistance in this process was seen as advantageous.

Bonus payments

While mayors rejected the need for bonus payments, they considered the transparency of the CEO contract and developing standard contracts in conjunction with peak bodies was beneficial to the sector and the community.

Council HR departments

Mayors strongly advocated for council HR departments to be removed from the appointment, contracting and performance monitoring processes due to the perception of an inherent conflict of interest.

Mayors did not see a need to change the current maximum contract term of five years for a CEO or further restrict the reappointment terms. They believed relevant measures in the proposed legislative reforms would negate the need for further restrictions.

Overall, mayors emphasised the need to develop professional, respectful relationships between the CEO, the mayor and the council as a whole.

All decisions involving the CEO need to be made by the full council. They should not be delegated. All councillors need to be made aware of the specifics of the CEO contract.

What must be remembered is there is enormous variability in the level of skills of councillors particularly in relation to performance monitoring the CEO.

Metropolitan council mayor

Current and former CEOs

CEOs raised several key issues related to employment matters, from contract negotiation and termination payments to the need for councillors to seek independent advice throughout the contracting and performance management processes.

CEO appointments and ongoing performance monitoring - whether you like it or not - are often political. However there is also a lack of interest and capability to manage the relationship. Often, for example, over 15 years you might only have two out of the nine councillors making any comment during the performance process.

Former metropolitan council CEO

Recruitment

Regarding CEO recruitment and selection, their contract, tenure and departure, and performance evaluation and remuneration, one CEO said council decisions on these matters "are some of the most important decisions a council can make and should be made by a resolution of the full council - [they] should not be delegated".

Contracting

Several CEOs were supportive of industry-led aims on management of CEO contracts and the need for councillors to receive training and regular guidance in managing the relationship. One former CEO noted that an independent chair of committee should be appointed to advise the council on contract preparation and negotiation. As a general rule, they stated there should be no performance bonuses included as part of the package.



Protecting integrity: Leading the way

Best practice guidelines and remuneration policy

CEOs were in general agreement with the direction of the proposed legislative reforms regarding CEO remuneration/ performance management policy, audit committee oversight and an independent advisory capacity for the mayor.

There was also general support for a set of best practice guidelines for the CEO remuneration/performance management policy to be developed by the sector.

The maximum payout [on termination] should be six months but the overriding factor is transparency. This should extend to payouts and the council, particularly the mayor, should have access to the CEO's contract. There should be no dispute about this.

Former metropolitan council CEO

The mayor and councillors as a rule do not have the capacity to oversee/monitor the CEO recruitment, contractual arrangements and performance monitoring. Independent advice to assist in this is crucial.

Regional council CEO

Peak representative bodies

The Inspectorate sought views on a range of topics related to the employment cycle of the CEO from the three Victorian peak bodies that represent councils: LG Professionals (LGPro), Municipal Association of Victoria (MAV) and Victorian Local Governance Association (VLGA).

Independent advice

All agreed that smaller councils and those in regional and rural areas require the most assistance. At issue is organisational capability, particularly in overall governance, and a budget to manage the CEO contract cycle.

Current and former CEO recommendations

- With appropriate redactions, the CEO contract should be available online
- Six month maximum payout gives an individual time to adjust 'and is not too onerous for the community'
- No need to advertise contracts every 3-5 years if other safeguards such as proper performance management are implemented
- Audit committee oversight of remuneration policy is a good step forward.

As part of the review, the Inspectorate asked the peak bodies to give their views on any current gaps in the employment cycle process and improvements that could be made. In particular, the Inspectorate sought views on the method in which new and reappointed CEO contracts are negotiated, prepared and executed and on the current performance management of CEOs by councils. Peak bodies were also asked about the appropriate length of CEO appointments without the requirement to formally advertise the position.

LGPro gave a detailed response to inform all aspects of the Inspectorate's review, while the VLGA provided a summary of its key issues and recommendations. MAV indicated the relevance of its submissions^{2,3} to the directions paper for the new Local Government Act and Local Government Bill exposure draft to the issues raised.

In its response, LGPro considered the relationship between CEO and council to be critical and any legislative change or sector improvements put in place need to strengthen the relationship and help to improve, or at the very least safeguard, the perception of the sector.

It was recognised by LGPro that this relationship is potentially more difficult where there is a perceived power imbalance such as inexperienced and unskilled councillors (non-professional or skilled backgrounds) and an experienced CEO. The same could apply where long serving councillors appoint an inexperienced CEO. It was indicated that while the issues identified by the Inspectorate are significant, there was a view that they are prominent rather than prevalent.

Recruitment

VLGA and LGPro acknowledged the high proportion of recruitment activity for CEOs over the past 12-18 months. They also saw there was a variation across the sector on processes undertaken to recruit a CEO. It was also noted there was a broad range in the capability of councils to undertake the recruitment process. Both variations can lead to less objectivity in the process.

Contracting

Issues: Variation in contracts; conflict of interest in staff being involved in preparation of contracts; process to recontract the CEO and advertising requirement for CEOs unnecessary; lack of formal oversight, deliberation and resolution procedures.

Potential solutions: a sector-specific minimum standard contract; councils being mandated to receive independent advice; remove requirement to publicly advertise CEO contract; mandate formal oversight process.

Peak bodies generally agreed that standardised contracts, independent advice on contract matters and maximum payouts on exit clauses were vital in gaining the best value and transparency for the community.

LGPro broadly supported the establishment of a sector-specific minimum standard contract. While it was acknowledged that a model based on a templated contract is in place in many municipalities, this is not consistent and even the templates vary in terms of minimum requirements on matters such as notice, benefits or exit clauses.

In addition to minimum standards, it would be helpful to develop a list of optional clauses for matters that are at local discretion, but could provide some guidance to councils and/or CEOs on appropriateness or relevance.

Views from the sector

2 J https://www.mav.asn.au/__data/assets/word_doc/0020/9780/Submission-to-the-Local-Government-Act-review-Directions-Paper-Sep-2016.docx

3 https://www.mav.asn.au/__data/assets/word_doc/0020/7526/Submission-on-Local-Government-Bill-Exposure-Draft-Mar-2018.docx

On the matter of exit clauses, it was recognised that there is a significant diversity of outcomes currently in this area. While a negotiated outcome may need to depend on location and risk factors associated with the role, 'no fault' exit clauses should have a 12 month maximum and six month minimum payment associated with them.

With regard to tenure, LGPro recommended fixed term contracts, with a maximum five year term. It supported a legislated requirement that no contract should be agreed with an expiry date that falls within the next projected caretaker period.

It was strongly suggested that the current requirement for councils to publicly advertise their intention to renew the contract of their CEO in advance of their decision making on the matter be removed on the basis that the employment relationship is between the CEO and the elected council, and the advertising process only serves to undermine the credibility of the CEO and destabilise the workforce.

Key issues of concern:

- The full council was sometimes not privy to the contractual arrangements and there was a need for a formal council oversight, deliberation and resolution process
- The need for appointments/ reappointments and performance reviews to be done in an objective manner
- The capability of some councils to negotiate and enter into contract arrangements.

Performance management

Issues: internal staff involvement leading to conflict of interest; susceptibility of the performance management process to a loss of objectivity.

Potential solution: all councils should obtain independent professional advice, though this comes at additional cost.

LGPro stated that the focus needs to be on developing a sound framework which would include:

- an independent facilitator drawn from an accredited panel of suppliers.
- a set of basic KPIs that cover annual plan qualitative and quantitative measures with capacity for "local issue" KPIs
- administrative support for the process.

LGPro submitted that politics impacts on CEO performance and perception of performance, which was seen as one of the reasons why CEO turnover is always high after a council election, and has been high across 2017 and 2018. It was also acknowledged that any system will work effectively providing that there is goodwill/intent by all parties.

While some councils use the advice of internal staff in the CEO recruitment and contracting process, this was not recommended as good practice due to potential conflicts of interest arising from the power imbalance, and should be actively discouraged.

In its submission on the Local Government Bill exposure draft, MAV observed that the new provisions provide for the council to obtain independent professional advice in relation to the matters dealt with by the policy. The submission recommended that the obtaining of independent advice should be at the council's discretion and not mandated.

Case study 4 – Lack of councillor capability in managing CEO

A recent Inspectorate investigation found inadequate performance management over a long period of time at a regional council. In this case it was found that councillors expressed reservations about CEO performance but did not have the knowledge or skills to effectively performance manage. The organisation was unable to provide independent assistance or advice. The consequences led to a mismanaged organisation and serious governance failures.



Separation arrangements

Issues: separation payments made to CEOs outside contractual arrangements can have a financial and reputational impact on councils (see case studies 2 and 3). Termination conditions vary between councils.

Potential solutions: separation payments should not exceed terms agreed to in CEO contracts. Standardised termination conditions within the contract would provide fairness to the council and the employee.

Best practice guidelines and remuneration policy

There was broad acknowledgement that councils would benefit from guidelines on how councils should go about the full employment cycle, including a remuneration policy.

It was generally agreed that if the sector is to operate within best practice guidelines that they should be developed and "owned" by the sector.

VLGA and LGPro expressed similar views on the guidelines, in that they should include items such as:

- principles supported or based on contemporary practice in public and private sectors;
- training provided to councillors on a regular basis on recruitment/selection and overseen by Local Government Victoria;
- consideration of the public report at council meetings regarding the process and outcome to improve public perception
- role of independent expert advice
- need to review guidelines regularly, e.g. after each election
- role of council staff.

Overall recommendations included:

- That a working group be established to create best practice standards and guidelines for the CEO recruitment and review process and that these be appropriately disseminated
- That workshops are offered to councils to increase their understanding and capability in relation to good governance.

Peak bodies acknowledged remuneration was a contentious issue for councils and the community. They generally supported a principle-based remuneration policy that provides guidance to councils on appropriate remuneration ranges and processes for remuneration reviews. This should incorporate transparent guidance on 'in-contract pay adjustments' to apply in circumstances where lower than market remuneration rates may be set upon appointment but warrant review based on demonstrated performance and delivery.

Peak bodies agreed that the following standard benchmarks should be used in determining remuneration review:

- KPI outcomes;
- salary benchmarked to the equivalent market rates for a similar sized council group
- CPI movement.

The concept of performance-related bonuses should be discouraged on the basis of difficulties in administering the process in a way that is consistent and transparent.

In summary, any revised approach to these matters should provide CEOs, councillors and a majority of the community with confidence that there is a fair and reasonable process in place. Peak bodies also supported the proposed requirement to have a CEO employment remuneration policy mandated by the state government.

In its submission to the Local Government Act Directions Paper, MAV expressed concerns that the "proposed monitoring and reporting on compliance with the CEO remuneration policy" by the audit and risk committee "may detract from the key audit and risk role and require members with additional expertise".

Local government law practitioner

This respondent made some similar points to the CEOs presented above, including the recommendation that guidelines on remuneration should be developed by the industry and "need to be particularly robust and not too vague".

They also agreed with the direction of the proposed reforms to the Act in regard to CEO remuneration policy, audit committee oversight and independent advice for the mayor.

Councils, in their opinion, should introduce a specific delegated power for the Mayor to obtain advice in matters pertaining to the CEO where required.

While [I] support training, it needs to be ongoing and recognise that the vast majority of councillors are amateurs while CEOs are professionals. It is very difficult for councillors to obtain a sufficient level of capability to recruit a CEO, manage the contractual arrangements and performance monitor.

Sector law practitioner

Other key points included:

- No further restrictions on the appointment or reappointment of the CEO, if supported by robust guidelines
- Termination payments to be in the range of 6-12 months, with full transparency to the community especially if a council decides to pay more than the industry standard
- Full CEO contract, or at least key contract terms, should be on council website.

Views from the sector

5 Sector wide observations and trends

Comparison to Victorian Public Service (VPS) executives

The VPS has a standard contract that sets out the terms and conditions for executive employment. There is a remuneration policy set out by the Secretary and Executive Remuneration Panel. The Inspectorate compared the published salaries and reports on CEO remuneration to VPS executive salary packages and found the majority had a remuneration package within the ranges of the VPS executive bands EO1 to EO3. The data indicates that there is significant overlap between the reported CEO remuneration levels and the VPS executive officer salary ranges. The comparison suggests that current remuneration levels within the local government sector for CEOs is comparable to an executive level VPS position. While this was compared strictly in remuneration terms, there is an equivalent level of responsibility and financial risk but often a higher level of public accountability, and the inherent political risk, in a council CEO position.

Total remuneration

Of the councils reviewed, the average CEO remuneration was \$295,000 with the range across the state between \$200,000 to \$400,000. There was a strong relationship between remuneration and the population density of the municipality.

Comparing VPS executive structure to council CEO salary (figures as of March 2017)

VPS Executive level	Salary range	CEO type by grouping	Salary (median)
EO3	\$178,500 - \$231,439	Group 1	\$234,757
EO2	\$206,539 - \$330,582	Group 2	\$307,733
EO1	\$300,148 - \$439,332	Group 3	\$362,038

(Salary figures and averages taken from VPSC and Inspectorate data)

Group 1: Small to medium rural council
 Group 2: Large rural, regional or small metro council
 Group 3: Large regional to large metro council

Performance reviews

There is variation across councils between those who: had a CEO 'Employment Matters Committee'; undertook performance reviews in conjunction with all councillors; had a councillor-only committee reviewing performance; or engaged an independent facilitator. The Inspectorate considers that a committee working alongside an independent facilitator can provide more effective management of performance reviews.

CEO terms and tenure

One of the matters raised with the Inspectorate in the course of this review related to the tenure of the council CEO and whether at the expiration of the contract, the role is advertised publicly or the CEO can be re-engaged without advertising and no limit imposed on the successive number of contracts.

The Inspectorate conducted a high-level review across the sector and found less than 10 per cent were employed at the one council for more than 10 years. Close to 60 per cent were in the position for less than five years and the vast majority were employed on five year contracts.

In essence, the frequency of the reappointment without advertising is minimal in comparison to the CEO workforce across the state. The provision in the legislation may eliminate the organisational lag in

a CEO recruitment process, provided the current council is satisfied with the CEO's performance. If the employment cycle is completed in a fair and robust manner, then this does not pose an issue.

Payment of bonuses

The issue of the payment of performance bonuses to CEOs was raised by a number of individuals that were consulted. There was general opposition to this payment with the overriding view that these payments did not improve performance.

CEOs are critical to leading our public institutions and supporting the delivery of high quality services for Victorians. It is therefore important that employment arrangements for CEOs reflect best practice and enable them to continue to provide the high quality work and leadership which is expected.

It would be considered unhelpful to offer financial incentives that could potentially encourage CEOs to direct resources to activities related to their performance review rather than areas that benefit the community.

Peak bodies and CEOs indicated that the concept of performance-related bonuses should also be discouraged on the basis of difficulties in administering the process in a way that is consistent and transparent.

The Victorian Public Sector Commission recently conducted a review of current executive officer (EO) arrangements⁴ and found that VPS EO bonuses are generally not effective in driving performance and that the global provision of bonuses to public service executives is unique to Victoria amongst the Australian jurisdictions.

Consistent with the VPSC's review, the Victorian Premier in August 2016 approved the removal of bonuses from the VPS EO employment and remuneration policies. This affected both existing and new VPS EOs.

Case study 5 – Bonus payment made without full council knowledge

It was uncovered at a regional council that a bonus payment of \$25,000 for the CEO was negotiated between the mayor and CEO. This payment was not presented to full council for approval and was outside the contract arrangements. The CEO also sought to have the bonus payment made to a third party. It was believed this was to avoid tax implications. Ultimately the payment was made directly to the CEO.

Issues raised relating to CEO contracts included:

- councillors unaware of contract details before CEO appointment
- councillors unaware of performance bonus provisions in the contract
- councillors unaware of payments related to performance or ex gratia payments
- councillors unaware of recontracting for a new term.

A view was raised by some stakeholders that the involvement of full council may not be the most effective way of managing the CEO, but the contrary view is that the decisions under delegation avoided full scrutiny and transparency to the community.

Matters relating to the CEO recruitment and selection, contract/tenure/exit, performance evaluation and remuneration are some of the most important decisions a council can make and should be made by a resolution of the full council. It should not be delegated.

CEO Remuneration Policy

The proposed legislative reforms from the Local Government Act Review included that a council must develop, adopt and apply a CEO Employment and Remuneration Policy.

A CEO Employment and Remuneration Policy must provide for the council to obtain independent professional advice in relation to the matters dealt with in the CEO Employment and Remuneration policy; and provide for the recruitment and appointment process provisions to be included in the contract of employment, performance monitoring and an annual review.

In addition, a council must also ensure that the Chief Executive Officer Employment and Remuneration Policy is consistent with the remuneration policies contained in the Government of Victoria's Policy on Executive Remuneration in Public Entities.

It is noted that during the course of the review that a number of councils, consistent with their policy, had advertised for independent members for the CEO Employment Matters Advisory Committee.

Acknowledging the reforms did not progress during this parliamentary term, the process can still assist councils and CEOs in dealing with perceived power imbalances.

Role of Audit Committee

The current legislation does not mandate that the audit and risk committee monitor and report on a council's performance against the remuneration policy. An important function of having a remuneration policy is that the oversight of, and compliance with, the policy is monitored.

The Inspectorate supports the audit committee having a role in relation to the remuneration policy, and if not mandated in legislation, it should be incorporated in the audit committee charter or best practice guidelines.

Independent advice

The Inspectorate recognises that many councillors may not have experience in HR employment practices, therefore independent advice is essential to ensure a transparent and accountable process in the employment of their CEO. It is important that advice is provided to the elected council to inform decision making.

Best practice guidelines

A common suggestion from the sector related to the development of best practice guidelines for the CEO recruitment and employment cycle.

The Inspectorate supports the development of sector-led best practice guidelines, coordinated by a central body.

There are benefits that include consistency and standardisation across the state, which provides fairness for all councils.

⁴ VPS Policy on Executive Remuneration in Public Entities, updated 29 June 2018

Internal staff

Mayors, CEOs and peak bodies indicated that some councils use the advice of internal human resource staff in the appointing, contractual arrangements and performance monitoring of the CEO. This was strongly opposed due to potential conflicts of interest arising from the power imbalance, and should be actively discouraged.

It is acknowledged that council staff have an administrative function in engaging external advisory services and providing governance advice. However it is essential that this is separate from the actual CEO appointment, contract and performance process.

Contract/tenure/separation

In the course of this review, the Inspectorate found a number of generic contracts with variations in entitlements or separation arrangements.

On the matter of separation clauses, the review found significant variation in separation arrangement, including one example where a council was exposed to serious financial liability of up to \$1 million (case study 2).

The review found that separation arrangements ranged from three months to 4.5 years. The general view from the sector, given the political risk of the role, is that the suggested range should be 6-12 months. The standard VPS Executive Officer contract has a clause of four months separation payment, noting that the VPS executive remuneration policy⁵ states that “under no circumstances may an unexpired portion of the contract be paid out”.

There was broad support for the establishment of a sector-specific, minimum standard contract, which would alleviate unnecessary variations to contracts.

There was also support for optional clauses to be made available for implementation at local discretion, such as a remuneration schedule.

As previously stated, the Inspectorate supported the condition that the CEO contract should be available for scrutiny by the full council.

New South Wales’ standard CEO contract

In New South Wales, the state has mandated a standard contract for council CEOs and senior staff since September 2006.⁵ The requirement aimed to ensure consistency and certainty in employment relationships and made specific rules on contract termination, in which the employee would be paid the lesser of “a monetary equivalent to 38 weeks’ remuneration” or the amount they would have received if they had been employed to the contract termination date.

The Inspectorate considers that councils should use a standard contract developed by the sector and endorsed by the relevant Local Government Department, leaving CEO remuneration, contract term and separation arrangements (within a specified range) to be decided by the council.

This would assist in solving the problem of leaving the community at risk from excessive termination payments.



⁵ Standard Contract of Employment for General Managers of Local Councils in New South Wales

6 Recommendations

Issue: Variation in the terms and conditions of individual contracts can leave councils open to financial risk.

Recommendation 1: Development and mandating of a model contract, which includes employment terms, timeframes, separation arrangements, and excludes bonuses.

Issue: There is inconsistency in remuneration arrangements across the state and many instances of a lack of transparency to the full councillor group in decisions on remuneration.

Recommendation 2: Legislate the requirement for a CEO remuneration policy, with any changes to remuneration made by a resolution of the full council.

Issue: Audit Committees may be given the power to oversee adherence to the remuneration policy conditions but the lack of statewide legislation enforcing their role dilutes the effectiveness of this important oversight measure⁶.

Recommendation 3: Legislated function of the Audit Committee to oversee the adherence of council to the remuneration policy.

Issue: Inconsistency with recruitment, contracting, performance management and separation arrangements for CEOs leading to adverse outcomes for the community.

Recommendation 4: Development of best practice guidelines by the local government sector, coordinated by Local Government Victoria, and supported by appropriate training.

Issue: Advertising, readvertising or not advertising council CEO roles.

Recommendation 5: No change to current provisions.

Issue: CEOs have the difficult position of being the employee of a councillor group but also responsible for their health and wellbeing as the person in charge of the council as an organisation.

Recommendation 6: Increase awareness of CEO workplace safety responsibilities in respect to councillors through consultation with Local Government Victoria, WorkSafe, VEOHRC, peak bodies and councils.

⁶ Oversight, in this context, does not mean the application of the policy, only the adherence to it.

Protecting integrity: leading the way

Managing the employment cycle
of a council CEO

February 2019

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Accessibility

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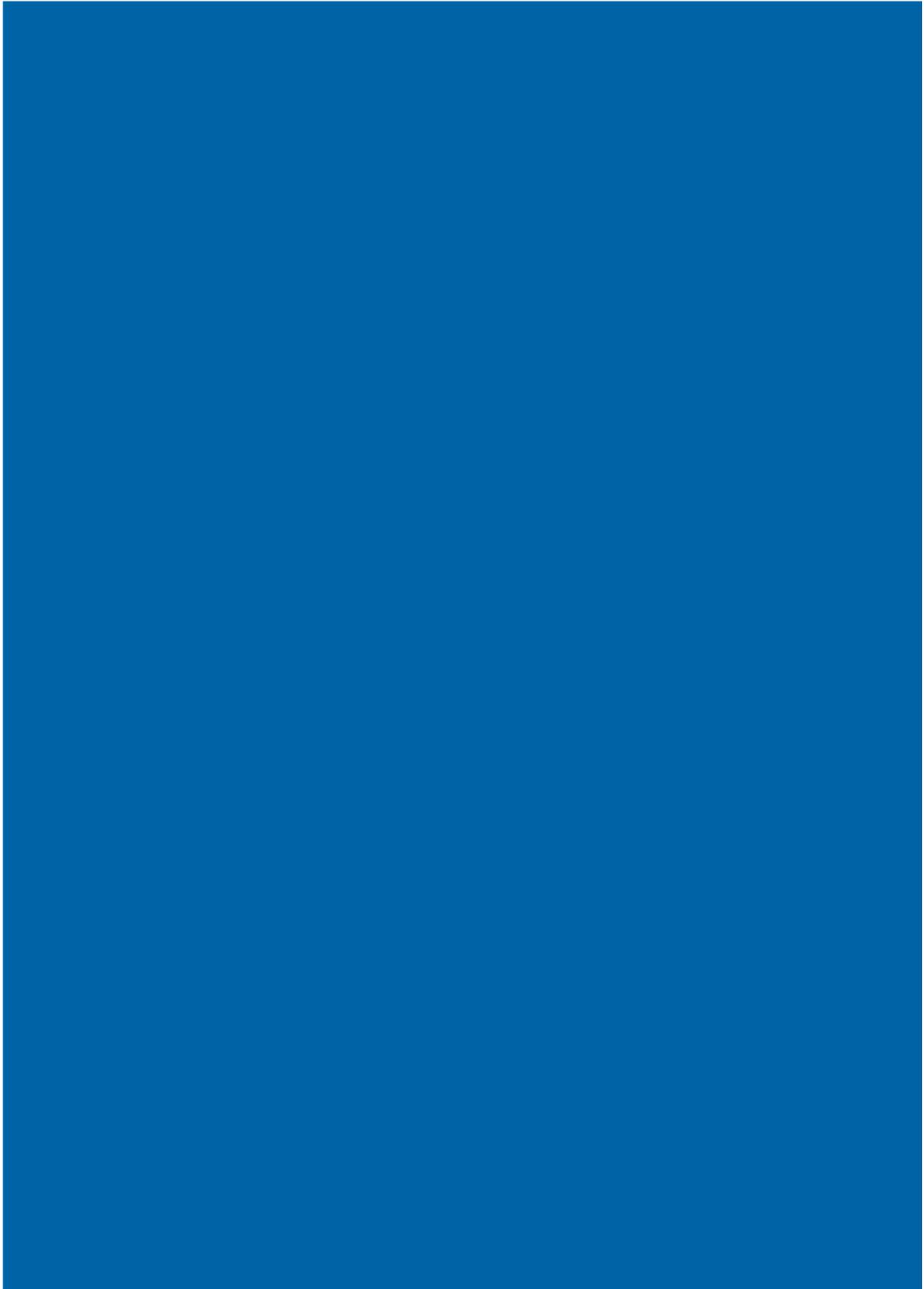
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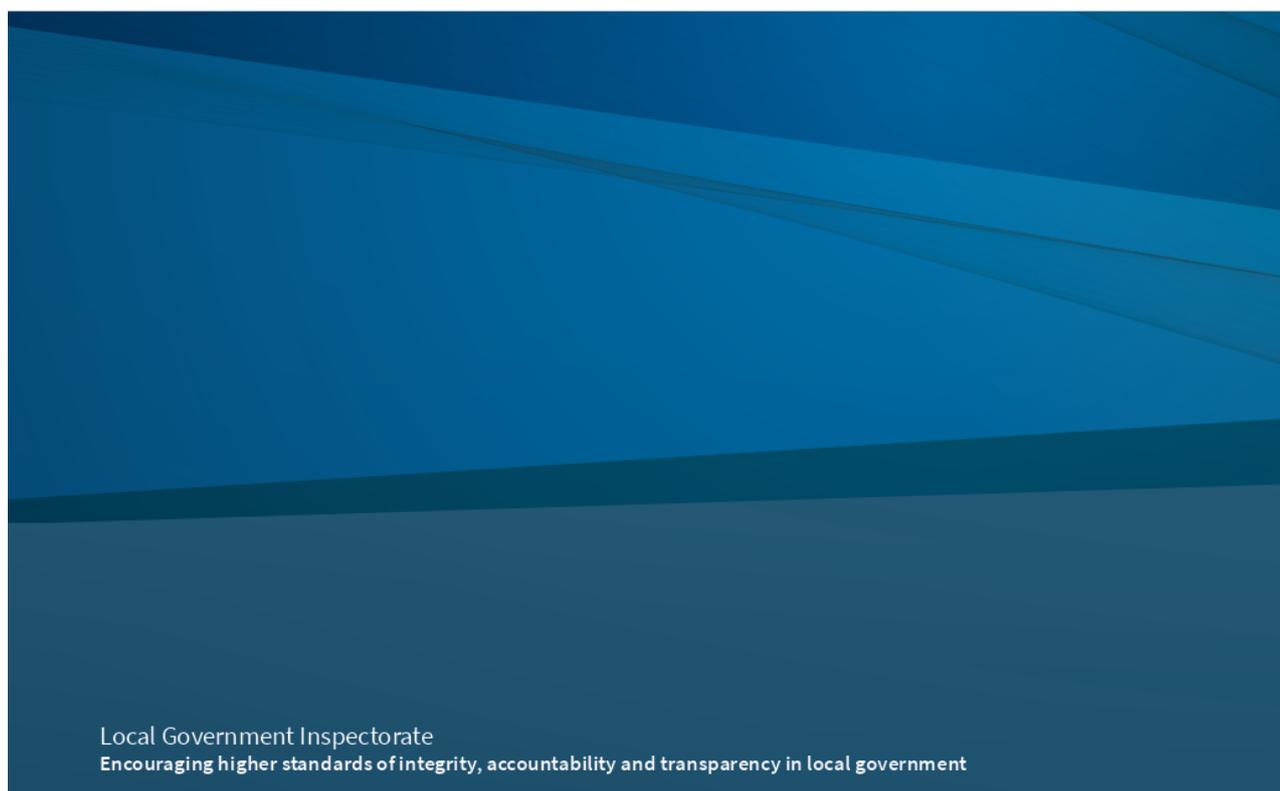


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8.2 DELEGATION UPDATE - COUNCIL TO MEMBERS OF COUNCIL STAFF

Author: Alissa Harrower, Governance and Compliance Coordinator

Authoriser: Phil Higgins, Director Corporate Services

Attachments: 1 Instrument of Delegation - Members of Council Staff [↓](#)

RECOMMENDATION

That Council, in the exercise of powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation to members of Council staff, resolve that;

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

EXECUTIVE SUMMARY

Gannawarra Shire Council has functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 1989* (the Act) as well as a range of other Acts. Section 98 of the Act allows for Council to delegate certain powers, duties or function to members of staff rather than having all functions and duties dealt with by Council resolution.

Delegations are regularly reviewed to reflect changes in legislation, regulations and Council's organisational structure.

BACKGROUND

As a statutory entity, Council is only able to do those things which it is authorised by statute to do. As a legal entity and not a 'natural' person, Council can act in only one of two ways: by resolution or through others acting on its behalf. The power of Council to act by resolution is set out in section 3(5) of the Act.

"(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."

Alternatively, a Council can act through others. Section 98 of the Act allows for a Council to delegate to a member of its staff any power, duty or function of a Council under both the Act and any other Act, other than –

- (1) this power of delegation; and
- (2) the power to declare a rate or charge; and

- (3) the power to borrow money; and
- (4) the power to approve any expenditure not contained in a budget approved by the Council; and
- (5) any power, duty or function of the Council under section 223; and
- (6) any prescribed power.

Where this is to occur, appointments are formalised through written 'instruments of delegation'.

While under the Act delegations must be reviewed within twelve months after a general election, Gannawarra Shire Council staff conduct reviews more regularly to reflect changes in legislation, regulations and changes to Council's organisational structure.

POLICY CONTEXT

Section 98 – *Local Government Act 1989*

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

DISCUSSION

A recent review of delegations identified new provisions as follows:

- S 185L(4) has been added to provide clarification about the ability of a council's Chief Executive Officer to declare and levy a cladding rectification charge.

CONSULTATION

Lawyers from Maddocks provide Council with regular updates of relevant changes to legislation and regulations. Council staff with delegations and authorisations under legislation and regulations that have recently changed, and those affected by new legislation have been involved in the delegation review process.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The review of the Instrument of Delegation to Members of Council staff has been completed, reflecting current legislation and regulations.

S6. Instrument of Delegation – Members of Staff

Gannawarra Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

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

2. record that references in the Schedule are as follows:

- CEO means Chief Executive Officer
- DCS means Director Corporate Services
- DCW means Director Community Wellbeing
- DID means Director Infrastructure and Development
- EHO means Environmental Health Officer
- GCC means Governance and Compliance Coordinator
- LLO1 means Local Laws Team Leader
- LLO2 means Local Laws Officer
- LRP means Legal Representative/Professional
- MBS means Municipal Building Surveyor
- MCH means Manager Community Health
- MF means Manager Finance
- MG means Manager Governance
- MOS means Manager Operational Services
- MPD means Manager Assets and Design
- MPRS means Manager Planning and Regulatory Services
- PO means Planning Officer
- Provision Not Delegated means the function and/or power in column 3 of the Schedule remains with Council

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 August 2019; and

3.2 the delegation:

- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council; or

- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The Common Seal of the GANNAWARRA SHIRE COUNCIL)
was hereunto affixed in accordance with Governance Local)
Law 2018)
on the _____ day of _____ 2019.)

_____ Chief Executive Officer
(signature)

_____ Full name

Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

S6 Instrument of Delegation - Members of Staff

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)				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	Where Council is a Class B cemetery trust	Provision Not Delegated	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	Where Council is a Class B cemetery trust	Provision Not Delegated	
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	Where Council is a Class B cemetery trust	Provision Not Delegated	
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions		Provision Not Delegated	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.		Provision Not Delegated	
s 15(1) and (2)	Power to delegate powers or functions other than those listed		Provision Not Delegated	
s 15(4)	Duty to keep records of delegations		GCC, MG	
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	
s 17(3)	Power to determine the terms and conditions of employment or engagement	Subject to any guidelines or	CEO	

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)				
		directions of the Secretary		
s 18(3)	Duty to comply with a direction from the Secretary		CEO	
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	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18C	Power to determine the membership of the governance committee	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18D	Power to determine procedure of governance committee	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18D(1)(b)	Power to appoint any additional community advisory committees	Where Council is a Class A cemetery trust	DID, MPRS	
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	Where Council is a Class A cemetery trust	Provision Not Delegated	
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	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Where Council is a Class A cemetery trust	Provision Not Delegated	
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))	Where Council is a Class A cemetery	Provision Not	

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)				
		trust	Delegated	
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Where Council is a Class A cemetery trust	Provision Not Delegated	
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	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Where Council is a Class A cemetery trust	Provision Not Delegated	
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	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	Where Council is a Class A cemetery trust	Provision Not Delegated	
s 19	Power to carry out or permit the carrying out of works		CEO	
s 20(1)	Duty to set aside areas for the interment of human remains		Provision Not Delegated	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery		Provision Not Delegated	

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)				
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)		Provision Not Delegated	
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	Subject to the approval of the Minister	Provision Not Delegated	
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	Subject to the Minister approving the purpose	Provision Not Delegated	
s 40	Duty to notify Secretary of fees and charges fixed under s 39		CEO	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Provided the street was constructed pursuant to the Local Government Act 1989	Provision Not Delegated	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	Report must contain the particulars listed in s 57(2)	MG	
s 59	Duty to keep records for each public cemetery		GCC, MG	
s 60(1)	Duty to make information in records available to the public for historical or research purposes		GCC, MG	
s 60(2)	Power to charge fees for providing information		CEO, MG	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)		CEO	
s 64B(d)	Power to permit interments at a reopened cemetery		CEO	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	The application must include the requirements listed in s 66(2)(a)-(d)	Provision Not Delegated	
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park		CEO, MG	
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		GCC, MG	
s 70(2)	Duty to make plans of existing place of interment available to the public		GCC, MG	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies		CEO	

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)				
s 71(2)	Power to dispose of any memorial or other structure removed		CEO	
s 72(2)	Duty to comply with request received under s 72		CEO	
s 73(1)	Power to grant a right of interment		CEO, GCC, MG	
s 73(2)	Power to impose conditions on the right of interment		CEO	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)		Provision Not Delegated	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted		CEO	
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	
s 80(1)	Function of receiving notification and payment of transfer of right of interment		MG	
s 80(2)	Function of recording transfer of right of interment		GCC, MG	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment		CEO, MG	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)		CEO, MG	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment		CEO	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment		CEO	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	The notice must be in writing and contain the requirements listed in s 85(2)	CEO, MG	
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	Does not apply where right of interment relates to remains of a deceased veteran.	GCC, MG	
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.	May only be exercised where right of interment relates to cremated human remains of a	DCS, MG	

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)				
		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	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment		CEO	
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	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)		CEO	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains		CEO	
s.86(5)	duty to provide notification before taking action under s.86(4)		CEO	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)		CEO	
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		CEO	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment		MG	
s 91(1)	Power to cancel a right of interment in accordance with s 91		CEO	
s 91(3)	Duty to publish notice of intention to cancel right of interment		CEO	
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	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment		CEO	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval		CEO	
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		CEO	
s 100(1)	Power to require a person to remove memorials or places of interment		CEO	
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	
s 100(3)	Power to recover costs of taking action under s 100(2)		CEO	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery		CEO	

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)				
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)		CEO	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)		CEO	
s 103(1)	Power to require a person to remove a building for ceremonies		CEO	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)		CEO	
s 103(3)	Power to recover costs of taking action under s 103(2)		CEO	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs		MG	
s 106(2)	Power to require the holder of the right of interment to provide for an examination		CEO	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with		CEO	
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	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs		DID	
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		MG	
s 108	Power to recover costs and expenses		CEO, DCS, MG	
s 109(1)(a)	Power to open, examine and repair a place of interment	Where the holder of right of interment or responsible person cannot be found	CEO	
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	Where the holder of right of interment or responsible person cannot be found	CEO	
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	Where the holder of right of interment or responsible person cannot be found	CEO	
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	

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)				
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	
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	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment		CEO	
s 112	Power to sell and supply memorials		Provision Not Delegated	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted		GCC, MG	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application		MG	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met		Provision Not Delegated	
s 119	Power to set terms and conditions for interment authorisations		Provision Not Delegated	
s 131	Function of receiving an application for cremation authorisation		GCC, MG	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	Subject to s 133(2)	CEO	
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner		CEO	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	Subject to the approval of the Secretary	CEO	
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation		CEO	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary		CEO	
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	
s 151	Function of receiving applications to inter or cremate body parts		MG	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150		Provision Not Delegated	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication		CEO, MG	

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)				
sch 1 cl 8(8)	Power to regulate own proceedings	Subject to cl 8	CEO, MG	
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Where Council is a Class A cemetery trust	Provision Not Delegated	
sch 1A cl 8(8)	Power to regulate own proceedings	Where Council is a Class A cemetery trust Subject to cl 8	Provision Not Delegated	
Domestic Animals Act 1994				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 41A(1)	Power to declare a dog to be a menacing dog	Council may delegate this power to a Council authorised officer	DID, LLO1, LLO2, MPRS	
Environment Protection Act 1970				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 53M(3)	Power to require further information		EHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with		EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	Refusal must be ratified by Council or it is of no effect	EHO	
s 53M(6)	Power to refuse to issue septic tank permit	Refusal must be ratified by Council or it is of no effect	EHO	
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	Refusal must be ratified by Council or it is of no effect	Provision Not Delegated	

Food Act 1984				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	If s 19(1) applies	EHO	
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	If s 19(1) applies	EHO	
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	If s 19(1) applies Only in relation to temporary food premises or mobile food premises	EHO	
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	If s 19(1) applies	EHO	
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	If s 19(1) applies	EHO	
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	If s 19(1) applies	EHO	
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Where Council is the registration authority	EHO	
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	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	EHO	
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	Where Council is the registration authority	EHO	
s 19CB(4)(b)	Power to request copy of records	Where Council is the registration authority	Provision Not Delegated	
s 19E(1)(d)	Power to request a copy of the food safety program	Where Council is the registration authority	EHO	
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Where Council is the registration	EHO	

Food Act 1984				
			authority	
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified		Where Council is the registration authority	Provision Not Delegated
s 19NA(1)	Power to request food safety audit reports		Where Council is the registration authority	EHO
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances			DCW
s 19UA	Power to charge fees for conducting a food safety assessment or inspection		Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.	EHO
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB		Where Council is the registration authority	EHO
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction		Where Council is the registration authority	EHO
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		Where Council is the registration authority	EHO
	Power to register, renew or transfer registration		Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))	EHO
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		Where Council is the registration authority	EHO
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)		Where Council is	EHO

Food Act 1984				
			the registration authority	
s 38A(4)	Power to request a copy of a completed food safety program template		Where Council is the registration authority	Provision Not Delegated
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs		Where Council is the registration authority	EHO
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A		Where Council is the registration authority	EHO
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)		Where Council is the registration authority	EHO
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39		Where Council is the registration authority	EHO
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)		Where Council is the registration authority	EHO
s 38D(3)	Power to request copies of any audit reports		Where Council is the registration authority	EHO
s 38E(2)	Power to register the food premises on a conditional basis		Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)	EHO
s 38E(4)	Duty to register the food premises when conditions are satisfied		Where Council is the registration authority	EHO
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act		Where Council is the registration authority	EHO

Food Act 1984				
s 39A	Power to register, renew or transfer food premises despite minor defects	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)	EHO	
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008		EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	Where Council is the registration authority	EHO	
s 40D(1)	Power to suspend or revoke the registration of food premises	Where Council is the registration authority	DCW	
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	Where Council is the registration authority	EHO	
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	Where Council is the registration authority	EHO	
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	Where Council is the registration authority	EHO	
Heritage Act 2017				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 116	Power to sub-delegate Executive Director's functions, duties or powers	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive	Provision Not Delegated	

Heritage Act 2017				
		Director authorises sub-delegation		
Local Government Act 1989				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	Agreement can only be entered into by CEO.	Provision Not Delegated	
s 185L(4)	Power to declare and levy a cladding rectification charge		CEO	
Planning and Environment Act 1987				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	If authorised by the Minister	DID, MPRS	
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister		DID, MPRS	
s 4H	Duty to make amendment to Victoria Planning Provisions available		DID, MPRS	
s 4I	Duty to keep Victorian Planning Provisions and other documents available		DID, MPRS	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A		DID, MPRS	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme		Provision Not Delegated	
s 8A(5)	Function of receiving notice of the Minister's decision		DID, MPRS	
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		DID, MPRS	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district		Provision Not Delegated	
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		DID, MPRS, PO	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)		CEO, DID, MPRS	
s 12B(1)	Duty to review planning scheme		CEO, DID,	

Planning and Environment Act 1987				
				MPRS
s 12B(2)	Duty to review planning scheme at direction of Minister			CEO, DID, MPRS
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay			CEO, DID, MPRS
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)			DID, MPRS, PO
s 17(1)	Duty of giving copy amendment to the planning scheme			DID, MPRS, PO
s 17(2)	Duty of giving copy s 173 agreement			DID, MPRS, PO
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days			DID, MPRS
s 18	Duty to make amendment etc. available			DID, MPRS, PO
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, DID, MPRS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	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.		CEO, DID, MPRS
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19			CEO, DID, MPRS
s 21(2)	Duty to make submissions available			DID, MPRS, PO
s 21A(4)	Duty to publish notice			CEO, DID,

Planning and Environment Act 1987				
				MPRS
s 22	Duty to consider all submissions	Except submissions which request a change to the items in s 22(5)(a) and (b)	DID, MPRS	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel		DID, MPRS	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment		Provision Not Delegated	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)		CEO, DID, MPRS	
s 26(1)	Power to make report available for inspection		DID, MPRS, PO	
s 26(2)	Duty to keep report of panel available for inspection		DID, MPRS, PO	
s 27(2)	Power to apply for exemption if panel's report not received		CEO, DID, MPRS	
s 28	Duty to notify the Minister if abandoning an amendment	Note: the power to make a decision to abandon an amendment cannot be delegated	CEO, DID, MPRS	
s 30(4)(a)	Duty to say if amendment has lapsed		CEO, DID, MPRS	
s 30(4)(b)	Duty to provide information in writing upon request		CEO, DID, MPRS	
s 32(2)	Duty to give more notice if required		CEO, DID, MPRS	
s 33(1)	Duty to give more notice of changes to an amendment		CEO, DID, MPRS	
s 36(2)	Duty to give notice of approval of amendment		CEO, DID, MPRS	
s 38(5)	Duty to give notice of revocation of an amendment		CEO, DID, MPRS	

Planning and Environment Act 1987				
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT		CEO, DID, MPRS	
s 40(1)	Function of lodging copy of approved amendment		CEO, DID, MPRS	
s 41	Duty to make approved amendment available		DID, MPRS, PO	
s 42	Duty to make copy of planning scheme available		DID, MPRS, PO	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils	Provision Not Delegated	
s 46AW	Function of being consulted by the Minister	Where Council is a responsible public entity	DID, MPRS	
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	Where Council is a responsible public entity	DID, MPRS	
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	Where Council is a responsible public entity	DID, MPRS	
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	Where Council is a responsible public entity	DID, MPRS	
s	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	Where Council is	DID, MPRS	

Planning and Environment Act 1987				
46GI(2)(b)(i)	Minister's direction	the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency		
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans		DID, MPRS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority		DID, MPRS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land		DID, MPRS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land		DID, MPRS	
s 46GP	Function of receiving a notice under s 46GO	Where Council is the collecting agency	DID, MPRS	
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		DID, MPRS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO		DID, MPRS	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister		DID, MPRS	
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		DID, MPRS	
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		DID, MPRS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference		DID, MPRS	
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		DID, MPRS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)		DID, MPRS	
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		DID, MPRS	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	Where Council is the collecting	DID, MPRS	

Planning and Environment Act 1987				
	Power to specify the manner in which the payment is to be made	agency		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Where Council is the collecting agency	DID, MPRS	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Where Council is the development agency	DID, MPRS	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Where Council is the collecting agency	DID, MPRS	
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		DID, MPRS	
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	Where Council is the collecting agency	DID, MPRS	
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Where Council is the collecting agency	DID, MPRS	
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	Where Council is the collecting agency	DID, MPRS	
s 46GY(1)	Duty to keep proper and separate accounts and records	Where Council is the collecting agency	DID, MPRS	
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	Where Council is the collecting agency	DID, MPRS	
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	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where	DID, MPRS	

Planning and Environment Act 1987				
			Council is that planning authority	
s 46GZ(2)(a)	Function of receiving the monetary component		Where the Council is the planning authority This duty does not apply where Council is also the collecting agency	DID, MPRS
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		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	DID, MPRS
s 46GZ(2)(b)	Function of receiving the monetary component		Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency	DID, MPRS
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)		Where Council is the collecting	DID, MPRS

Planning and Environment Act 1987				
			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		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	DID, MPRS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land		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	DID, MPRS
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		Where Council is the collecting agency under an approved infrastructure contributions plan	DID, MPRS
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		If any inner public purpose land is	DID, MPRS

Planning and Environment Act 1987					
			<p>vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>		
s 46GZ(9)	Function of receiving the fee simple in the land		<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>	DID, MPRS	
s 46GZA(1)	Duty to keep proper and separate accounts and records		Where Council is the development agency under an approved infrastructure contributions plan	DID, MPRS	

Planning and Environment Act 1987			
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	Where Council is a development agency under an approved infrastructure contributions plan	DID, MPRS
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Where Council is a development agency under an approved infrastructure contributions plan	DID, MPRS
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	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	DID, MPRS
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)	Where Council is the development agency under an approved infrastructure contributions plan	DID, MPRS
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Where Council is the collecting agency under an approved infrastructure contributions plan	DID, MPRS
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Where Council is the collecting agency under an	DID, MPRS

Planning and Environment Act 1987				
			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		Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	DID, MPRS
s 46GZE(2)	Function of receiving the unexpended land equalisation amount		Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	DID, MPRS
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)		Where Council is the collecting agency under an approved infrastructure contributions plan	DID, MPRS
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		Where Council is the development agency under an approved infrastructure contributions plan	DCS, DID

Planning and Environment Act 1987			
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	Where Council is the development agency under an approved infrastructure contributions plan	DID, MPRS
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency	DCS, DID
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)	Where Council is the collecting agency under an approved infrastructure contributions plan	DID, MPRS
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	Where Council is the collecting agency under an approved infrastructure contributions plan	DID, MPRS
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	Where Council is the collecting agency under an approved infrastructure contributions plan	DCS, DID
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Where Council is a collecting agency	DID, MPRS

Planning and Environment Act 1987				
			or development agency	
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council		Where Council is a collecting agency or development agency	DID, MPRS
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)			DCS, DID
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy			DID, MPRS, PO
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy			DCS, DID, MPRS
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy			DCS, DID, MPRS
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			DCS, DID, MPRS
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy			DCS, DID, MPRS
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured			DCS, DID, MPRS
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable			CEO, DCS, DID
s 46Q(1)	Duty to keep proper accounts of levies paid			DCS, MF
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 or plan preparation costs incurred by a development agency			DCS, DID, MPRS
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			DCS, DID, MPRS
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed		Only applies when levy is paid to Council as a 'development agency'	CEO, DCS, DID
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)		Must be done within six months of the end of the	CEO, DCS, DID

Planning and Environment Act 1987				
			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		Must be done in accordance with Part 3	CEO, DCS, DID
s46Q(4)(e)	Duty to expend that amount on other works etc.		With the consent of, and in the manner approved by, the Minister	CEO, DCS, DID
s 46QC	Power to recover any amount of levy payable under Part 3B			Provision Not Delegated
s 46QD	Duty to prepare report and give a report to the Minister		Where Council is a collecting agency or development agency	DID, MPRS
s 47	Power to decide that an application for a planning permit does not comply with that Act			CEO, DID, MPRS
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits			DID, MPRS, PO
s 49(2)	Duty to make register available for inspection			DID, MPRS, PO
s 50(4)	Duty to amend application			CEO, DID, MPRS, PO
s 50(45)	Power to refuse to amend application			CEO, DID, MPRS
s 50(6)	Duty to make note of amendment to application in register			DID, MPRS
s 50A(1)	Power to make amendment to application			CEO, DID, MPRS

Planning and Environment Act 1987				
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given		CEO, DID, MPRS, PO	
s 50A(4)	Duty to note amendment to application in register		CEO, DID, MPRS, PO	
s 51	Duty to make copy of application available for inspection		CEO, DID, MPRS, PO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person		CEO, DID, MPRS, PO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate		CEO, DID, MPRS, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme		CEO, DID, MPRS, 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		CEO, DID, MPRS, 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		CEO, DID, MPRS, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected		CEO, DID, MPRS, PO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant		CEO, DID, MPRS, PO	
s 52(3)	Power to give any further notice of an application where appropriate		CEO, DID, MPRS, PO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it		CEO, DID, MPRS, PO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)		CEO, DID, MPRS, PO	
s 54(1)	Power to require the applicant to provide more information		CEO, DID, MPRS, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)		CEO, DID, MPRS, PO	
s 54(1B)	Duty to specify the lapse date for an application		CEO, DID, MPRS	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information		CEO, DID, MPRS	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)		CEO, DID,	

Planning and Environment Act 1987				
				MPRS
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme			CEO, DID, MPRS, PO
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector			CEO, DID, MPRS
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go			CEO, DID, MPRS, PO
s 57(5)	Duty to make available for inspection copy of all objections			CEO, DID, MPRS, PO
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)			CEO, DID, MPRS
s 57A(5)	Power to refuse to amend application			CEO, DID, MPRS
s 57A(6)	Duty to note amendments to application in register			CEO, DID, MPRS, PO
s 57B(1)	Duty to determine whether and to whom notice should be given			CEO, DID, MPRS, PO
s 57B(2)	Duty to consider certain matters in determining whether notice should be given			CEO, DID, MPRS, PO
s 57C(1)	Duty to give copy of amended application to referral authority			CEO, DID, MPRS, PO
s 58	Duty to consider every application for a permit			CEO, DID, MPRS, PO
s 58A	Power to request advice from the Planning Application Committee			CEO, DID, MPRS
s 60	Duty to consider certain matters			CEO, DID, MPRS, PO
s 60(1A)	Duty to consider certain matters			CEO, DID, MPRS
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect			CEO, DID, MPRS
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	The permit must not be inconsistent with a cultural heritage management plan		CEO, DID, MPRS

Planning and Environment Act 1987				
		under the Aboriginal Heritage Act 2006		
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit		Provision Not Delegated	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent		Provision Not Delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent		Provision Not Delegated	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant		Provision Not Delegated	
s 62(1)	Duty to include certain conditions in deciding to grant a permit		CEO, DID, MPRS	
s 62(2)	Power to include other conditions		CEO, DID, MPRS	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)		CEO, DID, MPRS	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan		CEO, DID, MPRS	
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, DID, MPRS	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant		CEO, DID, MPRS	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)		CEO, DID, MPRS	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)		CEO, DID, MPRS	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)		CEO, DID, MPRS	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	This provision applies also to a decision to grant	CEO, DID, MPRS, PO	

Planning and Environment Act 1987				
			an amendment to a permit - see s 75	
s 64(3)	Duty not to issue a permit until after the specified period		This provision applies also to a decision to grant an amendment to a permit - see s 75	CEO, DID, MPRS
s 64(5)	Duty to give each objector a copy of an exempt decision		This provision applies also to a decision to grant an amendment to a permit - see s 75	CEO, DID, MPRS, PO
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		This provision applies also to a decision to grant an amendment to a permit - see s 75A	CEO, DID, MPRS
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57			CEO, DID, MPRS, PO
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities			CEO, DID, MPRS, PO
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit		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	DID, MPRS, PO
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit		If the recommending referral authority	DID, MPRS, PO

Planning and Environment Act 1987				
			objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit	
s 66(46)	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		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	DID, MPRS, PO
s 69(1)	Function of receiving application for extension of time of permit			CEO, DID, MPRS, PO
s 69(1A)	Function of receiving application for extension of time to complete development			DID, MPRS, PO
s 69(2)	Power to extend time			CEO, DID, MPRS
s 70	Duty to make copy permit available for inspection			CEO, DID, MPRS, PO
s 71(1)	Power to correct certain mistakes			CEO, DID, MPRS
s 71(2)	Duty to note corrections in register			CEO, DID, MPRS, PO
s 73	Power to decide to grant amendment subject to conditions			CEO, DID, MPRS
s 74	Duty to issue amended permit to applicant if no objectors			CEO, DID, MPRS

Planning and Environment Act 1987				
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit		CEO, DID, MPRS, PO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice		CEO, DID, MPRS, PO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	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	DID, MPRS, PO	
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	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	DID, MPRS, PO	
s 76A(46)	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	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not	DID, MPRS, PO	

Planning and Environment Act 1987				
		recommend a condition be included on the amended permit		
s 76D	Duty to comply with direction of Minister to issue amended permit		CEO, DID, MPRS	
s 83	Function of being respondent to an appeal		CEO, DID, MPRS, PO	
s 83B	Duty to give or publish notice of application for review		CEO, DID, MPRS, 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, DID, MPRS	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit		CEO, DID, MPRS	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit		CEO, DID, MPRS	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days		CEO, DID, MPRS	
s 84AB	Power to agree to confining a review by the Tribunal		DID, MPRS	
s 86	Duty to issue a permit at order of Tribunal within 3 working days		CEO, DID, MPRS	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit		CEO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit		CEO, DID, MPRS, PO	
s 91(2)	Duty to comply with the directions of VCAT		CEO, DID, MPRS, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs		CEO, DID, MPRS	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90		CEO, DID, MPRS, PO	
s 93(2)	Duty to give notice of VCAT order to stop development		CEO, DID, MPRS, PO	
s 95(3)	Function of referring certain applications to the Minister		CEO, DID, MPRS	
s 95(4)	Duty to comply with an order or direction		CEO, DID,	

Planning and Environment Act 1987				
				MPRS, PO
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land			CEO, DID, MPRS, 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
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment			CEO, DID, MPRS, PO
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, DID, MPRS, PO
s 96F	Duty to consider the panel's report under s 96E			Provision Not Delegated
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)			Provision Not Delegated
s 96H(3)	Power to give notice in compliance with Minister's direction			CEO, DID, MPRS, PO
s 96J	Power to issue permit as directed by the Minister			CEO, DID, MPRS
s 96K	Duty to comply with direction of the Minister to give notice of refusal			CEO, DID, MPRS, PO
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			DID, MPRS, PO
s 97C	Power to request Minister to decide the application			Provision Not Delegated
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application			CEO, DID, MPRS, PO
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister			CEO, DID, MPRS, PO
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection			CEO, DID, MPRS, PO
s 97L	Duty to include Ministerial decisions in a register kept under s 49			CEO, DID, MPRS, PO
s 97MH	Duty to provide information or assistance to the Planning Application Committee			DID, MPRS, PO

Planning and Environment Act 1987				
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee		CEO, DID, MPRS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance		CEO, DID, MPRS	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate		CEO, DID, MPRS, PO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate		CEO, DID, MPRS, PO	
s 97Q(4)	Duty to comply with directions of VCAT		CEO, DID, MPRS, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions		CEO, DID, MPRS, PO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances		CEO, DID, MPRS	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed		CEO, DID, MPRS	
s 101	Function of receiving claim for expenses in conjunction with claim		CEO, DID, MPRS	
s 103	Power to reject a claim for compensation in certain circumstances		CEO, DID	
s.107(1)	function of receiving claim for compensation		CEO, DID, MPRS	
s 107(3)	Power to agree to extend time for making claim		CEO, DID, MPRS	
s 114(1)	Power to apply to the VCAT for an enforcement order		CEO, DID, MPRS, PO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received		CEO, DID, MPRS, PO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made		CEO, DID, MPRS, PO	
s 123(1)	Power to carry out work required by enforcement order and recover costs		CEO, DID, MPRS	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	Except Crown Land	CEO	
s 129	Function of recovering penalties		CEO, DID, MPRS, PO	

Planning and Environment Act 1987				
s 130(5)	Power to allow person served with an infringement notice further time		CEO, DID, MPRS	
s 149A(1)	Power to refer a matter to the VCAT for determination		CEO, DID, MPRS, PO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement		CEO, DID, MPRS	
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)	Where Council is the relevant planning authority	CEO, DCS, MPRS	
s 171(2)(f)	Power to carry out studies and commission reports		CEO	
s 171(2)(g)	Power to grant and reserve easements		DID, MPRS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Where Council is a development agency specified in an approved infrastructure contributions plan	DCS, DID	
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)	Where Council is a collecting agency specified in an approved infrastructure contributions plan	DCS, DID	
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)	Where Council is the development agency specified in an approved infrastructure contributions plan	DCS, DID	
s 173(1)	Power to enter into agreement covering matters set out in s 174		CEO	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Where Council is the relevant responsible authority	Provision Not Delegated	
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and		CEO, DID,	

Planning and Environment Act 1987				
	Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority		MPRS	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority		CEO, DID, MPRS	
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	
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	
s 178A(1)	Function of receiving application to amend or end an agreement		DID, MPRS, PO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)		CEO, DID, MPRS	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal		CEO, DID, MPRS	
s 178A(5)	Power to propose to amend or end an agreement		CEO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement		CEO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement		CEO	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end		CEO	
s 178C(4)	Function of determining how to give notice under s 178C(2)		CEO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given		CEO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	If no objections are made under s 178D Must consider matters in s 178B	CEO	
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	If no objections are made under s 178D Must consider matters in s 178B	CEO	
s 178E(2)(c)	Power to refuse to amend or end the agreement	If no objections are made under s 178D	CEO	

Planning and Environment Act 1987				
			Must consider matters in s 178B	
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal		After considering objections, submissions and matters in s 178B	CEO
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal		After considering objections, submissions and matters in s 178B	CEO
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal		After considering objections, submissions and matters in s.178B	CEO
s 178E(3)(d)	Power to refuse to amend or end the agreement		After considering objections, submissions and matters in s 178B	CEO
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)			CEO
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)			CEO
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn			CEO
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement			CEO
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement			Provision Not Delegated
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land			CEO
s 179(2)	Duty to make available for inspection copy agreement			CEO, DID, MPRS, PO
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General			CEO, DID, MPRS
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement			DID, MPRS, PO
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement			DID, MPRS, PO

Planning and Environment Act 1987				
s 182	Power to enforce an agreement		CEO, DID, MPRS, PO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement		CEO, DID, MPRS, 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	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement		CEO	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement		CEO	
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		DID, MPRS, PO	
s 184G(2)	Duty to comply with a direction of the Tribunal		DID, MPRS, PO	
s 184G(3)	Duty to give notice as directed by the Tribunal		DID, MPRS, PO	
s 198(1)	Function to receive application for planning certificate		CEO, DID, MPRS, PO	
s 199(1)	Duty to give planning certificate to applicant		CEO, DID, MPRS, PO	
s 201(1)	Function of receiving application for declaration of underlying zoning		CEO, DID, MPRS, PO	
s 201(3)	Duty to make declaration		CEO, DID, MPRS	
	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, DID, MPRS	
	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, DID, MPRS	
	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, DID, MPRS	
	Power to give written authorisation in accordance with a provision of a planning scheme		CEO, DID, MPRS	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district		Provision Not Delegated	

Planning and Environment Act 1987				
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible		Provision Not Delegated	
Rail Safety (Local Operations) Act 2006				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 33	Duty to comply with a direction of the Safety Director under s 33	Where Council is a utility under s 3	DID, MOS, MPD	
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	Duty of Council as a road authority under the Road Management Act 2004	DID, MOS, MPD	
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	Where Council is a utility under s 3	DID, MOS, MPD	
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	Where Council is the relevant road authority	CEO	
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Where Council is the relevant road authority	DID, MOS, MPD	
s 34D(2)	Function of receiving written notice of opinion	Where Council is the relevant road authority	DID	
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	Where Council is the relevant road authority	CEO	
s 34E(1)(a)	Duty to identify and assess risks to safety	Where Council is the relevant road authority	DID, MOS, MPD	
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	Where Council is the relevant road authority	DID, MPD	
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	Where Council is the relevant road authority	CEO, DID	

Rail Safety (Local Operations) Act 2006				
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	Where Council is the relevant road authority	DID, MOS, MPD	
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	Where Council is the relevant road authority	DID, MOS, MPD	
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	Where Council is the relevant road authority	DID, MOS, MPD	
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	Where Council is the relevant road authority	DID, MOS, MPD	
s 34I	Function of entering into safety interface agreements	Where Council is the relevant road authority	CEO, DID	
s 34J(2)	Function of receiving notice from Safety Director	Where Council is the relevant road authority	CEO, DID	
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	Where Council is the relevant road authority	CEO, DID	
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	Where Council is the relevant road authority	DID, MPD	
Residential Tenancies Act 1997				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 142D	Function of receiving notice regarding an unregistered rooming house		CEO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district		Provision Not Delegated	
s 142G(2)	Power to enter certain information in the Rooming House Register		Provision Not Delegated	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry		Provision	

Residential Tenancies Act 1997				
			Not Delegated	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	Where Council is the landlord	CEO	
s 262(1)	Power to give tenant a notice to vacate rented premises	Where Council is the landlord	CEO	
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council		Provision Not Delegated	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements		Provision Not Delegated	
s 522(1)	Power to give a compliance notice to a person		EHO, MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)		CEO	
s 525(4)	Duty to issue identity card to authorised officers		CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526		EHO	
s 526A(3)	Function of receiving report of inspection		Provision Not Delegated	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)		EHO, MBS	
Road Management Act 2004				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	Obtain consent in circumstances specified in s 11(2)	CEO, DID, MPD	
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette		CEO, DID	
s 11(9)(b)	Duty to advise Registrar		CEO, DID	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Subject to s 11(10A)	CEO, DID	
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	Where Council is the coordinating	CEO, DID	

Road Management Act 2004				
		road authority		
s 12(2)	Power to discontinue road or part of a road	Where Council is the coordinating road authority	Provision Not Delegated	
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies	CEO, DID	
s 12(5)	Duty to consider written submissions received within 28 days of notice	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies	Provision Not Delegated	
s 12(6)	Function of hearing a person in support of their written submission	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies	Provision Not Delegated	
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies	CEO, DID	
s 12(10)	Duty to notify of decision made	Duty of coordinating road authority where it	CEO, DID	

Road Management Act 2004				
		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	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate	CEO, DID	
s 14(4)	Function of receiving notice from VicRoads		CEO	
s 14(7)	Power to appeal against decision of VicRoads		CEO	
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, DID	
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, DID	
s 15(2)	Duty to include details of arrangement in public roads register		DID, MPD	
s 16(7)	Power to enter into an arrangement under s 15		CEO, DID	
s 16(8)	Duty to enter details of determination in public roads register		DID, MOS, MPD	
s 17(2)	Duty to register public road in public roads register	Where Council is the coordinating road authority	DID, MOS, MPD	
s 17(3)	Power to decide that a road is reasonably required for general public use	Where Council is the coordinating road authority	Provision Not Delegated	
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	Where Council is the coordinating road authority	DID, MOS, MPD	
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	Where Council is	Provision	

Road Management Act 2004				
		the coordinating road authority	Not Delegated	
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	Where Council is the coordinating road authority	DID, MOS, MPD	
s 18(1)	Power to designate ancillary area	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)	CEO, DID	
s 18(3)	Duty to record designation in public roads register	Where Council is the coordinating road authority	DID, MPD	
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority		DID, MPD	
s 19(4)	Duty to specify details of discontinuance in public roads register		DID, MPD	
s 19(5)	Duty to ensure public roads register is available for public inspection		DID, MPD	
s 21	Function of replying to request for information or advice	Obtain consent in circumstances specified in s 11(2)	DID, MPD	
s 22(2)	Function of commenting on proposed direction		CEO	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.		CEO	
s 22(5)	Duty to give effect to a direction under s 22		CEO	
s 40(1)	Duty to inspect, maintain and repair a public road.		DID, MOS, MPD	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road		CEO	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair		CEO, DID, MOS, MPD	
s 42(1)	Power to declare a public road as a controlled access road	Power of coordinating road authority and sch 2 also applies	Provision Not Delegated	
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	Power of coordinating road authority and sch 2	Provision Not Delegated	

Road Management Act 2004				
		also applies		
s 42A(3)	Duty to consult with VicRoads before road is specified	Where Council is the coordinating road authority If road is a municipal road or part thereof	DID, MPD	
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	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	DID	
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)	Where Council is the responsible road authority, infrastructure manager or works manager	DID	
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M		CEO, DID	
s 49	Power to develop and publish a road management plan		Provision Not Delegated	
s 51	Power to determine standards by incorporating the standards in a road management plan		Provision Not Delegated	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan		CEO, DID	
s 54(2)	Duty to give notice of proposal to make a road management plan		CEO, DID	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals		DID	
s 54(6)	Power to amend road management plan		Provision Not Delegated	

Road Management Act 2004				
s 54(7)	Duty to incorporate the amendments into the road management plan		DID	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper		CEO, DID	
s 63(1)	Power to consent to conduct of works on road	Where Council is the coordinating road authority	DID, MOS, MPD	
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Where Council is the infrastructure manager	CEO, DID, MOS, MPD	
s 64(1)	Duty to comply with cl 13 of sch 7	Where Council is the infrastructure manager or works manager	DID, MOS, MPD	
s 66(1)	Power to consent to structure etc	Where Council is the coordinating road authority	DID, MOS, MPD	
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	Where Council is the coordinating road authority	DID, MPRS	
s 67(3)	Power to request information	Where Council is the coordinating road authority	DID, MOS, MPRS	
s 68(2)	Power to request information	Where Council is the coordinating road authority	DID, MOS, MPRS	
s 71(3)	Power to appoint an authorised officer		CEO	
s 72	Duty to issue an identity card to each authorised officer		CEO	
s 85	Function of receiving report from authorised officer		CEO	
s 86	Duty to keep register re s 85 matters		DID, LLO1, MPRS	
s 87(1)	Function of receiving complaints		DID, LLO1, MOS, MPD, MPRS	
s 87(2)	Duty to investigate complaint and provide report		DID, LLO1, MOS, MPD,	

Road Management Act 2004				
				MPRS
s 112(2)	Power to recover damages in court			CEO
s 116	Power to cause or carry out inspection			DID
s 119(2)	Function of consulting with VicRoads			CEO, DID
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)			DID, MOS, MPD
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)			DID, MOS, MPD
s 121(1)	Power to enter into an agreement in respect of works			CEO, DID, MOS
s 122(1)	Power to charge and recover fees			CEO, DCS, DID
s 123(1)	Power to charge for any service			CEO, DID
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads			Provision Not Delegated
sch 2 cl 3(1)	Duty to make policy about controlled access roads			CEO, DID, MPD
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads			Provision Not Delegated
sch 2 cl 4	Function of receiving details of proposal from VicRoads			DID
sch 2 cl 5	Duty to publish notice of declaration			DID, MOS, MPD
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Where Council is the infrastructure manager or works manager		DID, MOS, MPD
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Where Council is the infrastructure manager or works manager		DID, MOS, MPD
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or	Where Council is the infrastructure		DID, MOS, MPD

Road Management Act 2004				
	assistance in conduct of works	manager or works manager responsible for non-road infrastructure		
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Where Council is the infrastructure manager or works manager	DID, MOS, MPD	
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Where Council is the infrastructure manager or works manager	DID, MOS, MPD	
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	Where Council is the coordinating road authority	DID, MOS, MPD	
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	Where Council is the coordinating road authority	DID, MOS, MPD	
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	Where Council is the coordinating road authority	DID, MOS, MPD	
sch 7 cl 12(5)	Power to recover costs	Where Council is the coordinating road authority	CEO, DID	
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	Where Council is the works manager	DID, MOS, MPD	
sch 7 cl 13(2)	Power to vary notice period	Where Council is the coordinating road authority	CEO	
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	Where Council is the infrastructure manager	DID	
sch 7 cl 16(1)	Power to consent to proposed works	Where Council is the coordinating road authority	DID, MOS, MPD	
sch 7 cl	Duty to consult	Where Council is	DID, MOS,	

Road Management Act 2004				
16(4)			the coordinating road authority, responsible authority or infrastructure manager	MPD
sch 7 cl 16(5)	Power to consent to proposed works		Where Council is the coordinating road authority	DID, MOS, MPD
sch 7 cl 16(6)	Power to set reasonable conditions on consent		Where Council is the coordinating road authority	DID, MOS, MPD
sch 7 cl 16(8)	Power to include consents and conditions		Where Council is the coordinating road authority	DID, MOS, MPD
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal		Where Council is the coordinating road authority	CEO, DID, MPD
sch 7 cl 18(1)	Power to enter into an agreement		Where Council is the coordinating road authority	CEO, DID
sch 7 cl 19(1)	Power to give notice requiring rectification of works		Where Council is the coordinating road authority	CEO, DID, MOS, MPD
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred		Where Council is the coordinating road authority	DID, MOS, MPD
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure		Where Council is the coordinating road authority	CEO, DID, LLO1, MOS, MPD, MPRS
sch 7A cl 2	Power to cause street lights to be installed on roads		Power of responsible road authority where it is the coordinating road authority or responsible road	DID, MPD

Road Management Act 2004				
			authority in respect of the road	
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road		Where Council is the responsible road authority	DID
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas		Where Council is the responsible road authority	DID
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4		Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)	DID
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)				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
r 24	Duty to ensure that cemetery complies with depth of burial requirements		DID, MOS	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves		DID, MOS	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)		DCS, DID	
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		Provision Not Delegated	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner		Provision Not Delegated	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator		Provision Not Delegated	
r 30(2)	Power to release cremated human remains to certain persons	Subject to any	Provision	

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)				
		order of a court	Not Delegated	
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation		Provision Not Delegated	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation		Provision 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		Provision 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		Provision Not Delegated	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)		DID, MBS	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)		EHO, MCH	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)		DID, MG	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)		DID, MOS	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist		Provision Not Delegated	
r 40	Power to approve a person to play sport within a public cemetery		DCS, MG	
r 41(1)	Power to approve fishing and bathing within a public cemetery		DCS, MG	
r 42(1)	Power to approve hunting within a public cemetery		DCS, MG	
r 43	Power to approve camping within a public cemetery		DCS, MG	
r 45(1)	Power to approve the removal of plants within a public cemetery		DID, MG	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)		DCS, MG	
r 47(3)	Power to approve the use of fire in a public cemetery		DID, MG	
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		DID, MG	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules		Provision 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)				
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	See note above regarding model rules	DID, MG	
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	See note above regarding model rules	GCC, MG	
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	See note above regarding model rules	GCC, MG	
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	See note above regarding model rules	DCS, MG	
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	See note above regarding model rules	GCC, MG	
sch 2 cl 8	Power to approve certain mementos on a memorial	See note above regarding model rules	DCS, MG	
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	See note above regarding model rules	MG, MOS	
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	See note above regarding model rules	MG, MOS	
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	See note above regarding model rules	DCS, DID, GCC, MG	
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	See note above regarding model rules	DID, MG	
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	See note above regarding model rules	DID, MG	
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	See note above regarding model	DID, MG	

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)				
		rules		
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	See note above regarding model rules	DID, MG	
Planning and Environment Regulations 2015				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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.	CEO, DID, MPRS	
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act		CEO, DID, MPRS, PO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	where Council is the responsible authority	DID, MPRS, PO	
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	where Council is not the responsible authority but the relevant land is within Council's municipal district	DID, MPRS, PO	
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	where Council is not the planning	CEO, DID	

Planning and Environment Regulations 2015				
		authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.		
Planning and Environment (Fees) Regulations 2016				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme		CEO, DID	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme		CEO, DID	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20		CEO, DID	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
r 7	Function of entering into a written agreement with a caravan park owner		CEO	
r 11	Function of receiving application for registration		EHO, MBS	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations		EHO, MBS	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations		EHO, MBS	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations		EHO, MBS	
r 13(4) & (5)	Duty to issue certificate of registration		EHO	
r 15(1)	Function of receiving notice of transfer of ownership		EHO	
r 15(3)	Power to determine where notice of transfer is displayed		EHO	
r 16(1)	Duty to transfer registration to new caravan park owner		EHO, MBS	
r 16(2)	Duty to issue a certificate of transfer of registration		EHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration		Provision	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010				
			Not Delegated	
r 18	Duty to keep register of caravan parks		EHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed		EHO	
r 19(6)	Power to determine where certain information is displayed		EHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner		EHO	
r 22A(2)	Duty to consult with relevant emergency services agencies		EHO, MBS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures		EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings		EHO	
r 25(3)	Duty to consult with relevant floodplain management authority		EHO, MBS	
r 26	Duty to have regard to any report of the relevant fire authority		EHO, MBS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling		EHO, MBS	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe		MBS	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe		MBS	
r 40(4)	Function of receiving installation certificate		MBS	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling		MBS	
sch 3 c4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling		MBS	
Road Management (General) Regulations 2016				
Provision	Item Delegated	Conditions and Limitations	Delegate	Date
r 8(1)	Duty to conduct reviews of road management plan		CEO, DID	
r 9(2)	Duty to produce written report of review of road management plan and make report available		CEO, DID, MPD	
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)	Where Council is the coordinating road authority	DID	
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act		CEO, DID, MPD	
r 13(1)	Duty to publish notice of amendments to road management plan	where Council is	DID	

Road Management (General) Regulations 2016					
			the coordinating road authority		
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment			CEO, DID, MPD	
r 16(3)	Power to issue permit	Where Council is the coordinating road authority		CEO, DID, MPD	
r 18(1)	Power to give written consent re damage to road	Where Council is the coordinating road authority		CEO, DID, MPD	
r 23(2)	Power to make submission to Tribunal	Where Council is the coordinating road authority		CEO, DID, MPRS	
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	Where Council is the coordinating road authority		DID	
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	Where Council is the responsible road authority		CEO, DID, LLO1, LLO2, MOS, MPD	
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	Where Council is the responsible road authority		CEO, DID, LLO1, LLO2, MOS, MPD	
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible			CEO	
Road Management (Works and Infrastructure) Regulations 2015					
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.					
Provision	Item Delegated		Conditions and Limitations	Delegate	Date
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		Where Council is the coordinating road authority and where consent given under s 63(1) of the Act	DID	
r 22(2)	Power to waive whole or part of fee in certain circumstances		Where Council is	DCS, DID	

Road Management (Works and Infrastructure) Regulations 2015 Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
		the coordinating road authority	

8.3 DRAFT ECONOMIC DEVELOPMENT STRATEGY 2019-2024

Author: Roger Griffiths, Economic Development Manager

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Draft Economic Development Strategy 2019-2024 [↓](#)

RECOMMENDATION

That Council endorse the Draft Gannawarra Economic Development Strategy 2019-2024 for public comment for 28 days commencing Thursday, 22 August and closing, 5pm, Thursday, 3 October.

EXECUTIVE SUMMARY

The Draft Gannawarra Economic Development Strategy 2019-2024 sets out a five year vision for the Gannawarra economy whilst also providing guidance for Council and internal and external stakeholders.

The Gannawarra Economic Development Strategy 2019-2024 draws on the Council Plan 2017-2021 to capture the strategic directions of Council and community, while analysing the current economic climate to determine strategic actions aimed at maximising the economic value of the Gannawarra.

Over recent years local economic circumstances have changed considerably with issues relating to water policy and pricing, climate variability, demographic changes, agricultural volatility and the changing patterns of retail consumers. The strategy highlights the natural strengths of the local area and how these built and environmental assets can be better utilised to diversify and stimulate the local economy.

BACKGROUND

The Draft Gannawarra Economic Development Strategy 2019-2024 has been developed to provide clear direction for developing the local economy over the coming five years.

POLICY CONTEXT

The Council Plan 2017-2021, Economic diversity, Growth and Prosperity; facilitate a growing and prosperous economy. Strategy; Facilitate growth and diversity opportunities within the Shire.

DISCUSSION

The Gannawarra Shire has undergone significant change over the past ten years that has necessitated the development of a new Economic Development Strategy. The four strategic directions align to the local strengths and will deliver strong, diverse and achievable economic growth.

The strategy highlights the importance of the changing agricultural sector in particular maintaining a focus on diversity which in the past five years has realised some notable achievements. Supporting population growth through jobs and lifestyle opportunities is creating infrastructure that supports liveability and encourages commercial development and jobs growth. Utilisation of the natural environment recognises the opportunities in renewable energy, while maximising the nature based tourism potential of the many waterways and forests.

The transformation of the Gannawarra has commenced and the strategy will reinforce the directions needed to achieve strong economic growth.

CONSULTATION

The Draft Gannawarra Economic Development Strategy 2019-2024 has aligned strategically to the Council Plan 2017-2021, Gannawarra 2025 and external publications such as the Murray Regional Economic Development Strategy 2018-2022, Mallee Regional Profile July 2018 and the Loddon Mallee Regional Strategic Plan.

The development of the Council Plan followed extensive community consultation and these themes have been recognised in the Draft Gannawarra Economic Development Strategy 2019-2024.

Community will have the opportunity to review the Strategy and provide submissions during a proposed public exhibition period.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The Draft Gannawarra Economic Development Strategy 2019-2024 has been developed recognising the current economic climate and aims to provide a clear direction for developing the local economy over the coming five years.

It is recommended to advertise the Draft Gannawarra Economic Development Strategy 2019-2024 for public comment with feedback received considered prior to presentation of the strategy for formal adoption by Council.



ECONOMIC DEVELOPMENT STRATEGY 2019-2024



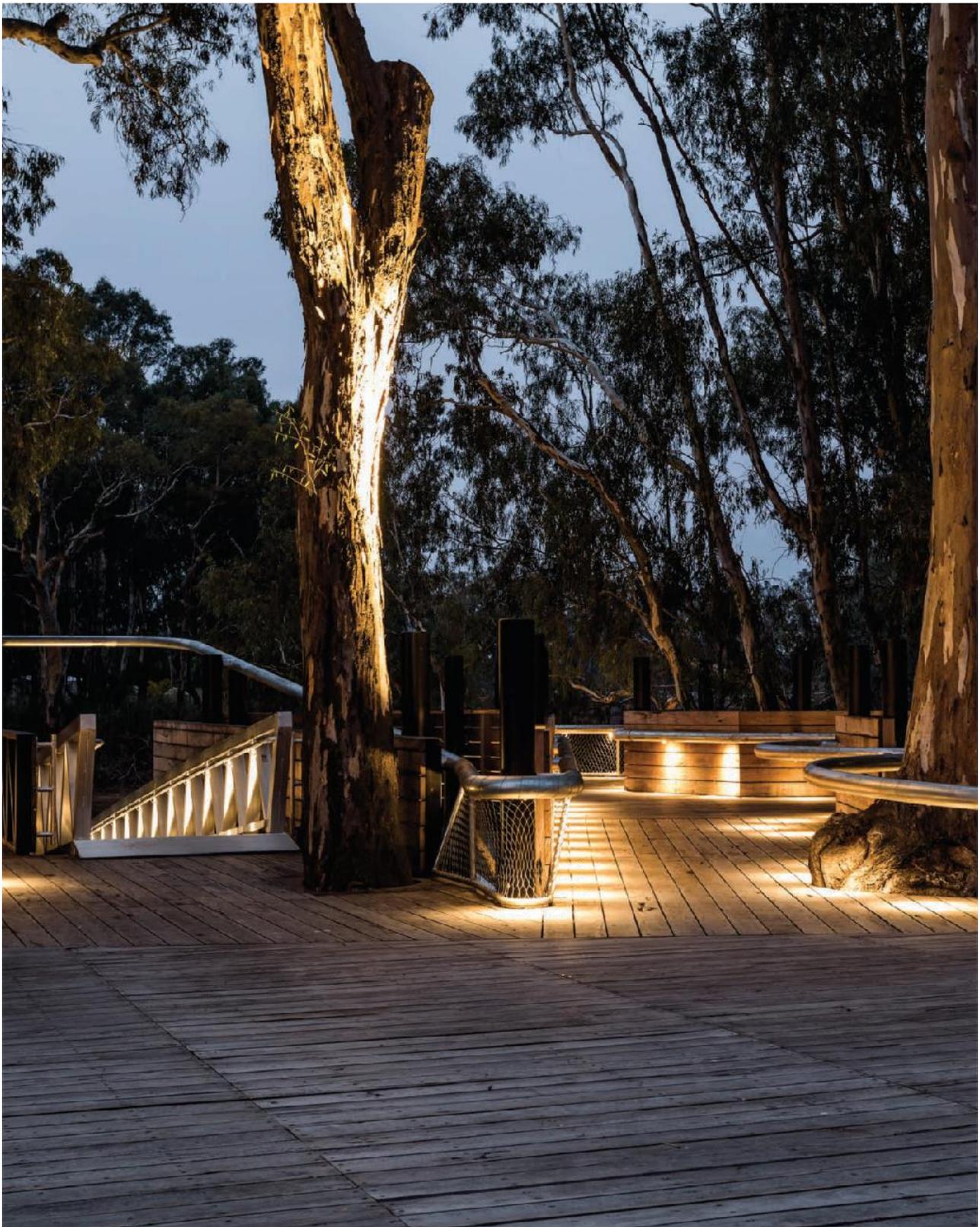


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GANNAWARRA SHIRE COUNCIL - ECONOMIC DEVELOPMENT STRATEGY 2019-2023 3

EXECUTIVE SUMMARY



The Gannawarra Shire has significant natural features which provide a strong foundation for nature-based tourism and emerging new industries such as energy and mining.

The purpose of the Gannawarra Shire Economic Development Strategy is to respond to the existing economic situation of the Gannawarra Shire and to align with Council’s vision by presenting a clear and achievable strategy/action plan for the next five years.

The Economic Development Strategy is regarded by Council as a key strategic document. The strategy is informed by statutory corporate documents in particular the Council Plan, other key regional strategic documents and consultation with a range of industry stakeholders.

ECONOMIC DEVELOPMENT IN GANNAWARRA

Gannawarra Shire Council recognises that while it cannot directly deliver business outcomes, it can facilitate and promote economic development and encourage pathways for change. Therefore, Council’s role in economic development is to influence appropriate investment and business development in line with Council goals, and facilitate an environment conducive for business, investment and economic growth.

GANNAWARRA STRATEGIC CONTEXT

Gannawarra Shire is located on the Murray River, just 1.25 hours from Bendigo, 40 minutes from Swan Hill and 3 hours from Melbourne. It is serviced by the Murray Valley and Loddon Valley Highways.

Regular passenger rail services are available from Kerang to Swan Hill, Bendigo and Melbourne. The Shire has a diverse regional economy with strengths in agriculture, manufacturing, trades and health services industries and contains significant natural assets such as the Murray River, Gunbower National Park and the Kerang Lakes.

STRATEGIC POLICY CONTEXT

The following points have been identified through a review of relevant strategy, research and policy documents at the local, regional and state levels:

- Economic development is a key priority for the Gannawarra Shire.
- The local economy is dominated by a strong (but changing) agricultural base. This is complemented by value-added processing industry, energy projects, manufacturing, retail, tourism and health services.
- Dairy is Victoria’s largest rural industry and remains a key sector within agriculture in the Gannawarra Shire, although it is currently under stress from irrigation water pricing.
- The Murray Darling Basin Plan and changing irrigation policy have the potential to significantly influence irrigated agriculture in the region.
- The Gannawarra Shire has significant natural features which provide a strong foundation for nature-based tourism and emerging new industries such as energy and mining.
- Council recognises tourism as an opportunity to attract new residents, assist to diversify the local economy and improve liveability of existing residents.
- There is opportunity to leverage renewable energy developments and create a strong business and development profile for the Shire.
- Large scale land use change is providing many new opportunities for agricultural activities and should be seen as a model for further diversification of the agricultural sector.
- The introduction of natural gas, the NBN and mobile phone towers will improve the business capacity of the municipality.
- The retail landscape is predicted to undergo significant change with consumers having more choices, better pricing and much more flexibility in where, when and how they shop.
- While Gannawarra has many areas of opportunity, some sectors of the economy will undergo significant restructure impacted by changing demographics and spending patterns of consumers.



ECONOMIC OVERVIEW

Drawing on existing research, the following points provide a summary of the current economic and demographic situation in the Gannawarra:

- 

The 2016 ABS Census highlighted a turnaround in previous population predictions, suggesting the Gannawarra would experience a population decline of 0.04 per cent per annum during the next 20 years.
- 

Population has increased by 183 people or 0.38 per cent per annum from the 2011 to 2016 ABS Census. This positive growth is a sign that the work undertaken by Council in improving the liveability and economic capacity is delivering positive population growth.
- 

The challenge is to maintain this positive growth and continue to build the population despite the volatile agricultural sector, changing retail environment and competition for jobs.
- 

The major employing industries in the region are Agriculture, Fisheries and Food (24%) followed by Healthcare & Social Assistance (12%), Retail Trade (10.5%) and Construction (7.5%)
- 

The Gannawarra has a diversified agricultural base. Dairy is the most prominent sector (39% of agricultural production) followed by cropping (38%), livestock (13%) and horticulture 10%. The dairy sector is undergoing significant change while broad acre irrigated cropping and horticulture are growing and likely to overtake dairy as the key sectors.
- 

Tourism is currently a relatively minor industry in the Gannawarra, accounting for around 4% of employment. However, there is opportunity for this sector to expand and play a greater role in the local economy.

- 

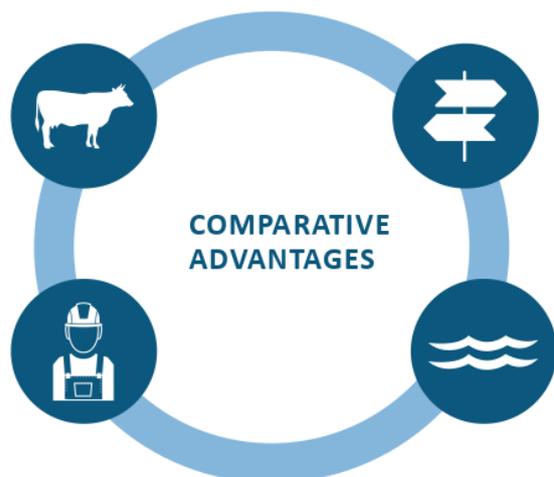
Renewable energy is providing significant investment, employment, rate revenue and business leverage potential. There is capacity to consider related green activities that align with nature-based tourism, energy and agriculture.
- 

Residential, rural and industrial land in the Gannawarra is favourably priced and provides a key attractor for new investment, especially around the waterways.
- 

Gannawarra has a strong manufacturing sector across Kerang, Cohuna and Koondrook. This sector needs to be a priority to build ongoing employment capacity.
- 

Technology is driving rapid change across the economy and this will create many new opportunities.

Age	Gannawarra (%)	Victoria (%)
	2011-2016 +/- %	2011-2016 +/- %
0-4 years	-10.4%	+7.1%
5-9 years	+5.1%	+11.5%
10-14 years	-24.2%	+3.8%
15-19 years	-6.4%	+3.1%
20-24 years	+21.5%	+9.3%
25-29 years	-2.9%	+11.9%
30-34 years	+5.2%	+16.9%
35-39 years	-8.2%	+5.1%
40-44 years	-14.4%	+2.6%
45-49 years	-2.5%	+7.3%
50-54 years	-0.1%	+6.4%
55-59 years	+0.4%	+11.2%
60-64 years	+7.5%	+8.1%
65-69 years	+17.9%	+22.8%
70-74 years	+12.0%	+18.7%
75-79 years	+27.5%	+15.0%
80-84 years	+2.6%	+4.9%
85 years +	+8.9%	+17.9%



Agriculture

The Gannawarra Shire (“the Gannawarra”) benefits from a diverse agricultural sector, supported by a modernised irrigation system suited to a range of agricultural activities including dairy, cropping and horticulture.

The strength of the local dairy sector in Cohuna and Leitchville is widely recognised with key service industries such as National Herd Development, Murray Valley Performance Feeds and Mawsons. A milk processing facility proposed by the No Bull company in Cohuna has potential to give the local dairy industry far more security and industry confidence. It is likely that the area will see more shedded dairy systems along with larger scale farms maximising broad acre feed production.

The Gannawarra has experienced new agricultural development with Kilter Rural having developed around 9,000 hectares of land north west of Kerang. New crops such as cotton, organic grain, stonefruit and organic processing tomatoes are being grown on sub surface irrigation, and are realising above average production figures. This example highlights the many new market opportunities available for the farming sector in the Gannawarra. It will also leverage further large-scale agricultural developments that create jobs and local investment.

Dryland cropping is using technology to maintain production amid a dryer and changing climate. The industry is attracting interest from the corporate sector with rising land values putting added pressure on the family farm. Large scale dryland property acquisitions have seen companies such as Warriki securing land in the Quambatook area. Further corporate farming is predicted to drive the dryland sector.

A free range poultry project at Beauchamp will provide further diversity to the local market along with proposed intensive piggery developments.

Lifestyle

Residents enjoy the Gannawarra’s attractive lifestyle attributes: a quiet, relaxed and safe environment surrounded by natural beauty and waterfront living within a pleasant Mediterranean climate. Waterfront developments along the Gunbower Creek in Koondrook and Cohuna are proving to be very popular with strong sales achieved. Residential activity is strong in Kerang while the Kerang Lakes may also provide further waterfront development opportunity.

Industry

The area boasts well-serviced industrial estates, where major manufacturing businesses are expanding and providing new employment opportunities.

In comparison to towns of a similar size, industrial estates in Kerang and Cohuna are highly developed. For example, Tate Drive Industrial Estate in Kerang employs around 130 people and has generated around \$12M of investment. Demand for land is relatively strong and growth from within the industrial sector is positive.

Due to the potential to generate further employment opportunities, industrial estates should be high on Council’s agenda – especially in communities such as Koondrook that can service cross border customers.

The Gannawarra is well suited to the ongoing development of large-scale solar energy. Kerang was the first location in Victoria to develop a large-scale solar farm and is currently hosting the largest solar farm and battery storage facility in the world (May 2019).

Additionally, the Mallee region to the north west of the Shire is rich in minerals and rare earths. A mining proposal being promoted by Western Australian mining company VHM has the potential to create around 300 full time jobs when the facility commences production in 2020. The mine is predicted to have a life span of 25 years and will certainly provide a positive lift to the local economy.

Environment

The natural environmental assets of the Shire include the Murray River, Kerang Lakes and Gunbower Forest. These assets are world class and feature many examples of indigenous culture, birdlife and animals. Creeks and waterways feed wetlands and lagoons among the Redgum forests, Black Box swamps and floodplains. The area is often described as Victoria’s Kakadu and with extensive tourism product development has the potential to increase visitation and develop a strong tourism brand.

The Gannawarra brand should link the environment, renewable energy and sustainable farming into a proposition that appeals to businesses and consumers that are socially and environmentally aware. Furthermore, unique areas of competitive advantage in a modern world focused on sustainability will certainly drive the Gannawarra profile and brand.



KEY ISSUES AND OPPORTUNITIES

Education

Gannawarra has a range of educational facilities from kindergarten, primary and secondary, along with Christian educational providers.

The region has lower than average education levels. Table 7 shows post-secondary qualifications for Gannawarra Shire and Regional Victoria. Only 4.8% of residents have attained a Bachelor’s Degree or higher while over two thirds of residents have no formal post-secondary education attainment.

TABLE 2 POST-SECONDARY QUALIFICATIONS COMPARISON 2016

Post Secondary Qualification	Gannawarra	Victoria
Postgraduate Degree	1.27%	8.88%
Graduate Diploma and Graduate Certificate	2.15%	4.07%
Bachelor Degree	12.7%	27.28%
Advanced Diploma and Diploma	12.7%	15.27%
Certificate	38.06%	23.72%
Level of education inadequately described or not stated	27.07%	16.50%

Source: ABS Census 2016

The idea of a modern P12 college has been previously discussed within the Kerang educational sector. This would certainly benefit the local area to combine resources and infrastructure, creating a modern education facility.

TABLE 3 AGE COMPOSITION COMPARISON GANNAWARRA 2016

Age	Gannawarra (S)	%	Victoria	%	Australia	%
Median age	49	--	37	--	38	--
0-4 years	509	4.8	371,220	6.3	1,464,779	6.3
5-9 years	598	5.7	368,631	6.2	1,502,646	6.4
10-14 years	573	5.4	341,063	5.8	1,397,183	6.0
15-19 years	620	5.9	356,340	6.0	1,421,595	6.1
20-24 years	446	4.2	413,792	7.0	1,566,793	6.7
25-29 years	391	3.7	441,266	7.4	1,664,602	7.1
30-34 years	459	4.3	447,927	7.6	1,703,847	7.3
35-39 years	465	4.4	404,026	6.8	1,561,679	6.7
40-44 years	539	5.1	401,887	6.8	1,583,257	6.8
45-49 years	679	6.4	402,043	6.8	1,581,455	6.8
50-54 years	746	7.1	378,371	6.4	1,523,551	6.5
55-59 years	783	7.4	357,616	6.0	1,454,332	6.2
60-64 years	836	7.9	319,840	5.4	1,299,397	5.6
65-69 years	854	8.1	291,397	4.9	1,188,999	5.1
70-74 years	695	6.6	218,203	3.7	887,716	3.8
75-79 years	596	5.6	165,115	2.8	652,657	2.8
80-84 years	388	3.7	119,895	2.0	460,549	2.0
85 years +	378	3.6	127,993	2.2	486,842	2.1



Agriculture

From an agricultural perspective, there are a number of macroeconomic factors shaping the local farm economy. Much of this change is outside the direct scope of Council.

Drought, climate change, farm gate prices and water trading have impacted negatively on the rural sector, especially the dairy industry, and the volatility of this sector has the potential to increase. That said, the mix of modern farming practices also presents opportunity to further develop agriculture using best practice technology such as sub surface irrigation and intensive greenhouses to increase concentrated production efficiencies.

Farm amalgamations (to maintain sufficient scale) have seen broad acre dryland farms and dairy farms increase significantly in size. Farms that once supported three or even four families are now supporting one family. This impacts on the region's population as machination and automation are a significant part of the up scaling of farms in an effort to improve efficiencies, economies of scale and longer-term viability.

All of these issues are common across many rural communities in Australia and highlight the need for Council to facilitate further agricultural diversity and focus on the local area strengths.

Agriculture operates in a global economy. While many Australians don't support foreign investment, Australia doesn't have the capital required to transform and diversify the industry. The demand for protein is driving investment in intensive animal industries and the Gannawarra is in a position to capitalise on this.

With water resources and supporting infrastructure, Gannawarra has the capacity to support the development of poultry, beef, pigs, goats and lamb in a more intensive way that reduces the reliance on water. Once these industries develop, the flow-on effects of specialisation are more likely to support processing and value-adding medium-scale food industries.

New crops such as cotton will provide many growers with alternative irrigated crops, while there are opportunities for value adding of grain and hay. The organic sector provides new market opportunities as customers seek a clean and green product.

Irrigation

In 1996 the Gannawarra held around 356,000ML of water right. With the introduction of water trading, this figure has reduced by around 43 %. Most of the water has been traded off-farm to high-value fruit and nut crops, forcing rationalisation and modernisation of the irrigation supply system. With the separation of land and water the critical factor now is the volume of water used in irrigation in the local area.

The Murray Darling Basin Plan has proposed to recover an additional 450GL which has the potential to impact negatively on the agricultural economy right across the basin. Recent undertakings have been agreed to that will provide more social and economic justification before any more water is taken from the consumptive pool, but this is not giving irrigators a great deal of confidence.

While there are many significant issues for the irrigation industry, Gannawarra does have a modern well-constructed irrigation system that includes 2 large freshwater storages holding around 80,000ML. These storages can be utilised for the mineral sands mining project and will be valuable assets in summer peak demand periods for high value agriculture.

The development around the Kerang lakes is a good example of land use change and with further pressure on the water market predicted, the irrigation sector will need to change rapidly to maintain and improve water use efficiency.



Natural gas

The Gannawarra has been the recipient of a reticulated natural gas supply to Kerang. This allows consumers further choice of energy options and provides more opportunity for larger-scale value adding of food products.

While the availability of natural gas is good news for the community and business, the increasing price of gas is a concern with many large users looking at ways to diversify their energy options. Many contracts for gas and electricity have risen up to 80 % forcing many larger scale users to consider renewable options.

NBN and phone services

The whole of the Gannawarra now has access to the NBN through either fixed line or the Sky Muster network. The ADSL network has now been switched off across most of the Gannawarra.

There continue to be issues with mobile coverage in certain parts of the Gannawarra Shire. Areas of most concern have been identified and included in a report for the national Mobile Black Spots Program which funds new mobile signal towers. The vast majority of areas within the shire have access to a strong mobile coverage signal.

Tourism

The tourism sector in the Gannawarra is changing – driven by a strengthening regional brand and the development of tourism products strongly aligned to nature-based tourism and the regional tourism strategies.

There have been new tourism developments, particularly in the Koondrook and Cohuna areas, where entrepreneurs are recognising the emerging opportunities that can be created by tapping into new target markets. The next five years will see some positive growth in tourism products as the region’s natural strengths are further recognised and better aligned with the emerging markets being identified through Murray Regional Tourism.

Local investment in food and hospitality is critical for tourism industry growth and for improved liveability in Kerang, Cohuna and Koondrook. A creative food culture, along with modern retail centres will certainly be a prerequisite for attracting and maintaining new residents and increasing visitation.

New tourism infrastructure such as the Koondrook Wharf will be an enabler of many new tourism businesses in Koondrook, including boating activity, riverside dining, quality accommodation options and creative food and arts-inspired commercial ventures.

The Gannawarra is taking steps to create an over-arching brand that recognises the environmental links to tourism. “Victoria’s nature-based tourism destination” is a slogan used to capitalise on the key environmental aspects of the local area and drive further growth in visitation and hospitality development.

Planned infrastructure developments around the Kerang Lakes, Gunbower Creek at Cohuna and the Murray River at Koondrook will assist to grow visitation and support new tourism products such as kayaking and bushwalking, mountain biking, horse riding and cultural heritage activities. These developments are aimed at a new tourism market, of the “socially and environmentally aware”.



Retail

Sustaining the vitality of the retail sector in the face of changing retail practices by consumers will be an ongoing challenge for many retailers. Kerang is the largest town in the Shire and has the largest retail precinct, which is home to major supermarket chain Woolworths and a range of other brand names such as Home Hardware, Betta Electrical and Sportspower.

While Kerang has a good mix of businesses, many are impacted by changing shopping patterns and struggling to remain viable. It is highly likely that the next 10 years will see major changes to the retail sector in all towns as retailers are forced to realign themselves with the market, or exit the industry.

There is a growing divide in the Australian retail landscape between online retailers and retail shops as well as an emerging gap between consumers and fixed retailers. More Australians are shopping from offshore global retailers than ever before. The divide between Australian shoppers and retailers has widened, further fragmenting retail.

The level of change, particularly in places like Kerang and Cohuna, will require a strong working relationship between the local retailers and Council. The development of strong community-based business groups will be critical to achieve further growth, direction and coordination within the local business sectors.

Opportunities

Some of the key directions for economic growth in the Gannawarra include:

- Introduction of innovative agricultural projects and diversified rural land uses such as intensive livestock, organics, intensive dairy and horticulture.
- Maximising the renewable energy opportunities in the Shire.
- Maximising the mineral sands mining opportunities in the Mallee.
- Providing fully serviced industrial land in Kerang, Cohuna and Koondrook.
- Developing new “nature based” tourism product and infrastructure
- Increasing the appeal and exposure of the Shire’s tourist attractions and lifestyle living to a wider market through designated marketing.
- Growing the population and attracting younger families to the area for employment.
- Increasing the skills base of the labour force through education and training.
- Developing a diverse and modern retail sector.
- Providing infrastructure that supports commercial development.



STRATEGIC DIRECTIONS

Analysis of the comparative advantages, key issues and opportunities has led to the development of four strategic directions to guide future economic development in the Gannawarra (as highlighted below). This document contains further detailed strategies and actions for each of the strategic directions.

STRATEGIC DIRECTION 1	FACILITATE THE DEVELOPMENT OF A DIVERSE AGRICULTURAL SECTOR
STRATEGIC DIRECTION 2	DRIVE POPULATION GROWTH THROUGH BUSINESS AND LIFESTYLE ATTRACTION
STRATEGIC DIRECTION 3	FACILITATE THE DEVELOPMENT OF THE GANNAWARRA AS AN ENVIRONMENTAL LEADER
STRATEGIC DIRECTION 4	DEVELOP THE TOURISM SECTOR THROUGH IMPROVEMENTS IN PRODUCT AND INFRASTRUCTURE

1.

INTRODUCTION



This strategy seeks to identify opportunities and to provide clarity and direction to influence the local economy while recognising the challenges that currently exist.

BACKGROUND

This Strategic Plan sets out a five-year vision for the Gannawarra economy and provides guidance for Council, key stakeholders and community.

The Gannawarra has a history of proactive economic development highlighted through a range of major outcomes in many sectors over a number of years.

Local economic circumstances continue to change considerably. Issues include the impacts of drought and climate change, changes in water policy and water trading, the volatility of commodity prices and up scaling of dry land and irrigation farms. All have an effect on the local economy.

This strategy seeks to identify opportunities and to provide clarity and direction to influence the local economy while recognising the challenges that currently exist.

This document outlines the Gannawarra strategies and action plan that is intended to drive Council's involvement in economic development for the next five years. This strategy links closely to the 2017 – 2021 Council Plan picking up many of the key themes identified during the community consultation phase and those identified by Council.

This work to date has resulted in the development of Victoria's first large-scale solar farm, creating the potential for the Gannawarra to be a major player in the national energy scene, the area has also seen new poultry and piggery developments, introduction of new crops such as Victoria's first commercial cotton crop, Australia's first organic processing tomato crop, and expansion of existing industrial estates in Kerang and Cohuna.

With agriculture being the main economic driver, Council has sought to diversify the farming sector by facilitating a range of strategic initiatives leading to new projects and new investments.

The development of an agribusiness investment opportunities document details the many opportunities available in agriculture. To support this strategic document, Council staff have the capacity and expertise to provide advice on a range of related infrastructure services, aimed at justifying growth and project delivery. Examples of economic initiatives and outcomes include;

- Developing industrial estates in Kerang and Cohuna.
- Leading the development of large-scale solar farms in North West Victoria.
- Driving the development of nature-based tourism in North West Victoria and linking to regional strategies such as Ports of the Murray.
- Facilitating agricultural developments leading to Victoria's first commercial cotton crop and Australia's first organic processing tomato production.
- Facilitating intensive animal industries (pigs, poultry, dairy)
- Participating in the first stage of the Murray River Adventure trail.
- Facilitating residential estates in the municipality.
- Horticulture soil surveys on farmland from Lake Meran in the south to Lake Tutchewop in the north. This information has been used to provide advice to major developers.

1.1. ECONOMIC DEVELOPMENT AND THE ROLE OF THE GANNAWARRA SHIRE

Economic Development is a key focus area of Council that supports a wide range of services to a broad base of business and tourism activities.

Council has taken a very direct and strategic approach to development across the municipality by utilising the strengths that exist in the natural and built environments. This includes the municipality's irrigation infrastructure, power supply, road networks and town services (such as industrial estates), which have all been identified as key areas to support economic growth. It's about capitalising on the local strengths and forecasting the future directions with justification.



1.1.1 WHAT IS ECONOMIC DEVELOPMENT?

For the purposes of this report, the process of economic development is defined as the practice of stimulating, attracting, facilitating or maintaining business activity and/or employment within the Gannawarra.

Ideally economic development should have a variety of local stakeholders (community associations) that understand the economic directions and work with Council to develop opportunities.

How economic development is directed and its specific objectives will vary by region and based on many factors such as climate, soils, infrastructure, environment and the level of local entrepreneurship and initiative.

- Reducing the downtime for lengthy decision making to support fast moving commercial activity.
- Ensuring the infrastructure required to support business development is in place.
- Marketing, promotion and advertising to maximise opportunities.

Council can facilitate a conducive business environment through:

- Undertaking specific infrastructure development that encourages commercial investment.
- Facilitating training and capacity building initiatives across the business sector.
- Disseminating information and knowledge that will assist business growth, development and new investment.
- Maintaining a strong business network that feeds opportunities into the local business sector.
- Providing regulatory, planning and other support to businesses.
- Providing business information and advisory services and assisting businesses through the regulatory frameworks.
- Identifying development for greenfield opportunities and providing assistance services for existing businesses on a range of activities.
- Providing services that are timely and reflect the needs of industry.
- Maintaining an investment ready focus.

WHAT CAN COUNCIL DO TO INFLUENCE ECONOMIC DEVELOPMENT WITHIN THE SHIRE?

The private sector (business and industry) remains the primary contributor to economic development driven by a desire to develop business, build the economy and accumulate wealth. However, Council still has an important facilitation role to play. Council can influence business development through:

- Identifying and facilitating new business and investment opportunities.
- Ensuring the municipality is investment ready across key focus areas.
- Identifying the area's competitive advantages and strengths, and connecting these to development networks.
- Supporting and assisting business development with a range of support mechanisms including a high level of commercially focussed services.



1.2 THE GANNAWARRA AS A LEADER IN ECONOMIC DEVELOPMENT FACILITATION

The Gannawarra is highly experienced in influencing and facilitating economic development. The existing role of economic development within Council includes the following functions:

- Marketing of the municipality as a great place to live, work and invest.
- Providing advice and facilitation for new business establishment and business expansion.
- Supporting local businesses including business planning, employment, networking, training, government services and funding.
- Sourcing land and premises for business development.
- Identifying and facilitating local development opportunities.
- Providing assistance, facilitation and advice for agribusiness developments.
- Facilitating the development of industrial land for business development.
- Identifying infrastructure requirements to support business developments.
- Facilitating the delivery of visitor information and events promotion.
- Providing assistance to businesses and new residents looking to relocate to the municipality.
- Lobbying government on behalf of the community for services and infrastructure.
- Identifying the capacity of the local government area for a variety of business developments.
- Providing services that give the Gannawarra a point of difference.

2.

STRATEGIC CONTEXT



The Gannawarra has a diverse regional economy and features significant natural assets such as the Gunbower National Park, Murray River, Gunbower Creek and the Kerang Lakes.

2.1 STRATEGIC LOCATION CONTEXT

The Gannawarra is bordered by the Rural City of Swan Hill to the north, the Shire of Buloke to the west, the shires of Loddon and Campaspe to the south and the Murray River to the east. It contains two principal towns – Kerang and Cohuna and a number of smaller settlements including Koondrook, Quambatook, Leitchville, Lalbert, Lake Charm, Murrabit and Mystic Park (Kangaroo Lake).

Located on the Murray River, the Gannawarra is just 1.25 hours from Bendigo, 40 minutes from Swan Hill and 3 hours from Melbourne. It is serviced by the Murray Valley Highway and the Loddon Valley Highway. Regular passenger rail services also exist from Kerang to Swan Hill and Bendigo with connections to Melbourne.



2.2 STRATEGIC POLICY CONTEXT

A number of policy and strategy documents were reviewed to understand the existing economic landscape within the Gannawarra:

Council documents

- Gannawarra Shire 2025 Community Plan
- Council Plan 2017-2021
- Loddon Mallee Regional Strategic Plan 2015-2018
- The Municipal Strategic Statement and Local Planning Policy Framework
- Gannawarra Shire Council Economic Development Plan 2011-2015
- Gannawarra Shire Council Tourism Strategy
- Murray Regional Tourism Destination Management Plan
- Gannawarra Waterfront Development Plan 2019

Agriculture reports

- Corporate Managed Investments in the Goulburn Murray Irrigation District [GMID] (Adviser Edge, January 2009)
- The Socio-Economic Impact of reduced water allocations in the Murray Darling Association [MDA] Sub Region (CSRC, nd)
- Impacts of Sales of Permanent Water Entitlements and Land use Planning Options for new dryland (February 2010)
- Agriculture Victoria: Loddon Murray
- ABARE Report About my region
- NCCMA; Regional Sustainable Agricultural Strategy
- Marsden Jacob MDBP water markets
- RMCG Basin Plan Impact GMID

Other documents

- AITHER | Final Report; A review of socio-economic neutrality in the context of Murray-Darling Basin Plan implementation
- Large-scale Solar Energy Opportunity (Gannawarra, Loddon, Bendigo, nd)
- AEMO- Energy Integration in Western Victoria 2018 – and beyond
- 2016 CENSUS Report

Other key findings in relation to economic development and tourism in the Gannawarra include:

- Economic development is a key priority for Gannawarra Shire and Council is proactive in supporting new business and investment to the region.
- The local economy is still dominated by a strong (but changing) agricultural base which is complemented by value-added processing industries, manufacturing, retail, tourism, energy and health services.
- The dairy industry is Victoria's largest rural industry and relies heavily on irrigation water and farm gate pricing to maintain production stability. There is opportunity to further diversify the dairy sector with value-adding opportunities that provide better market security for local farmers. The dairy sector needs strong Council support and advocacy.
- Gannawarra Shire has numerous environmental features which provide the foundation for much of the passive recreation and nature-based tourism in the Shire.
- Council is supportive of the development of the tourism industry and recognises this as one of several areas for economic growth in the municipality.
- The introduction of water trading has created new opportunities for local irrigators. The economic and social impacts of water trading have been both positive and negative for local communities with water security being a key concern for many irrigators.
- Irrigation water is predicted to continue to be in high demand from maturing horticultural crops in the Sunraysia region. Development opportunities that are not critically reliant on irrigation water will provide greater scope and opportunity, including intensive animal industries and greenhouse horticulture.
- The trend for corporate farms will continue as the capital required to maintain scale in agriculture will be beyond many of the smaller family farms.
- The retail sector needs to be more skilled and more cohesive in order to cater for consumers changing needs.
- Towns require a strong business group or chamber of commerce that can provide leadership within and work professionally with Council. This will be critical for the ongoing growth of retail in the towns.
- Industrial estates are creating jobs, with many businesses expanding. More resources are needed to assist the business community in regional Victoria.
- Renewable energy is a growth sector and while Council has been very proactive, it is time to identify the second stage of growth. Kerang has the potential to be the Latrobe Valley of North West Victoria, but only through a unified and strategic approach.
- Rural towns need to be developed to support their target markets if they expect to sustain future growth. Towns need to be culturally creative to attract youth and creative industries. "Prosaic" communities will struggle to grow.

3.

ECONOMIC PROFILE



This section provides an overview of the population, demographics, education, employment and industry sectors for the Gannawarra.

3.1 POPULATION TRENDS

At the time of Federation, the Australian continent contained about four million residents. Around half lived in rural and regional Australia (for instance, at that time Ballarat was bigger than Perth). Very few lived on the coast outside of capital cities.

Fast forward more than a century and Australia and its people have been transformed. While the number of people living in rural and regional Australia has doubled as a proportion of the nation's population it has reduced from one-half to one-sixth.

Like many rural communities the Gannawarra is struggling to maintain population but the 2016 Census showed a population increase, the first for many years.

The local evolution

Despite low rainfall and high temperatures, pastoral activity reached the Mallee area of Victoria in 1846 with most farms choosing to develop close to designated waterways. Today the scaling up of agriculture, along with deliberate rationalisation, has resulted in many areas experiencing significant population decline.

This population decline was in fact evident prior to the amalgamation of the Cohuna and Kerang Shires in 1995. It could be argued that population decline has been evident as far back as the early 1960s across rural Victoria as the shift to greater mechanisation commenced and transport allowed greater movement between areas.

Population in the Gannawarra has been heavily influenced by the following factors:

- A high reliance on agriculture which can be a volatile market and has been subject to ongoing change over many years.
- Rationalising and scaling up of irrigation and dryland farms with water prices increasing and availability decreasing.
- Rationalising of government services.
- Youth moving away for education, employment and lifestyle.
- Rationalising of major food processing businesses such as the Murray Goulburn factories in Leitchville and Rochester.
- The commencement of permanent water trading in 1996, leading to the local area reducing its water right by around 43 per cent from 350,000ML to 208,000ML.
- The adaptation of technology and a more mechanised approach to industry.
- People becoming increasingly commercialised and wanting improved services and a more affluent lifestyle.



TABLE 4 POPULATION FORECASTS 2016-2028

Estimated Resident Population	2016	2020	2024	2028	Average Annual Growth
Gannawarra Shire		--	37	--	38
Victoria	6.048M	6.491M	6.947M	7.395M	1.45%

Source: Victoria in Future (2016)

TABLE 5 LGA COMPARISON 2011 - 2016

LGA	2011	2016	Change
Gannawarra	10,366	10,549	+183
Loddon	7,459	7,516	+57
Campaspe	36,365	37,061	+696
Swan Hill	20,449	20,584	+135
Mildura	50,979	53,878	+2899
Buloke	6,201	6,384	-183

Source: Victoria in Future (2016)

While the Gannawarra population was predicted to continue to decline by around 0.04 per cent per annum, the results of the 2016 Census showed an increase in the overall population of 183 people.

To experience population growth, communities must be prepared for and plan for major changes within their municipality, such as:

- Be supportive of new business developments that drive jobs growth. Intensive animal industries, processing factories, corporate farming, intensive agriculture.
- Be prepared for new people, new cultures and new thinking that encourage change.
- Be prepared to work together for the betterment of the wider region.
- Be prepared to increase their learning's and skill development and accept new technologies. Data shows that knowledge drives growth, understanding and new thinking.
- Be prepared to learn what new residents require and work within the community to provide new services and assistance. Developing communities need to understand what will bring new people to town. Town infrastructure needs to cater for new residents and not just the current demographic.
- Be prepared to accept that towns may become busier, there will be more competition for housing and jobs, they won't know everyone in the street and that their community will change.
- Be prepared to share local resources that encourage visitation and growth
- Be prepared to support the major employers and the businesses that drive the local economy. Ensure that policy supports growth and the regulatory aspects don't deter development.
- Be prepared to take a strategic approach to developing their community – it takes time.



3.2 DEMOGRAPHIC PROFILE

3.2.1 AGE COMPOSITION

The primary demographic for the Gannawarra is older adults predominately 55-59 years and over which has increased from the 2011 ABS Census. At the other end of the spectrum, the Gannawarra is under-represented in the 10 to 19-year-old age bracket. The 20 – 24 years bracket has increased by 21% since the Census in 2011.

The Shire is ageing rapidly as younger people leave to find education and work and as their appetite for city living increases. Table 2 shows the changes in demographic sectors with the most positive change being growth in the 20 – 24 years sector. The jobs market is a key to growth in the 20 – 24 years to 50 – 54 years sector.

TABLE 6 GANNAWARRA POPULATION CHANGE COMPARISON 2011-2016

Age	Gannawarra (S)	Victoria
	2011-2016 +/- %	2011-2016 +/- %
0-4 years	-10.4%	+7.1%
5-9 years	+5.1%	+11.5%
10-14 years	-24.2%	+3.8%
15-19 years	-6.4%	+3.1%
20-24 years	+21.5%	+9.3%
25-29 years	-2.9%	+11.9%
30-34 years	+5.2%	+16.9%
35-39 years	-8.2%	+5.1%
40-44 years	-14.4%	+2.6%
45-49 years	-2.5%	+7.3%
50-54 years	-0.1%	+6.4%
55-59 years	+0.4%	+11.2%
60-64 years	+7.5%	+8.1%
65-69 years	+17.9%	+22.8%
70-74 years	+12.0%	+18.7%
75-79 years	+27.5%	+15.0%
80-84 years	+2.6%	+4.9%
85 years +	+8.9%	+17.9%

Source: Victoria in Future (2016)



3.3 EDUCATION

Table 6 shows the level of education attained in both the Gannawarra, Victoria and Australia. In 2016, 42.2% of the Gannawarra population had completed year 12 or higher as their highest level of schooling, compared to 63.8% for Victoria suggesting that residents of the Gannawarra generally have a lower level of schooling education relative to Victoria. This coincides with many rural communities reliant on the agricultural and manufacturing sectors.

TABLE 7 HIGHEST LEVEL OF SCHOOLING, 2016

Level of highest educational attainment	Gannawarra (S)	%	Victoria	%	Australia	%
People aged 15 years and over						
Bachelor Degree level and above	701	7.9	1,177,540	24.3	4,181,406	22.0
Advanced Diploma/Diploma level	550	6.2	447,023	9.2	1,687,893	8.9
Certificate level IV	233	2.6	138,313	2.9	551,767	2.9
Certificate level III	1,416	16.0	555,583	11.5	2,442,203	12.8
Year 12	844	9.5	772,461	15.9	2,994,097	15.7
Year 11	865	9.8	298,342	6.2	941,531	4.9
Year 10	1,255	14.2	376,237	7.8	2,054,331	10.8
Certificate level II	6	0.1	3,233	0.1	13,454	0.1
Certificate level I	0	0.0	542	0.0	2,176	0.0
Year 9 or below	1,554	17.5	430,152	8.9	1,529,897	8.0
No educational attainment	20	0.2	48,920	1.0	145,844	0.8
Not stated	1,255	14.2	482,823	10.0	1,974,794	10.4

Source: 2016 ABS Census

TABLE 8 EDUCATION LEVELS BY COMPARISON

Level of Education	Loddon Mallee Region		Gannawarra		Loddon	
	Jobs	%	Jobs	%	Jobs	%
Postgraduate Degree	3,582	2.77%	50	1.24%	32	1.18%
Graduate Diploma and Graduate Certificate	3,921	3.03%	45	1.10%	65	2.36%
Bachelor Degree	19,063	14.73%	417	10.29%	308	11.26%
Advanced Diploma and Diploma	13,053	10.09%	368	9.09%	225	8.21%
Certificate	37,024	28.61%	1,212	29.92%	827	30.26%
Level of education inadequately described	541	0.42%	7	0.17%	3	0.13%
Level of education not stated	3,105	2.40%	91	2.25%	45	1.66%
Not applicable	49,128	37.96%	1,861	45.94%	1,229	44.94%
Total	129,417	100.00%	4,051	100.00%	2,734	100.00%

Source: 2016 ABS Census



3.4 EMPLOYMENT AND INDUSTRY

Table 8 shows the total number of jobs per industry in 2016 and the industry growth between 2011 and 2016. A total of 4,397 persons were employed in the Gannawarra in 2016. The largest employing industry sector is Agriculture, Forestry and Fishing with 24% of the workforce followed by Health Care and Social Assistance (11.9%), Retail Trade (10.4%) and Construction (7.4%) employing a further 29.7% of workers between them.

During the 2011 to 2016 period, the Gannawarra saw significant growth in the Construction, Health Care & Social Assistance and Professional, scientific and technical services. At the same time, there were declines in the Manufacturing, Retail Trade and Wholesale Trade industries.

TABLE 9 EMPLOYMENT AND INDUSTRY CHANGE 2011 - 2016

Industry	Gannawarra Shire 2016		Industry Growth 2011-2016	Industry Growth by % 2011 - 2016
	Persons	%		
Agriculture, forestry and fishing	1057	24.0	+11	+0.1%
Health care and social assistance	523	11.9	+62	+1.4%
Retail trade	457	10.4	-53	-1.0%
Construction	324	7.4	+24	+1.4%
Manufacturing	283	6.4	-57	-1.4%
Education and training	247	5.6	+3	0.0%
Public administration and safety	216	4.9	-8	-0.2%
Accommodation and food services	197	4.5	-10	-0.2%
Transport, postal and warehousing	184	4.2	-12	-0.3%
Professional, scientific and technical services	125	2.8	+22	+0.4%
Electricity, gas, water and waste services	88	2.0	-21	-0.5%
Wholesale trade	84	1.9	-25	-0.6%
Administrative and support services	78	1.8	+3	+0.1%
Financial and insurance services	56	1.3	-20	-0.4%
Arts and recreation services	39	0.9	+7	+0.2%
Mining	44	0.7	0	0.0%
Rental, hiring and real estate services	26	0.6	+8	+0.2%
Information media and telecommunications	13	0.3	-11	-0.2%
Other services	153	3.5	-10	-0.2%
Industry not classified	203	4.6	+101	+2.3%
Total	4,397	100.0		

Source: 2016 ABS Census



TABLE 10 EMPLOYMENT AND INDUSTRY COMPARISON 2016

Industry	Loddon Mallee Region		Gannawarra		Loddon	
	Jobs	%	Jobs	%	Jobs	%
Health Care & Social Assistance	20,008	15.46%	509	12.56%	246	9.00%
Retail Trade	15,348	11.86%	429	10.59%	193	7.06%
Manufacturing	11,834	9.14%	207	5.11%	226	8.27%
Agriculture, Forestry & Fishing	11,768	9.09%	1,129	27.87%	1,186	43.38%
Education & Training	11,616	8.98%	263	6.49%	210	7.68%
Construction	11,040	8.53%	311	7.68%	121	4.43%
Accommodation & Food Services	9,100	7.03%	164	4.05%	82	3.00%
Public Administration & Safety	6,976	5.39%	202	4.99%	126	4.61%
Professional, Scientific & Technical Services	5,168	3.99%	135	3.33%	30	1.10%
Other Services	5,065	3.91%	149	3.68%	38	1.39%
Transport, Postal & Warehousing	4,680	3.62%	169	4.17%	81	2.96%
Administrative & Support Services	3,930	3.04%	88	2.17%	42	1.54%
Financial & Insurance Services	3,450	2.67%	51	1.26%	10	0.37%
Wholesale Trade	2,682	2.07%	67	1.65%	46	1.68%
Arts & Recreation Services	1,731	1.34%	24	0.59%	17	0.62%
Electricity, Gas, Water & Waste Services	1,410	1.09%	83	2.05%	30	1.10%
Rental, Hiring & Real Estate Services	1,295	1.00%	22	0.54%	5	0.18%
Mining	1,168	0.90%	42	1.04%	42	1.54%
Information Media & Telecommunications	1,148	0.89%	7	0.17%	3	0.11%
Total	129,417	100.00%	4,051	100.00%	2,734	100.00%

Source: 2016 ABS Census

Farm numbers have steadily decreased over the past three decades whilst average farm size and milk production generally increased. This is due to growth in cow numbers and improved cow yields – up until the major widespread drought of 2002/03. The following decade saw a period of consolidation for the industry, with falling cow numbers and dry seasonal conditions constraining production, particularly in northern Victoria.

The dairy sector has long been the key generator for the local economy in the Gannawarra but with the impacts of climate variability and irrigation policy it is predicted that dairy production could continue to decrease.

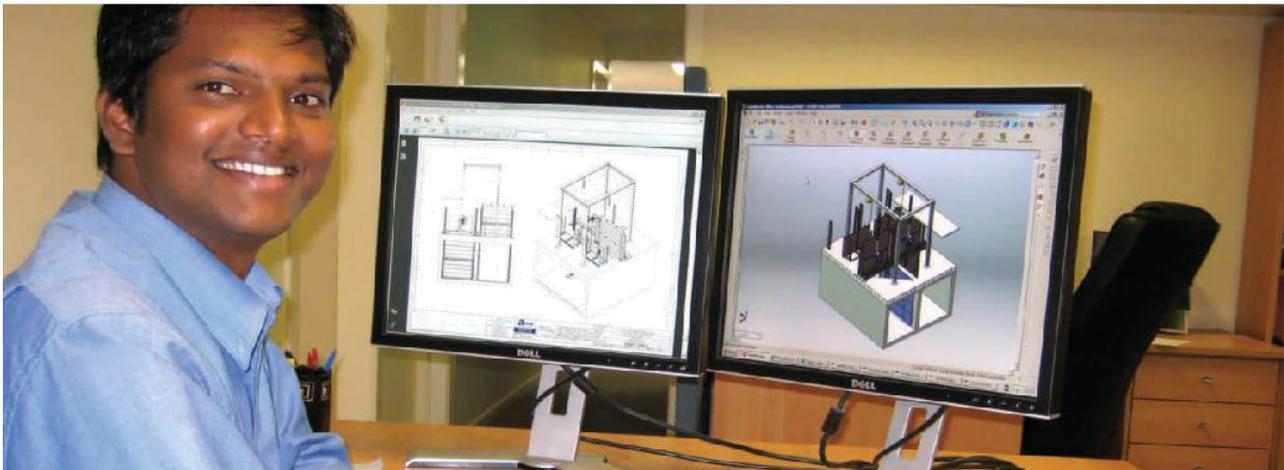
The irrigated cropping sector has grown with new plantings of lucerne, cotton and corn. Along with irrigated cropping there has also been an increase in horticulture with large scale crops of organic tomatoes and stonefruit.



TABLE 11 GROSS REGIONAL PRODUCT

Gross Regional Product (GRP)				
	Gannawarra Shire		Victoria	
Year (ending June 30)	\$m	\$ change	\$m	Gannawarra Shire as a % of Victoria
2018	556	+ \$81M	411,541	0.15
2016	475	-	387,457	0.13
2011	500	-	344,097	0.16
2006	586		306,805	0.20

The Gannawarra Gross Regional Product was \$556M as at June 30, 2018 showing an increase of \$81M from 2016.



In summary, while the Gannawarra enjoys a diverse economy with representation across all sectors, the key existing industries (according to the 2016 ABS data) are:

- Dairy. The dairy industry in the Gannawarra has been under significant pressure during the past five years from irrigation water prices and availability, farm gate milk prices, rising costs of inputs and a general downturn across much of the industry. Dairy farmers are somewhat used to the variability of the industry and some of the larger farms are considering new technology such as robotic milking systems.
- Cropping. The cropping sector is diverse, ranging from irrigated cropping to broadacre dryland activities. While prices for many commodities have been down a record grain harvest in 2016/17 has pushed production to capacity. Irrigated crops such as canola, corn, cotton and tomatoes have performed well in recent years with many farmers introducing improved on-farm irrigation systems. New crops such as cotton will have an impact on the areas of irrigated cropping into the future.
- Livestock. The Australian beef market is currently very strong and while prices are expected to fall, trade will remain strong until cattle numbers get back to 2011 levels. While the overall number of lambs is down, the market is expected to remain strong due to low numbers nationally. World demand for protein will see many opportunities in livestock although at a local level the ability to efficiently produce feed with rising irrigation costs will determine the production outputs.

- Retail trade. Many of the retail businesses are strong performers. Vacancy rates in Kerang and Cohuna are “reasonable” but many smaller businesses are under pressure to maintain a strong customer base. The retail sector will struggle to retain the current numbers without a significant increase in customers, without service improvements and without better alignment with the product needs of customers.
- Manufacturing. This industry is relatively strong with major businesses dominating the national market across farm machinery manufacturing, water regulation components and food. The expansion of industrial estates in Kerang and Cohuna has greatly assisted the manufacturing sector and will continue to provide significant economic opportunity.
- Government services. (education, healthcare & social assistance and public administration and safety). The health sectors employ significant staff along with the education sector. A new hospital in Kerang along with community health facilities and an aging population should see a strong future focus for health. Kerang in particular may benefit from a P-12 College.

The Gannawarra should acknowledge the importance these sectors play in the local economy and work cohesively with the sector leadership to maintain a strong industry position.



3.5 TOURISM

Tourism - an amalgam of activities across various industry sectors such as retail, accommodation, cafes & restaurants, cultural and recreational services. The tourism industry services the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes.

The tourism profile for the Gannawarra is drawn from National Visitor Survey data and a review of the existing literature and statistics collated locally. The key findings include:

- The Gannawarra tourist visitation is estimated at around 250,000 visitors per annum. The Shire has significant natural features which form the basis for much of the tourism in the area including the Gunbower Forest, Kerang Lakes and Murray River.
- Tourism and hospitality businesses in the Gannawarra are largely independent operators. Many (certainly not all) have a limited engagement in strategic tourism activities.
- Tourists visiting the Mallee statistical region (an area which covers the western part of the Murray region including the Gannawarra) tend to come from regional Victoria, South Australia and Melbourne, and are most interested in social activities and visiting friends and relatives. The typical visitor is an older, retired couple or a young family. They tend to stay longer than visitors to regional Victoria as a whole.
- Visitation is largely characterised by informal camping, recreation and fishing, passing tourist trade from neighbouring areas, attendance at special events and visiting friends and family.

TABLE 12 EMPLOYMENT AND INDUSTRY, TOURISM JOBS COMPARISON 2016

Industry	Loddon Mallee Region		Gannawarra		Loddon	
	Jobs	%	Jobs	%	Jobs	%
Health Care & Social Assistance	19,897	15.37%	506	12.49%	244	8.92%
Retail Trade	13,828	10.68%	386	9.53%	174	6.36%
Agriculture, Forestry & Fishing	11,669	9.02%	1,128	27.84%	1,184	43.31%
Construction	11,040	8.53%	311	7.68%	121	4.43%
Tourism	8,331	6.44%	210	5.18%	118	4.32%
Accommodation & Food Services	4,431	3.42%	51	1.26%	13	0.48%
Arts & Recreation Services	1,424	1.10%	20	0.49%	13	0.48%
Total	129,417	100.00%	4,051	100.00%	2,734	100.00%

Source: 2016 ABS Census



3.6 TOURISM MARKET SEGMENTATION

The tourism market in the Gannawarra is highly segmented from a demographic perspective. The area has significant appeal to young families and older couples. These groups together make up over 60% of visitors. On the flipside, the region has less appeal for young/midlife singles and couples (21% compared to 26% for regional Victoria). These groups tend to have higher rates of disposable income than older people and families.

The Gannawarra has identified that to grow the local tourism market far more investment in infrastructure and product is required. Additionally, the target market should be the socially and environmentally aware, aged between 25 and 45, who appreciate the natural environment, enjoy outdoor recreation such as cycling bushwalking and kayaking, and appreciate good food and wine. Attracting more of this market will see growth in new accommodation facilities, new product developments and new food and hospitality businesses.

3.7 LAND AND HOUSING

Residential housing prices in the Gannawarra in 2016 were around 40 per cent lower than the regional Victoria average and are still relatively affordable. Waterfront living is sought after and new subdivisions have been undertaken at Island Rise, Murray Sound and Island Road in Cohuna. Waterfront developments are also planned for Lake Charm and Koondrook on the Gunbower Creek.

Several extensive strategies have been prepared to guide further developments around the local waterways. In November 2007, the Gannawarra Urban and Rural Strategy Plan was developed and in July 2013 the Lake Charm, Kangaroo Lake and Gunbower Creek Environs Strategy was produced. Both of these documents provide significant guidance for the development of these popular but sensitive locations, providing a critical assessment of the future development and subdivision potential of these locations.

3.8 INDUSTRIAL LAND

Council has industrial estates in Koondrook, Cohuna and Kerang.

The Koondrook Industrial Estate reached capacity in around 2009 and as such there has been no further expansion due to the lack of vacant land with access to services suited to industrial uses and the fact that neighbouring Cohuna and Kerang have serviced estates. Several parcels of land have been considered in Koondrook to cater for larger manufacturing and service based businesses and Council is undertaking analysis of potential development sites suitable for industrial development.

Tate Drive Industrial Estate in Kerang has assisted the development of around 55 businesses, 130 jobs and around \$12M worth of investment. The estate in Kerang is very successful by industry standards especially compared to other towns of a similar size.

4.

COMPARATIVE ADVANTAGES OF THE GANNAWARRA



The Gannawarra has several unique comparative advantages that serve to differentiate it from other similarly-sized municipalities in the region.

4.1 A DIVERSE AGRICULTURAL BASE

The Gannawarra has a diverse agricultural economy comprised of dairy, cropping, livestock (including intensive animal production), viticulture and horticulture. A variety of soil types combined with a suitable climate can support a range of agribusiness enterprises across both irrigated and dryland farmland.

This diversity places the Gannawarra in a reasonable position to respond to the myriad challenges facing agriculture, but it certainly won't be an easy task given the macro issues such as the MDB Plan.

While the level of diversity in the Gannawarra is reasonable compared to some municipalities, there is still far more development and investment required in the local agricultural sector that will provide more jobs and revenue for the business community. Much of this investment will need to come from investors, channelled through the corporate farming models.

Council's Agricultural Investment Strategy will facilitate scope for further diversity within the municipality, across irrigated, dryland and in the value adding sectors of agribusiness.

4.2 NATURAL ATTRACTIONS

The Gannawarra is home to a wide range of popular natural attractions including the Murray River, Gunbower Forest and the Kerang Lakes. These features serve to attract tourists and people who have an appreciation for passive recreation. There are also opportunities to develop waterfront land for the purposes of commercial tourism enterprises. These natural attractions are being progressively developed with the recent release of the Waterfront Masterplans, construction of the Koondrook Wharf and Nature Based Tourism Hub in Koondrook.

4.3 IRRIGATION AND INFRASTRUCTURE

The Gannawarra is fed from two irrigation systems (Murray and Goulburn) and has access to Murray storages in Kangaroo Lake and Lake Charm. In addition, the area has modern irrigation infrastructure both in the distribution system and on-farm courtesy of the Northern Victoria Irrigation Renewal Project (NVIRP). As such, the region has potential to maintain a significant irrigation footprint in spite of the many regulatory issues in the water industry.



4.4 AFFORDABLE LAND AND HOUSING

The Gannawarra has a plentiful supply of affordable residential, rural and industrial land. Residential house prices in 2016 were around 43 per cent lower than the Victorian average.

New housing estates in Kerang, Cohuna and Koondrook provide the majority of new building developments. Housing development is popular in Koondrook and Cohuna as the attraction of living close to water generates increased demand for property.

Rural land is reasonably priced with large tracts of land available suitable for a variety of uses, in particular, large-scale land and water aggregation opportunities. Land prices vary depending on soil types and locations, and the type of infrastructure on site.

Industrial land is also well priced and presents businesses with the opportunity to acquire large fully serviced allotments – providing an incentive for development. These factors combine to make the Gannawarra an attractive destination for business investment and residential relocation.

4.5 LARGE SCALE SOLAR ENERGY

The Gannawarra has several unique strengths that has resulted in significant demand for land to suit large-scale renewable energy projects. As at March 2019 Council had issued eight planning permits and has interest from a variety of other companies in the energy sectors.

Ultimately, the capacity of the transmission network between Kerang and Bendigo will determine the level of development in the Gannawarra. The upgrade of the transmission network is a key priority of Council’s advocacy strategy.

The north west councils of Mildura, Swan Hill and Gannawarra have recognised the need for a strategic approach to renewable energy and have been active in lobbying the State Government for potential transmission upgrades.

Strengths include:

- Solar resource – the Gannawarra has solar radiation levels suitable for commercial scale energy generation.
- Transmission network – the 220kv, 66kv and 22kv systems can support grid connections as will the Kerang Terminal station.
- AEMO plans for the Victoria – NSW interconnector to be constructed (Kerang)
- Available land in proximity to the infrastructure.
- Council’s Economic Development Unit has been proactive in its intentions to establish a large-scale solar industry in the region – to the stage that the Gannawarra is now recognised as a state-wide leader in renewable energy development.
- Proximity to Melbourne and Bendigo – the relative proximity of Kerang to Melbourne is a comparative advantage in terms of power generation for major regional locations south of Kerang.



4.6 PROACTIVE COUNCIL

The Gannawarra has a history of being proactive in developing new industry opportunities.

In the 1990s Council was a member of the Loddon Murray Agribusiness initiative along with Loddon Shire, City of Greater Bendigo and State Government agencies. This group initiated the “New Mediterranean” marketing campaign aimed at attracting new horticultural development into the region along with the identification and promotion of prime development zones.

Development of an Agribusiness Investment Strategy in 2017 was a first for the Loddon Murray region and replicated by Regional Development Victoria (albeit in a different format for other rural councils). This document is being used to highlight the many opportunities available in large-scale agricultural development.

The Gannawarra has quickly established itself as a leader in renewable energy and is now recognised at a State, National and International level in the large-scale solar field.

Other proactive developments include.

- Kilter Rural aggregation and development of 9,000 ha north of Kerang – producing cotton, tomatoes, organic crops and stone fruit. Kilter currently employ 40 staff and this is likely to grow to around 100.
- Development of Koondrook/Cohuna into a nature-based tourism destination that is attracting commercial investment.

4.7 INDUSTRIAL ESTATES

The Gannawarra benefits from modern, well serviced industrial estates in Kerang, Cohuna and, to a lesser extent, Koondrook. Each of these three industrial estates is serviced by water, sewerage, electricity and broadband infrastructure. Furthermore, Council has been proactive in rezoning land for industrial use to meet demand as well as taking a ‘hands-on’ approach to developing strong, viable industrial estates in the Shire. Finally, the Shire (and in particular Kerang) benefits from good road, rail and air infrastructure. The key arterial road network, in particular, is continuing to improve, which reduces travelling time to markets and customers bringing the region closer to Bendigo and Melbourne. With these factors in mind, the Gannawarra is well positioned to drive further industrial growth, primarily in Kerang and Cohuna.

4.8 EARLY RECIPIENT OF NBN BROADBAND SERVICES

Cost-competitive superfast broadband presents a unique opportunity for local businesses. In the short term, broadband can deliver significant benefits to the health and education industries allowing for remote medical services and virtual universities. Longer term, broadband may become an attractor for new residents, home-based businesses and bandwidth-intensive industries to move to the area.

4.9 LIFESTYLE LIVING

The Gannawarra provides a quiet, relaxed and safe environment surrounded by natural beauty and outdoor activities within a Mediterranean climate. Above average sunlight days per year make the area an attractive proposition for prospective holiday home purchasers and lifestyle/treechangers.

Furthermore, the Shire offers some of the most affordable waterfront living in the Murray region. Cohuna, in particular, enjoys a privileged location nestled among rivers, parkland and red gum forest. Additionally, there is also residential waterfront development happening in Koondrook, Cohuna and around the Kerang Lakes.

5.

KEY STRATEGIC ISSUES AND OPPORTUNITIES



Opportunities relate to how the Gannawarra Shire can use its comparative advantages and available resources to address and/or reverse a given issue, and create a positive outcome for its stakeholders.

Strategic issues in this context are events, developments or trends that are perceived by decision makers as having the potential to impact on the Gannawarra residents and economy. These strategic issues are critical to the strategic planning process and influence where an organisation currently is, where it wants to be and how it will get there.

Opportunities relate to how the Gannawarra can use its comparative advantages and available resources to address and/or reverse a given issue, and create a positive outcome for its stakeholders.

The strategic issues and opportunities have been grouped under five broad categories: demographics, macro agricultural changes, local agricultural changes, manufacturing and industry, and tourism and retail.

5.1 DEMOGRAPHICS

5.1.1 POPULATION DECLINE

The Gannawarra has been experiencing population decline since the mid-1980s. This outcome is not uncommon in regions dependent on more of the traditional agricultural enterprises. Understanding why the population has been declining relates primarily back to the underlying changes in agriculture.

There are examples where councils have used new development as tools to reduce population decline.

Transitioning horticulture in Mildura has created many new jobs resulting in an influx of agricultural labour to the Sunraysia region. Intensive animal industries in Nhill has seen an influx of immigrants to service the poultry industry, while Echuca has capitalised on tourism and the lifestyle factors of the Murray River to maximise relocation from Melbourne and outlying areas.

However, the reigning in of population decline in the Gannawarra has commenced and has seen a positive turnaround following many years of focused strategic initiatives across the economic development and tourism sectors.

5.1.2 AGEING POPULATION

The Shire's population is rapidly ageing. This is set to continue over the coming years, creating a number of issues for the Gannawarra.

At the same time, an ageing population creates opportunities in terms of expanding aged care employment and the development of an independent retirement living industry.

5.1.3 EDUCATION AND TRAINING

The Gannawarra residents have considerably lower levels of education when compared to the regional Victoria average both in terms of highest year of schooling and the level of post-secondary qualifications. This presents a number of issues for the Gannawarra around sourcing and retaining a skilled workforce.

Finally, the demise of the technical school system (and the failure of the current education system to equip students with the right level of agricultural and trades skills) has resulted in young people leaving the district for further education and / or not having the right training to enter the local industries.

It is estimated that around 400 jobs could be created with new developments proposed in the Gannawarra over the coming 5 years. These jobs will be in energy, industrial, mining, and agriculture and will flow on to other local services.



5.1.4 INCREASED INTERNET PENETRATION

The introduction of new broadband infrastructure to the Gannawarra as a result of the National Broadband Network (NBN) provides an excellent springboard opportunity to improve the connectedness of local businesses and residents. Council can play a key role in promoting the benefits of broadband and facilitating internet education and training opportunities to ensure that the Gannawarra Shire reaps the full benefits of the broadband revolution.

5.2 MACRO AGRICULTURAL INDUSTRY CHANGES

5.2.1 DROUGHT AND CLIMATE CHANGE

Victoria has already become warmer and drier – a climate trend likely to continue into the future.

Over the past 100 years, global surface air temperatures have risen by almost 1°C. Both the atmosphere and the oceans have warmed. Human activity is causing climate change through our release of greenhouse gases from the burning of fossil fuels, land use change and agriculture. Atmospheric concentrations of carbon dioxide are now more than 40% higher than they were before industrialisation. In Victoria, the rate of warming has increased since 1960. On average, rainfall has declined since the 1950s, especially in autumn. The harsh Millennium Drought (1996 to 2009) followed the wet decades of the 1950s and 1970s. Sea level today is approximately 225 mm higher than in 1880.

Being climate-ready in Victoria involves knowing the climate risks and impacts for the state, and making changes so that we can take advantage of the opportunities and reduce the negative impacts.

The following changes are predicted with a high degree of confidence;

- Average temperatures will continue to increase in all seasons.
- More hot days and warm spells are projected.
- Fewer frosts are projected.
- By late in the century, less rainfall is projected during the cool season.
- Even though mean annual rainfall is projected to decline, heavy rainfall intensity is projected to increase.
- Mean sea level will continue to rise and height of extreme sea-level events will also increase.
- A harsher fire-weather climate in the future.

The predictions of more intense droughts and unseasonal rainfall patterns is likely to influence the future of agriculture requiring a faster transition to new crops, new irrigation technology and new farming technologies.

There are some good examples of land use change in particular the Kilter Rural development north of Kerang. As the impacts of climate variability become more apparent agriculture will need investment capital to modernise irrigation systems and to implement new growing systems.

These changes create opportunities for consolidation of land to support new industries and business ventures, for example, intensive animal production, environmental projects and renewable energy activities. There are examples of dairy farmers moving to new production systems in light of changing weather patterns.



5.2.2 GLOBAL AGRICULTURAL INDUSTRY CHANGES

The performance of the Australian agricultural economy is subject to global industry trends and changes. These include:

- Subsidised production from overseas competing with local product
- Compliance requirements for customers and markets
- The need for further investment in Australian agriculture
- Threat from foreign domination of marketing arrangements, and
- Poor digital technology in rural areas

The Australian agricultural sector has long been susceptible to fluctuating world commodity prices usually associated with supply and demand.

5.2.3 CHANGES TO WATER USAGE

Over the years, the combination of natural droughts and increasing human use of the waterways for agriculture, manufacturing and communities has led to a decline in the health of the Murray Darling Basin.

In 2012, there was widespread agreement across government that a plan was needed to manage our water carefully and protect the Basin for future generations. The Murray–Darling Basin Plan was developed to manage the Basin as a whole connected system.

The aim of the Murray–Darling Basin Plan is to bring the Basin back to a healthier and sustainable level, while continuing to support farming and other industries for the benefit of the Australian community.

At its heart, the Basin Plan sets the amount of water that can be taken from the Basin each year, while leaving enough for our rivers, lakes and wetlands and the plants and animals that depend on them.

Recovery volumes are based on scientific methods and judgement. Figures are determined based on an analysis of historical data, environmental science, and social and economic analysis, as well as the modelling of different future scenarios.

Farmers today have to deal with the challenges and opportunities imposed by new irrigation and environmental water policies. As a result, many in the agricultural community are feeling the pressure of making important investment decisions for the future or commit to succession plans.

In the local dairy sector, water security has had a massive impact on farm production with many farmers having made previous investment decisions only to see the temporary water market become very costly.

Water security and price will continue to play a major role in the dairy industry especially with predictions that much of the irrigation water will be consumed by large orchards in the Sunraysia as the trees reach maturity and new plantings are undertaken. This will place added pressure on many pasture-based enterprises that will need to compete with horticulture on the open market.

There is also significant pressure to ensure that irrigation water costs are minimised and this will place pressure on Goulburn Murray Water to reduce operational costs and look seriously at the irrigation footprint in the GMID.

5.2.4 OPPORTUNITIES

The removal of water from (or the reduction in diversion limits allocated to) a given property provides an opportunity for reconfiguration or consolidation of the land to support other uses such as dryland agriculture, carbon offset plantings, biomass, bioenergy, feedlotting and horticulture. Consolidation of large areas of land can result in the creation of productive enterprises (based on scale and access to water), positive environmental outcomes and floodplain rejuvenation.

For the Gannawarra the opportunities associated with intensive animal industries and intensive covered horticulture needs to be a primary consideration to offset the reduction in available irrigation water and make better use of land, water and local services.

Many of the soil types in the Gannawarra are very heavy and wont be suitable for dryland cropping. Without irrigation their use is limited.



5.2.5 THE GREEN MOVEMENT

Recent environmental policy changes at the Federal and State level has created uncertainty for the farming community:

- Murray Darling Basin Plan
- Animal rights activists
- Right to farm legislation
- Native vegetation clearing
- Potential Carbon tax
- Irrigation pumping costs

5.2.6 CONFIDENCE LEVELS

Confidence levels will always be a shifting goal and the present business situation could be described as mixed. While many livestock farmers would be happy with the high beef and lamb prices (August 2018), the irrigated agricultural sector remains concerned about the level of uncertainty with irrigation policy and pricing. Irrigation is still impacting on the dairy sector as increasing competition for water drives prices up creating further uncertainty.

Rural land prices are continuing to rise and the interest from corporate farming businesses remains quite strong especially in the broad acre dryland sectors. However, the industry can turn around quickly and rainfall is certainly a key driver of confidence in the rural sector.

The retail sector is experiencing significant change as consumers have far greater choice to purchase goods and services. Demographics continue to drive retail change with smaller households and an ageing population. It is fair to say that retail confidence is being challenged as many struggle to maintain a sustainable customer and profit base.

The Gannawarra has an opportunity to assist the farming community by facilitating new agricultural projects that provide value to the wider community.

5.3 MANUFACTURING AND INDUSTRY

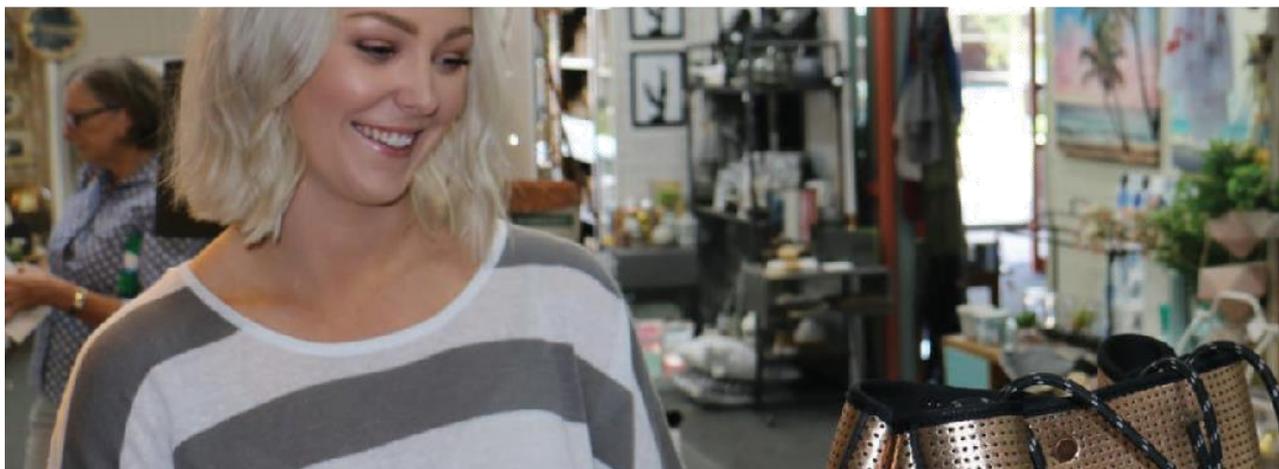
5.3.1 NATURAL GAS

The Energy for the Regions program commenced in 2011 to supply reticulated natural gas to communities across regional and rural Victoria.

At the time, many regional Victorian residents and businesses were paying up to 30 per cent more for LPG than customers connected to reticulated natural gas.

The program was established to provide the necessary infrastructure to connect regional Victorians to reticulated natural gas to reduce their expenses.

Kerang is connected to natural gas allowing consumers far greater choice in energy options.



5.4 TOURISM AND RETAIL

5.4.1 LACK OF DEVELOPED TOURISM PRODUCT

The Gannawarra lacks quality refinements and commercial activities that are characteristic of other highly developed tourism areas of regional Victoria. Much of the tourism product is focused on self-organised low-yield activities such as fishing, watersports and camping. While these products have been great for the local market they lack the refinement to drive higher levels of visitation across the local economy.

The natural environment has the potential to support further product development but is restricted given much of the area is crown land controlled by Government agencies.

Better utilisation of the natural environment and an increase in visitation could see the development of new products, such as:

- Horse trail riding camps
- Kayaking tours
- Boat cruises
- Indigenous tours
- Further tracks and trails development
- Mountain biking
- New accommodation
- Improved food and wine culture
- Farm stays/farm tours/local produce
- Arts and cultural precincts

All of these products have potential; however, it will take significant time and effort to develop and maintain these types of market activities. In some cases it will require “passion over profit” particularly with farm to plate based businesses.

The Shire has several quality natural features and attractions that have the potential for tourism development, which in turn would drive increased visitation from new markets.

These include the Murray River, Kerang Lakes and the Gunbower Forest.

Other potential opportunities for tourism product development include the heritage town of Koondrook and the Gunbower Creek frontages in and around Cohuna.

Kerang which is regarded as the main service centre for the shire has seen improved product development with new park and rest area, new toilets and landscaping and improved recreation activities at the Kerang swimming pool. There is a need for improved food services and improved accommodation to capture more of the tourism market and encourage retail shopping experiences.

5.4.2 TOURISM SEASONALITY

The Gannawarra is primarily a summer destination with visitation revolving around outdoor water-based activities such as camping, fishing and boating. As a result, there is a significant degree of seasonality in the local tourism market. This is detracting from the region’s ability to become a year-round destination and draw enough visitations to support more infrastructure and tourism product investments.

Improvements to tourism product to create year-round all-weather attractions can help drive increased visitor numbers in the off season. There is also an opportunity to stimulate visitation through the scheduling of events during the off season and to continue to develop the emerging nature-based tourism industry in the Gannawarra. Products such as mountain biking, bushwalking, kayaking and quality dining experiences can drive greater visitation in the cooler months.



5.4.3 LIMITED QUALITY TOURIST ACCOMMODATION

Much of the accommodation in the Gannawarra is geared towards the lower yield market.

Opportunities exist to broaden accommodation options by facilitating the establishment of:

- Higher-quality accommodation. In particular motels, units and specialised accommodation options.
- Higher-quality tourist parks.
- Resort-style accommodation e.g. on the Murray River, the Kerang Lakes or Gunbower Creek.
- Nature based tourism/self-contained cabins.
- Farm stays.

5.4.4 A HIGHLY SEGMENTED TOURISM MARKET

The Gannawarra predominantly services the lower yield tourism market which is geared towards low expenditure visitation (e.g. camping and fishing).

The Shire has an excellent opportunity to attract higher yielding visitors by developing quality tourism product and marketing the area to specific new tourism segments. These activities could be mutually beneficial, i.e. bringing in new customers would increase tourism revenue and facilitate investment in new product development. This in turn would attract new visitors. The challenge is to secure hospitality business managers that have a good understanding of the products required.

5.4.5 LOW PRODUCT EXPOSURE TO MELBOURNE MARKET

At only three hours from the Victorian capital and with several high-quality tourism assets (including the Murray River, Gunbower Forest, Kerang lakes), the Gannawarra has potential to compete for the lucrative Melbourne market.

However, anecdotal evidence suggests the target market for the Gannawarra has generally been other areas of regional Victoria (e.g. Ballarat and Central Goldfields). The significant Melbourne market (apart from ‘in-the-know’ watersports, fishing and camping enthusiasts) is largely untapped.

Addressing this issue requires improved product development – especially quality food and accommodation, and a range of products that appeal to the market. The capacity of the Gannawarra to become a weekend tourist destination is presently constrained by the limited opening hours of shops, cafes, etc., and the lack of higher quality products, particularly higher-end dining, food and wine culture, and quality up-market accommodation.

Unlocking the potential of the Melbourne market is a significant opportunity for driving increases in both tourism yield and visitation. Furthermore, Council is encouraged to assess the need and potential for the provision of a higher quality dining experience in the Shire. Experience from other parts of regional Victoria (for example, Mildura and Dunkeld) has shown that just one good restaurant can become a destination in its own right, bringing with it aggregate tourism benefits to the surrounding region.



5.4.6 BUSINESS LEADERSHIP

There is generally a lack of business leadership in the region across all industry sectors. This is symptomatic of the lack of large-scale businesses in the area that have the resources and time to provide services to the local sector.

In particular, there is little evidence of the types of coordination and leadership needed to drive the retail and business sectors forward into the future. While Council can intervene and facilitate, ideally the business community will recognise this gap and work together.

A strong partnership is required between the private sector and Council to maximise the development and growth opportunities.

The neighbouring towns of Swan Hill, Echuca and Bendigo draw retail business away from the Shire. This is particularly an issue for some of the outlying settlements in the Gannawarra where the distances to these towns are less. For example, Leitchville is just 50 kilometres from Echuca whereas Mystic Park is a mere 36 kilometres from Swan Hill. Enabling population attraction through employment generation is a key component of this strategic plan. Increasing the Shire’s population will enhance the long-term viability of the retail sector and potentially open up the possibility to expand the local retail offer to compete with neighbouring regional centres.

5.4.7 SUSTAINING THE RETAIL SECTOR

The retail sector is a significant contributor to the Gannawarra economy and accounts for 11% of all jobs in the municipality.

Sustaining the strength and performance of this sector into the future will be challenging given the fast-changing pace of customers shopping habits. While Kerang and Cohuna offer a good retail mix for the size of the towns, they lack the higher end shopping and large format retail and wholesale outlets that only a larger urban centre can provide. As such, larger centres with retailers such as ALDI and Bunnings are attracting significant numbers of shoppers from outlying smaller communities.

No longer is shopping just shopping. For many people, shopping is an experience and they are seeking dining as part of that experience. Australia’s retail sector also continues to face challenging operating conditions, with high levels of competition, increasing digital disruption, and weak household income growth slowing retail spending.

6.

STRATEGIC DIRECTION 1



FACILITATE THE DEVELOPMENT OF AN INNOVATIVE AND DIVERSE AGRICULTURAL SECTOR

6.1 RATIONALE

Irrigated agriculture is the engine room of the Gannawarra economy and the dairy sector has long been a key driver. While changing, agriculture is still the Shire’s largest industry. Therefore, it is important for the Gannawarra to acknowledge the importance of the local dairy sector and initiate steps to strengthen the competitive advantages of this industry. Irrigation is critical to the success of the dairy sector in North West Victoria and will play a key role in determining the direction of the industry in the medium term.

Many of the industry changes are well beyond the scope of Council and the existing agricultural community to manage. Council does have the ability to assist localised investment in agriculture by undertaking positive facilitation and maintaining sound knowledge of future industry trends. The community needs to be welcoming of corporate agriculture as this sector will realise some of the biggest gains for small communities in terms of local investment and jobs. Over the past 30 years there has been a 40% reduction in the number of farm businesses and predictions are this trend will continue to place pressure on family farms.

The changing local landscape highlights what is possible when convention is challenged. The introduction of new crops such as cotton and corn, tomatoes and organic grains, along with new irrigation techniques will drive the future farming landscape. New directions for dairy with specialised feed sheds and robotics are also challenging convention.

Innovation will drive new opportunities and on ground development will require strong relationships with the investment sector. Agriculture requires a high level of capital investment to realise the opportunities that exist on the international market to drive further efficiencies and production scale. While over 90% of farms are family owned it is estimated that Australia will require up to 1 trillion of capital investment to double current exports by 2050.

A range of intensive industries that are less reliant on soil and water but have the capacity to increase production, increase employment and drive population growth should be supported. Intensive animal industries such as poultry, pigs, dairy and beef, a variety of crops grown through intensive hydroponics, and feed production to support intensive animal industries should be key focus areas for the Gannawarra.

Agriculture is the highest employment sector in the Gannawarra and is also one of the most volatile industry sectors. Council’s role will be to recognise the importance of agriculture and provide suitable services, infrastructure, and policy aimed at encouraging further investment.



STRATEGY 1

FACILITATE THE DEVELOPMENT OF A DIVERSE AGRICULTURAL SECTOR

ACTION	PARTNERS	KPIs	YEAR
Action 1.1 Utilise funding streams to ensure major transport routes are upgraded to accommodate high volume, high value agricultural production.	Local VFF leaders Community groups Industry sectors Processors	Funding sought	Ongoing
Action 1.2 Utilise and maintain the Agricultural Investment document to drive growth and diversity in agriculture	Local VFF leaders Community groups Industry groups	Document distributed	Ongoing
Action 1.3 Facilitate further value adding in agriculture to drive jobs and population growth	RDV Investment agencies	Value add projects developed	Ongoing
Action 1.4 Facilitate further organic farming opportunities in the local area.	Kilter Rural RDV	New organic projects	Year 1 to 5
Action 1.5 Facilitate the development of intensive hydroponic growing systems for the agricultural sector.	RDV Council VFF State Govt.	Hydroponic systems developed	Year 1 to 5
Action 1.6 Identify issues impeding agriculture and provide strong advocacy at a local, regional and State level.	RDV State and Federal Government	Advocacy undertaken	Ongoing
Action 1.7 Recognise Climate Change predictions and work closely with stakeholders to ensure farmers have the information to make informed decisions.	RDV Irrigated Cropping Council VFF UDV NCCMA	Information and initiatives undertaken	Year 1 to 5
Action 1.8 Identify and utilise local infrastructure to support the development of intensive animal industries including new dairy opportunities.	G-MW Coliban Water Wimmera Mallee Water	Projects developed	Year 1 to 5
Action 1.9 Host an annual farm walk event that highlights new diversity in agriculture.	Local farmers RDV Council Community Groups	Event held	Year 3 to 5
Action 1.10 Invest in marketing that supports the innovation and investment required to grow the agricultural sector.	Council RDV	Marketing undertaken	Year 1 to 5

7.

STRATEGIC DIRECTION 2



DRIVE POPULATION GROWTH THROUGH BUSINESS AND LIFESTYLE ATTRACTION

7.1 RATIONALE

Business and lifestyle attraction is critical to maintain healthy population growth. While population forecasts have predicted longer term population decline, the 2016 Australian Bureau of Statistics Census confirmed a rise in population for the Gannawarra. A growing population is needed to support the retail sector and maintain local services.

Residents enjoy a relaxed and safe environment surrounded by natural beauty of the forests and waterways and outdoor activities within a Mediterranean climate with above average sunlight days per year. Furthermore, the Gannawarra has a range of new residential estates in Kerang, Cohuna and Koondrook that are selling strongly. Waterfront land close to the Gunbower Creek in Cohuna and Koondrook is popular while the Kerang lakes also provide growth opportunities. These factors combine to make the Gannawarra an attractive lifestyle choice.

While marketing the lifestyle attributes of the Shire is important, it is critical to combine this with efforts to increase employment opportunities. As such, Council should continue to be proactive in promoting opportunities to attract new business investment and facilitate the creation of new jobs. This will encourage working age residents to relocate (or return) to the area. This is one of the most critical aspects in the strategy.

The ageing population creates opportunities for aged care and retirement living, but the focus is the 25 to 45-year age group. Council must ensure that employment opportunities from the aged care industries are balanced against the increased burden placed on service provision, for example, healthcare and transport.

The implementation of high-speed broadband can act as an attractor for new residents, home based businesses and bandwidth-intensive industries to move to the area.

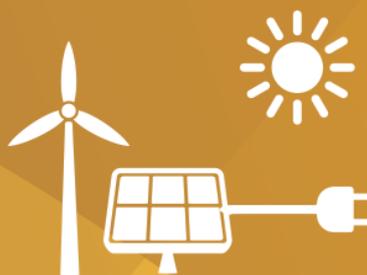
Infrastructure development in small towns needs very clear strategic direction. Council can no longer afford to develop towns for the “existing” population alone but must ensure development aligns to the future target markets and caters for creative and inspiring younger-aged residents that will assist to strengthen the local economy. This doesn’t mean that the existing demographic is overlooked but more so that Council ensures it is far more futuristic and innovative in developing local infrastructure.



STRATEGY 2			
DRIVE POPULATION GROWTH THROUGH LIFESTYLE AND EMPLOYMENT ATTRACTION			
ACTION	PARTNERS	KPIs	YEAR
Action 2.1 Maintain Council's Strategic Projects document, ensuring infrastructure is developed that supports liveability and commercial activity in line with the Council Plan.	Council CMA Parks DELWP Private partners	Document maintained and reported to Council	Ongoing
Action 2.2 Develop and implement projects and infrastructure from the Waterfront Masterplans.	Council G-MW NCCMA	Projects implemented	Year 1 to 5
Action 2.3 Maintain a ready supply of industrial land in Kerang, Cohuna, Koondrook.	Council Business community	Land is available	Ongoing
Action 2.4 Facilitate the development of mineral sands mining activities that have the capacity to provide increased returns to landowners and create new jobs.	Commercial businesses Community	Facilitation and assistance provided	Year 1 to 5
Action 2.5 Develop a strong marketing campaign and branding to attract new residents.	Council Business community	Campaign implemented	Year 1 to 5
Action 2.6 Facilitate the development a multi-purpose facility in Kerang that meets the needs of the local communities.	Developers Community	Process facilitated with Council	Year 1 to 5
Action 2.7 Facilitate the development of residential estates (including retirement living) in line with community needs.	Council Developers Community	Process facilitated and land available	Year 1 to 5
Action 2.8 Provide a range of learning activities in partnership with training providers aimed at achieving a skilled workforce.	Council RDV TAFE Business	Learning Activities implemented	Year 1 to 5
Action 2.9 Provide assistance to businesses via the RDV range of State Government programs and Council initiatives.	Council RDV Business	Assistance programs implemented	Ongoing
Action 2.10 Undertake a detailed retail strategy to provide direction for the sector to guide future growth opportunities.	Council RDV Business Community	Strategy completed	Year 1 to 2

8.

STRATEGIC DIRECTION 3



FACILITATE THE DEVELOPMENT OF THE GANNAWARRA AS AN ENVIRONMENTAL LEADER

8.1 RATIONALE

Economic, climatic and policy influences continue to drive land use change in the Gannawarra. As a result, there are large tracts of rural land available which are suitable for a variety of non-traditional uses.

Current shifts in Federal and State Government policy present a number of potential opportunities for 'green' land uses within the Gannawarra. This land use would not only drive forward the region's environmental credentials, but deliver direct and indirect benefits to the local economy. The most promising of these opportunities relate to environmentally-sensitive business practices, solar power, carbon offsets, biofuels and passive waste utilisation.

Increased regulation and changing customer preferences have combined to elevate the importance of good environmental management practice in agriculture and industry. Governments, corporate businesses, markets and customers are increasingly demanding ethical and environmentally-sensitive business practices in relation to land management, waste disposal and other business processes.

In June 2016, the Victorian Government committed to Victorian renewable energy generation targets of 50% by 2030.

Wind and solar energy are considered to be the most commercially advanced renewable energy technologies in Australia and it is therefore likely that the majority of renewable investment over the next decade will focus on these two sources. It is predicted that by 2050 around 50 per cent of our electricity generation will be from wind and solar. Coal generation is predicted to make up just 11 per cent of the overall generation capacity. The cost of renewable energy is lower than coal generation. Additionally, the cost of battery storage is falling each year while many of the larger energy companies are opting for investment in renewables over traditional generation methods that are no longer "bankable".

The Gannawarra has several unique strengths that make it attractive for large-scale renewable energy investment and environmental business development. Council should leverage these competitive advantages and continue to be proactive in attracting green industry investment into the Gannawarra.



STRATEGY 3

FACILITATE THE DEVELOPMENT OF THE GANNAWARRA AS AN ENVIRONMENTAL LEADER

ACTION	PARTNERS	KPIs	YEAR
Action 3.1 Facilitate further development of the energy sector in particular new technologies such as micro grids, hydrogen and waste to energy.	AEMO DELWP MRGC Energy companies Community	Projects commenced	Ongoing
Action 3.2 Provide strong advocacy to upgrade the transmission network to allow further investment in generation.	AEMO DELWP MRGC Energy companies	Advocacy undertaken	Year 1 to 4
Action 3.3 Leverage the current energy developments to assist new business start-ups in energy, tourism and hospitality.	Business Council Energy companies Community	New business leveraged	Year 1 to 5
Action 3.4 Facilitate the development of community based energy programs with CVGA aimed at reducing costs for community members.	DELWP Energy companies	Community programs introduced	Year 2 to 3
Action 3.5 Host an energy workshop open to the public with stakeholders such as DELWP, Swinbourne University and related energy businesses.	AEMO DELWP MRGC Energy companies Community	Event hosted	Year 2
Action 3.6 Work with energy companies to develop waste projects that add value to the local economy and enhance the environment.	DELWP Energy companies Community	Projects implemented	Year 1 to 4
Action 3.7 Develop appropriate car charging sites in the Gannawarra in line with the CVGA project.	CVGA MRGC Community Business	Sites implemented	Year 1 to 3
Action 3.8 Brand Gannawarra in a way that creates a positive profile recognised Australia wide in the renewable energy field.	DELWP MRGC Community	Brand developed	Year 1

9.

STRATEGIC DIRECTION 4



DEVELOP THE TOURISM SECTOR THROUGH IMPROVEMENTS IN PRODUCT AND INFRASTRUCTURE

9.1 RATIONALE

All over the country, small towns are looking to attract their share of the tourism dollars big cities are generating. This is because growing rural tourism can contribute to the economy of small communities and many communities see Tourism as a “quick fix” for economic growth. The Gannawarra is no different and has numerous environmental features within the local landscape with the capacity to provide new tourism product.

Much of the tourism product in the Gannawarra is out-dated and services the lower-yield markets, but there are signs of change with many new businesses recognising the emerging opportunities. New infrastructure is supporting commercial development including the Waterfront masterplans and Sir John Gorton precinct both of which will assist to improve the range of tourism products on offer.

A prospectus has been developed to highlight the development opportunities in places such as Kerang, Cohuna and Koondrook and these locations are being targeted by commercial developers investing in a range of new activities such as accommodation, food and hospitality and boating activity. Having the appropriate infrastructure is critical for the development of such projects.

The Koondrook waterfront is a good example of Council and the community recognising the strategic directions of tourism in the Murray region and working together to develop projects. These projects, which are being supported by both State and Federal Governments, are a combination of Council infrastructure and commercial investment – the perfect partnership.

Understanding the tourism markets and tourism products will be the key to developing the Gannawarra as a real nature-based tourism destination. Ports of the Murray, Murray River Adventure Trail and the Murray River Road are all regional projects that will benefit the Gannawarra and influence infrastructure development.



STRATEGY 4			
DEVELOP THE TOURISM SECTOR THROUGH IMPROVEMENTS IN PRODUCT AND INFRASTRUCTURE			
ACTION	PARTNERS	KPIs	YEAR
Action 4.1 Facilitate the development of nature-based tourism products.	Community Parks DELWP NCCMA	New products developed	Year 1 to 5
Action 4.2 Participate in the establishment of the local stages of the Murray River Adventure Trail.	MRT MRGC State Govt RDV	Designs developed	Year 1 to 3
Action 4.3 Facilitate the implementation of the Waterfront masterplans and seek funding to implement.	Community RDV G-MW Parks CMA	Projects implemented	Year 1 to 5
Action 4.4 Facilitate the development of commercial hospitality projects and products that build tourism and lifestyle capacity.	Community Developers RDV	Projects and products developed	Ongoing
Action 4.5 Facilitate the development of "quality" accommodation options across the municipality.	Community Developers Council Parks DELWP	Accommodation developed	Year 1 to 3
Action 4.6 Maintain a suite of marketing materials that are brand aligned to support the local tourism market.	MRT Community groups	Materials developed and maintained	Ongoing
Action 4.7 Facilitate activation of the Koondrook Wharf and Cohuna Waterfront.	Local community groups	Sites activated	Year 2 to 3
Action 4.8 Facilitate infrastructure for passive recreation in Kerang Regional Park.	DELWP Parks CMA	Infrastructure developed	Year 3 to 4
Action 4.9 Develop a business prospectus for Kerang (Lakes), Cohuna and Koondrook.	Developers Parks DWELP Council MRT	Prospectus developed	Year 1
Action 4.10 Host an annual round table event aimed at setting strategic directions with stakeholders.	Developers Parks DWELP Council MRT	Event hosted	Year 1 to 2

10.

MONITORING AND EVALUATION



THE SUCCESS OF THE STRATEGY WILL BE DETERMINED BY MEASURING ITS PERFORMANCE OVER TIME.

It is recommended that the implementation of the strategy is monitored by the Economic Development Unit. The team should:

- Conduct an annual review on the progress of the strategy and the status of actions by assessing against the measures of success contained within the strategy action plan.
- Provide annual progress reports to Council on the strategy's implementation.

It is important for Council to understand that the structure of the local economic landscape is fundamental to shaping economic development within the municipality. In light of this, it may be necessary to update or change some of the strategies and actions recognising any macro changes to the economy during the implementation stage.





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 www.twitter.com/GannawarraShire

 www.youtube.com/GannawarraShire



9 INFORMATION REPORTS

Nil

10 URGENT ITEMS**11 NOTICES OF MOTION**

Nil

12 DELEGATES REPORTS**12.1 DELEGATES REPORTS - 17 JULY, 2019 TO 20 AUGUST, 2019****Author: Mel Scott, Executive Assistant - Chief Executive Office****Authoriser: Tom O'Reilly, CEO****Attachments: Nil****EXECUTIVE SUMMARY**

Delegates Reports from 17 July, 2019 to 20 August, 2019.

Cr Lorraine Learmonth

19 July	Calder Highway Improvement Committee Meeting – Bendigo
20 July	Waterwonderland Deb Ball – Kerang
21 July	Dairy Shindig Lunch – Cohuna
22 July	Kerang RSL Auxiliary 80 th Birthday Lunch – Kerang
	GRIP Conference Interview Follow-up – Leitchville Primary School
24 July	Loddon Mallee Waste and Resources Recovery Group Board Meeting – Melbourne
26 July	Installation of New Leadership Team for Gannawarra Cluster Anglican Church – Kerang
27 July	Old Time Dance Club Ball – Kerang
31 July	Council Study Tour – Darwin
1-2 August	LG Professionals National Congress – Darwin
7 August	Leitchville Progress Association Annual General Meeting – Leitchville
8 August	Social Meal – Leitchville
	Senior Advisory Group Meeting – Leitchville
9 August	Loddon Campaspe Council Meeting – Castlemaine
	MAV Rural North Central Regional Meeting – Castlemaine
13 August	Koondrook Progress Association Meeting – Koondrook
	Cohuna Seniors Annual General Meeting – Cohuna
15 August	MAV Environment Meeting – Melbourne
16 August	Loddon Mallee Waste and Resources Recovery Group Board Meeting – Melbourne
20 August	Gannawarra Community Resilience Meeting – Kerang

Cr Sonia Wright

26-28 July MAV Councillor Development Weekend – Ballarat
 1-2 August Social Enterprise Workshop – Cohuna
 19 August Cohuna Progress Association Meeting & Cohuna Progress Youth Forum – Cohuna

Cr Steve Tasker

9 August Koondrook Seniors Meeting – Koondrook
 13 August Koondrook Development Committee Meeting – Koondrook

Cr Brian Gibson

18 July GRIP Conference Interview Follow-up – Kerang South Primary School
 23 July GRIP Conference Interview Follow-up – Kerang Christian College
 9 August MAV Emergency Management Committee Meeting – Melbourne
 15 August Central Victorian Greenhouse Alliance Board Meeting – Ararat
 20 August Gannawarra Community Resilience Committee Meeting – Kerang

Cr Jodie Basile

22 July Kerang RSL Auxiliary 80th Birthday Lunch – Kerang

Cr Mark Arians

24 July Kerang Progress Association Meeting – Kerang
 26-28 July MAV Councillor Development Weekend – Ballarat

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Ordinary Council Meeting (17 July)	✓	✓	✓	✓	✓	✓	✓
Council Briefing and Strategic Briefing (12 August)	A	A	A	✓	✓	✓	✓

A = Apology

13 CONFIDENTIAL ITEMS

Nil