

OFFICIAL

# Council Meeting

## Agenda

**23 March 2022 at 6:30pm**

**Council Chamber, Town Hall, Sturt Street,  
Ballarat**





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) in the days following the meeting.

Although every effort has been made to protect the privacy of the public, members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by council.

Information about broadcasting and publishing recordings of council meetings is available in council's Live Broadcasting and Recording of Council Meetings Procedure which is available on the council's website.

## **PUBLIC SUBMISSIONS**

- Due to COVID-19, the following has been put in place.
- Public representations may be made on any items listed on the agenda in a Council Meeting apart from those listed in the confidential section.
- Members of the Public must be fully vaccinated to attend the meeting in person to make a submission on an agenda item.
- All attendees are encouraged to register their attendance by 4:30pm on the day of the meeting
- If you do wish to attend the meeting in person to make a submission, please contact [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au) or call 5320 5875 to register
- Members of the public who wish to make a submission on an agenda item but who are unable to attend the meeting in person may make a submission in writing:
  - Submissions must be submitted in writing to [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au) by no later than 4:30pm on the day of Council meeting; and
  - limited to no more than 200 words that will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered by Council.

**ORDER OF BUSINESS:**

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**The next Meeting of the Ballarat City Council will be held on Wednesday 27 April 2022.**

## 1. OPENING DECLARATION

**Councillors:** *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

**Mayor:** *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

## 2. APOLOGIES FOR ABSENCE

## 3. DISCLOSURE OF INTEREST

## 4. MATTERS ARISING FROM THE MINUTES

## 5. CONFIRMATION OF MINUTES

## 6. PUBLIC QUESTION TIME

Note – all public representations will be heard before each item on the agenda.

### QUESTION TIME

- Question time has been altered for the City of Ballarat's 23 March 2022 Council meeting due to the COVID-19.
- Members of the Public must be fully vaccinated to attend the meeting in person to ask a question.
- No person may submit more than two questions.
- Those members of the public who are unable to attend can still participate in question time by submitting their questions in writing:
  - Questions must be submitted via email to [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au) by no later than 4:30pm on the day of the Council meeting; and
  - The questions must be in English, must be 75 words or less and not include a preamble, other additional material, or multiple parts.

## 7. CHIEF EXECUTIVE OFFICER REPORT

### 7.1. CHIEF EXECUTIVE OFFICER REPORT

**Division:** Executive Unit  
**Director:** Evan King  
**Author/Position:** Evan King – Chief Executive Officer

#### PURPOSE

1. The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

#### BACKGROUND

2. The Council of the City of Ballarat is responsible for setting the municipality's strategic direction. The CEO of the City of Ballarat is the sole employee of the Council and is responsible for establishing the organisational structure and resource allocation to achieve the objectives set by the Council. This operational report provides greater detail about organisational activities and issues involved with service delivery.

#### KEY MATTERS

3. Community Satisfaction Survey

The City of Ballarat held a three-week Community Satisfaction Survey in February. Similar surveys will also be undertaken across all other Victorian councils as part of the mandatory Local Government Performance Reporting Framework. The survey ensures the City of Ballarat is measuring and reporting on its performance to promote transparency and accountability, and to help improve service delivery.

4. January 26 events hailed a success

The City of Ballarat's January 26 events have been hailed a success, with almost 4000 people attending across the Survival Day Dawn Ceremony and the first ever Picnic in the Park.

The Community Awards 2022 were also held at the Ballarat Town Hall to acknowledge this year's outstanding citizens, while the traditional Australia Day Citizenship Ceremony was held on January 26, welcoming 35 new citizens to Ballarat.

5. New bowling green for Learmonth Bowling Club

The new resurfaced synthetic bowling green at the Learmonth Bowling Club opened in February for its first bowl.

This project was identified in the City of Ballarat's Lawn Bowls Facilities Framework and was fully funded through the Recreation Capital Program. The City of Ballarat worked closely with the Learmonth Bowling Club to ensure the project's success.



#### 6. Community Impact Grant and Strategic Partnership Grant Program

Applications for the Community Impact Grant and Strategic Partnership Grant Program opened in February.

The Strategic Partnership Program supports businesses, groups and organisations to deliver on their strategic objectives. These partnerships are for well-established organisations that have a proven record of delivering the relevant programs, projects or activities.

The Community Impact Grant Program has supported 24 community organisations throughout 2021 and 2022, with more than \$130,000 for projects and events that benefit the Ballarat community.

#### 7. Ballarat Heritage Festival wins top tourism honours

The Ballarat Heritage Festival has been awarded top honours in the 2021 Victorian Tourism Awards Festivals and Events Category. Last year, the festival was expanded to a 24-day event for the first time to give people the chance to celebrate and experience Ballarat's unique heritage in a COVID-safe way. The event was also rebranded to attract new audiences to Ballarat, further strengthening the city's appeal as a tourism destination of choice. In further recognition for the City of Ballarat, the Marketing department was a finalist in the Tourism, Marketing and Campaigns category for BALLARAT, Made of: Ballarat and We Are Ballarat campaigns.

#### 8. Ballarat Station Precinct unveiled

The City of Ballarat welcomed the State Government's unveiling of the Ballarat Station Precinct. The development is an exciting commercial, transport and community precinct that will transform this section of Ballarat's CBD. It includes a modern apartment hotel, a refurbished Goods Shed Convention Centre with large conference and event facilities, public plaza, access roads, commuter carparking and a bus interchange.

#### 9. Launch of the 70<sup>th</sup> Ballarat Begonia Festival

The Ballarat Begonia Festival will be in full bloom for its 70<sup>th</sup> birthday. Inspired by Scotland's Edinburgh Festival, the Begonia Festival was first held in 1953 and has taken place every year since in a range of different formats – even during COVID-19 restrictions. This year's 10-day free event from 11-20 March will showcase not only Ballarat's signature rare begonia collection but also its creative community with an exciting new program being held in both the Ballarat Botanical Gardens and the CBD.

### COMMUNITY CONSULTATION

#### 10. Kiosks at outdoor pools

The City of Ballarat is reviewing the food and drinks offered within our outdoor pool kiosks and want to hear from the community via two surveys on our mySay page.

### OFFICER RECOMMENDATION

#### 11. That Council:

##### 11.1 Receive and note the CEO's Operational Report.

**ATTACHMENTS**

1. Governance Review [7.1.1 - 1 page]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Chief Executive Officers report is in line with Council's commitment to transparent decision making as expressed in the Council Plan.

**COMMUNITY IMPACT**

2. The report is part of Council's commitment to ensuring the community is informed about key projects and initiatives delivered and ongoing, and community consultation being undertaken by the City of Ballarat.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. No climate emergency and environmental sustainability implications have arisen from the preparation of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. No additional economic sustainability implications have arisen from the preparation of this report.

**FINANCIAL IMPLICATIONS**

5. No additional financial implications have arisen from the preparation of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. It is considered there are no legal and risk considerations associated with this report.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. No community consultation and engagement was required.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

9. Council Officers affirm that no general or material interests need to be declared in relation to the matter of this report.

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## 8. OFFICER REPORTS

### 8.1. MUNICIPAL EARLY YEARS PLAN

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Sharelle Knight – Executive Manager Family, Youth and Children’s Services

#### PURPOSE

1. To update Councillors regarding the development of the draft 2022 – 2026 Municipal Early Years Plan (MEYP) and to seek approval to place the Strategy on public exhibition for feedback prior to presenting for adoption at a future meeting.

#### BACKGROUND

2. The Municipal Early Years Plan (MEYP) is not legislated a legislative requirement but are an important tool to support planning and track improvement.
3. MEYPs typically focus on children 0-8 years.
4. This is the City of Ballarat’s fourth MEYP with the last plan concluding in 2018.
5. This is a four-year plan and implementation plans and indicators will be developed.
6. City of Ballarat is a signatory to the Victorian Child Friendly Cities and Communities Charter and are represented on the state-wide Child Friendly Cities Advisory and Network groups.
7. When briefed at the commencement of the MEYP consultation process, Councillors indicated that a focus on cultural inclusion and infrastructure was important.

#### KEY MATTERS

8. Extensive consultation and co-design with internal staff, professional stakeholders, community and children took place during the development of the plan and informed the plan’s priorities.
9. Connection is an overarching theme throughout the plan, with connection to community, an interconnected service sector, connection to place and country and connection to City of Ballarat identified in consultations and co-design workshops as being integral to the success of the plan.
10. The MEYP has six goals structured around *The Nest*, an evidence-based child and youth wellbeing framework developed by the Australian Research Alliance of Children and Youth (ARACY). The goals include:
  - Valued, loved and safe
  - Having material basics
  - Being healthy

- Children are learning
  - Children are participating
  - Positive sense of culture and identity (which also incorporates a focus on cultural inclusion and infrastructure)
11. Children’s voices are prominent throughout the plan, and this adheres to the Child Friendly principle of children being free to express their individual opinions and to have these considered in decisions that impact them.
12. Action plan priorities for the next two years are developing a Child Friendly Assessment Framework, improved provision of information and increasing accessibility to high quality programs, services and facilities.

### OFFICER RECOMMENDATION

**13. That Council:**

**13.1 Proceed to public exhibition of the draft report prior to future endorsement.**

### ATTACHMENTS

1. Governance Review Early Years [8.1.1 - 3 pages]
2. Municipal Early Years Plan 2022–2026 [8.1.2 - 38 pages]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The draft Municipal Early Years Plan (MEYP) has been developed with input from an internal steering group including representatives from key business units to ensure alignment with other plans and strategies; such as Development Facilitation, Communications and Design, Business Improvement, Arts and Events, Recreation Services, Engaged Communities, Libraries and Lifelong Learning and Family, Youth and Children's Services.
2. Alignment with the Council Vision, Council Plan (specifically Goal 2: A healthy, connected and inclusive community), strategies and policies is explicit throughout the MEYP; it builds upon the work of the previous Municipal Early Years Plan; and links with other plans and strategies in the City of Ballarat strategic framework, including:
  - 10 Year Horizons
  - Community Vision 2030
  - Health and Wellbeing Plan 2021-2031
  - Community Infrastructure Plan 2021-2036
  - Four Year Horizon
  - The Council Plan (2021- 2025)
  - Other relevant plans, strategies and frameworks
  - Ballarat Strategy 2015
  - Ballarat Planning Scheme
  - Community Engagement Framework
  - Intercultural City Strategic Plan 2018-2021
  - Playspace Management Plan 2021-2025
  - Libraries and Learning Strategy 2022-2027
  - Reconciliation Action Plan 2022-2024
  - Ballarat Integrated Transport Plan 2020
  - Ballarat Prosperity Framework 2020
  - Circular Ballarat Framework 2021
  - Bakery Hill Urban Renewal Plan 2019
  - Gender Equality Action Plan 2021-2025
  - Disability Access and Inclusion Plan 2019-2022
  - Active Ballarat Strategy 2020
  - Active Women and Girls Strategy 2018
  - Ballarat Creative City Strategy 2019
  - Ballarat Cycling Action Plan 2017-2025
  - Ballarat Event Strategy 2018-2028
  - Ballarat Heritage Plan 2017-30
  - Food Strategy 2019-2022
  - Road Management Plan 2021
  - Urban Forest Action Plan 2019

**COMMUNITY IMPACT**

3. 20% of our population is aged 14 years and younger and this percentage is growing. We need to plan for our growing population and the draft MEYP supports the identification of priorities and planning to meet the diverse needs of our population, with a focus on inclusion and infrastructure.
4. Key themes that emerged during consultations with community, including children, focused on the need for 'connection'. Connection to community, and interconnected service sector, connection to the City of Ballarat and connection to place and country

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were all highlighted as important. The draft MEYP aims to strengthen these connections and these aims are embedded in the actions.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

5. Environmental sustainability is one of the principles of the draft MEYP and the plan clearly identifies multiple actions related to climate change awareness and education.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

6. There are no economic sustainability implications identified.

**FINANCIAL IMPLICATIONS**

7. The anticipated cost to Council in the next two years is approximately \$55,000. Future financial implications have been detailed in the action plan.
8. The action plan also identifies links to business cases to be developed in line with other strategic plans eg. Creative City Strategy, Reconciliation Action Plan (under development), and Community Infrastructure Plan (draft).

**LEGAL AND RISK CONSIDERATIONS**

9. There are no immediate risks that have been identified.

**HUMAN RIGHTS CONSIDERATIONS**

10. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

11. In 2020 and 2021, the City of Ballarat conducted children's consultations, with questions collaboratively developed by Council Officers. The consultation responses were utilised in the development of the draft MEYP.
12. Broad consultations and co-design workshops were held with City of Ballarat staff, professional stakeholders and community, including children.
13. Children's consultation responses were gathered via MySay and hard copy templates distributed to schools and all consultations and co-design workshops specific to the MEYP were held via Zoom due to covid restrictions at the time.

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**GENDER EQUALITY ACT 2020**

14. There are gender equality implications identified for the subject of this report. Based on findings from the gender impact assessment, it is recommended that as far as is practical, that action is taken to challenge gender stereotypes and roles throughout the operationalisation of this plan.

Children's early years are crucial in the formation of gender roles and stereotypical notions of what it means to be masculine or feminine. In addition, positively influencing children's and families' understanding of gender norms, is most likely to be achieved at this time.

Inclusion and equity are amongst the driving principles of the Municipal Early Years Plan. The implementation of the plan will support the provision of gender equitable service provision and the promotion of gender equity through role modelling, language, settings and communication.

Guiding actions include:

- Staff use of gender neutral language across our services, including embedding gender neutral language in our policies and documents as they are developed or reviewed
- Actively seeking ways to engage more men/ fathers in activities, events and parenting opportunities
- Auditing resources and opportunities such as books and play items to ensure that there are diverse experiences provided that encourage engagement and play that challenges rigid gender norms and expectations.

This recommendation will deliver early years' services, events, settings and opportunities that are more inclusive, accessible and equitable and that challenge gender roles and stereotypes. This will strengthen the capacity of Council to reduce limits that gender stereotypes otherwise place on children according to rigid societal gender roles and expectations. This will broaden opportunities for children of all genders and their parents through the provision of a supportive environment that actively encourages gender equity.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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CITY OF BALLARAT  
**Municipal Early Years  
Plan 2022–2026**





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The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways.

We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

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Ludowyk Evaluation would like to thank the City of Ballarat staff, external stakeholders, children, and families of Ballarat, including Traditional Owner families, who contributed to this work. Thanks to Sebastopol Primary School, Ballarat Primary School (Dana Street) and Lucas Primary School students and staff for their contribution to this plan.



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## 2. Message from the Mayor of Ballarat



The Municipal Early Years Plan lays out our community's vision and priorities for Ballarat children, and for being a child friendly city for every child that lives, learns, is cared for and plays here. Our vision is informed by what children in Ballarat have told us is important to them through our 2020 Children's Consultation, and engagement with children and parents in the second half of 2021.

This plan outlines our roadmap for delivering this vision over the next four years. It states very clearly what the City of Ballarat will do to ensure Ballarat is a child friendly city for all children, with a special focus on COVID-19 recovery, while being realistic about what we can deliver. The focus is on providing leadership, practising good governance and advocating for our community. We are committed to making informed decisions based on the best available evidence and community engagement and will work in partnership with our community to deliver our services, programs and information.

In 2018, Ballarat City Council acknowledged the climate emergency and the need for urgent action by all levels of government and, in March 2021, the Council supported an 'in principle' aspirational community-wide target of zero emissions by 2030.

In recognition of the importance of our rich cultural heritage and the critical part it plays in our identity as a city, we will work to ensure it is recognised, respected and celebrated while balancing the need to conserve our historical assets with the need and desire to progress as a modern regional city.

We sincerely thank every individual and group who provided input into this process – your participation reflects an engaged and empowered community.

A handwritten signature in black ink, which appears to read "Daniel Moloney". The signature is fluid and cursive.

**Cr Daniel Moloney**  
**Mayor, City of Ballarat**

### 3. Ballarat – A leading child friendly city



**Children are a big part of our community. There are more than 20,000 children in Ballarat, and children aged 13 years and younger make up approximately 20% of our population<sup>1</sup> and this is growing.**

Ballarat is a signatory to the Victorian Child Friendly Cities and Communities Charter. The charter recognises that, without voting rights, the ability of children to influence the communities they live in is limited to the opportunities afforded to them by adults. As a Child Friendly City and aligned with the Victorian Charter of Human Rights and Responsibilities, the City of Ballarat is committed to engaging children in the life and decision-making of our city.

Fundamental to positive health and wellbeing is the right for children to experience environments that consider their needs. Our children are valued members of communities, and we commit to these principles:

- Act in the best interests of the child
- Freedom for children to express their individual opinions and right to have these considered in decisions that affect them
- Create equity for all children based on their needs

In October and November 2020, the City of Ballarat conducted a children's consultation which further demonstrated children's desire to have their voices heard as the children told us what they love about Ballarat.

1. Australian Bureau of Statistics, (2016); Census quick statistics – 3350; [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/POA3350?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/POA3350?opendocument)

This Municipal Early Years Plan 2022-2026 sets out our goals and priorities for children in our municipality with a focus on children aged 0-8 years, and the work we will undertake towards them. It presents our commitment to ensuring every child in Ballarat has access to high quality facilities, services and programs that meet their needs, and ensuring this standard is delivered across our growing municipality, for both our new and old neighbourhoods. It recognises that supporting children also means supporting their families and working to address inequality across our municipality.

#### > 3.1 CHILDREN ARE AT THE HEART OF OUR COMMUNITY VISION

**Our Community Vision** – developed with the Ballarat community through deliberative engagement – is to lead the way as a sustainable, innovative and inclusive community, and achieving this requires a focus on our children.

**Inclusive** – One fifth of our community is aged 14 or younger. Being inclusive means our community is designed for the needs of children, and they participate in local decision making.

**Innovative** - Children bring new ideas and understandings of the world. We listen to our children and build our community together.

**Sustainable** – Children are future-focused. By listening to our children and meeting their needs today, we are securing our future prosperity and wellbeing.



## OUR VISION FOR CHILD FRIENDLY BALLARAT

All children and young people are thriving and are active participants in shaping the future of our city. Our families are provided with choice and opportunities to nurture their children.

City of Ballarat will understand, listen to, and deliver for the needs of all children and their families, as an everyday part of the way we do business. We will be renowned for the way we value our children.



**> 3.1.1  
The importance of a connected community**

Connection is key to a healthy, resilient community, and children and families have consistently told us about their desire for increased connectedness. This plan seeks to strengthen connection for children and their families in four key domains:



**> 3.2  
THE ROLE OF THE CITY OF BALLARAT**

The City of Ballarat works at multiple levels:



We are a key employer and provider of health, community and early years services for children and families. Including:

- We employ 35 Maternal and Child Health nurses who provide health and wellbeing support to children across the municipality from infancy until four years old, at six centres across the municipality
- Provision of childhood and school immunisation.
- Parent Place – a one-stop hub for parents who can drop in to use feed and change facilities, participate in activities with their child, and seek support and information from City of Ballarat early years staff and external partners
- Children's Services incorporating long day care, sessional kindergarten, occasional care and family day care.
- Central Kindergarten Registration Scheme
- Supported playgroups
- Libraries, including Storytime and early years programs
- Infrastructure planning including kindergarten and community infrastructure for children and families.

**> 3.2.1  
Our Partners**

In addition to the services we deliver, the City of Ballarat works in collaboration with all levels of government, as well as community services and organisations. Current partnerships and initiatives include:

- Best Start – we are partnering with the Victorian Government and local organisations to provide prevention and early intervention support for children experiencing vulnerabilities, from conception through to transition to school.
- Educational Leader Network – the City of Ballarat leads a network of early years educators across the municipality to share and promote best practice and knowledge.
- VicHealth Local Government Partnership: Young people leading healthier communities, which focuses on the health and wellbeing of children and young people aged 0-25

- Alliance member of the Central Highlands Integrated Family Violence Committee
- Central Highlands COMPACT between Department of Education and Training, Department of Families, Fairness and Housing and Multicultural Affairs Victoria.
- Koorie Engagement Action Group member
- Partnering with external agencies to deliver responsive services
- Central Highlands Primary Care Partnership

### > 3.2.2

#### **OUR STRATEGIC FRAMEWORK**

The plan encompasses work across all aspects of the City of Ballarat and will be integral to the delivery of our long term strategic agenda. This includes our 2030 Community Vision and 2030 Health and Wellbeing Plan, as well as our 2025 Council Plan, and supporting plans and strategies.

The plan builds upon the work of the previous Municipal Early Years Plan and links with other plans and strategies in the City of Ballarat strategic framework, including:

#### **10 Year Horizons**

- Community Vision 2030
- Health and Wellbeing Plan 2021-2031
- Community Infrastructure Plan 2021-2036

#### **Four Year Horizon**

- The Council Plan (2021- 2025)

#### **Other relevant plans, strategies and frameworks**

- Ballarat Strategy 2015
- Ballarat Planning Scheme
- Community Engagement Framework
- Intercultural City Strategic Plan 2018-2021

- Playspace Management Plan 2021-2025
- Libraries and Learning Strategy 2022-2027
- Reconciliation Action Plan 2022-2024
- Ballarat Integrated Transport Plan 2020
- Ballarat Prosperity Framework 2020
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- Ballarat Cycling Action Plan 2017-2025
- Ballarat Event Strategy 2018-2028
- Ballarat Heritage Plan 2017-30
- Food Strategy 2019-2022
- Road Management Plan 2021
- Urban Forest Action Plan 2019

### > 3.3

#### **HOW THIS PLAN WAS DEVELOPED**

- Review of previous community and children's consultations
- Review of current City of Ballarat plans and strategies
- Population data analysis
- Iterative consultation with community stakeholders, children, parents, and carers
- Engagement with City of Ballarat staff to design actions for this plan



# A snapshot of Ballarat

## > 3.4 SNAPSHOT OF CHILDREN AND FAMILIES IN BALLARAT<sup>2</sup>

### > 3.4.1 Our Community



**20%**  
Population is aged 14 years or younger

Source: (ABS, CHPCP)



**4188**  
Additional children in the city by 2026



**7441**  
Households with children aged under 15

Lucas-Cardigan fastest growing areas



**2553**  
Single parent households with children aged under 15

Greatest proportion in Sebastopol



**2.4**  
Average number of children in Ballarat families.

One quarter of households (24.6%) have one or more children aged 14 or less



**1250**  
Births in 2018  
The number of births are increasing each year



**7.7%**  
Babies born with a low birth weight  
2017/2018



**1.1%**  
Ballarat women aged 15-19 became mothers  
Twice the rate of that across Victoria (0.5%)



**15%**  
Ballarat mothers smoked during pregnancy  
Compared with 8% Victorian average



**High level of infant mortality**  
Ballarat's infant mortality rate is double the Victorian average  
(0.45% in Ballarat compared with 0.28% for Victoria)



**Higher level of disadvantage**  
Ballarat has higher levels of disadvantage compared with Victoria as a whole.  
Wendouree has the highest degree of disadvantage households



**18%**  
Ballarat residents arrived in the last five years  
2018



**11%**  
People in Ballarat speak a language other than English at home



**4%**  
5-14 year olds have a disability requiring assistance with daily living  
0-4 year olds (1%)



**744**  
Children experienced family violence in Ballarat in 2020  
Family violence rates increased 42% in the year ending 2020. 33% higher than Victoria rate



**369**  
Children aged nine years or younger were homeless in 2018  
One in seven children in Ballarat aged 14 or younger lived in a jobless household  
Source: (Census 2016)

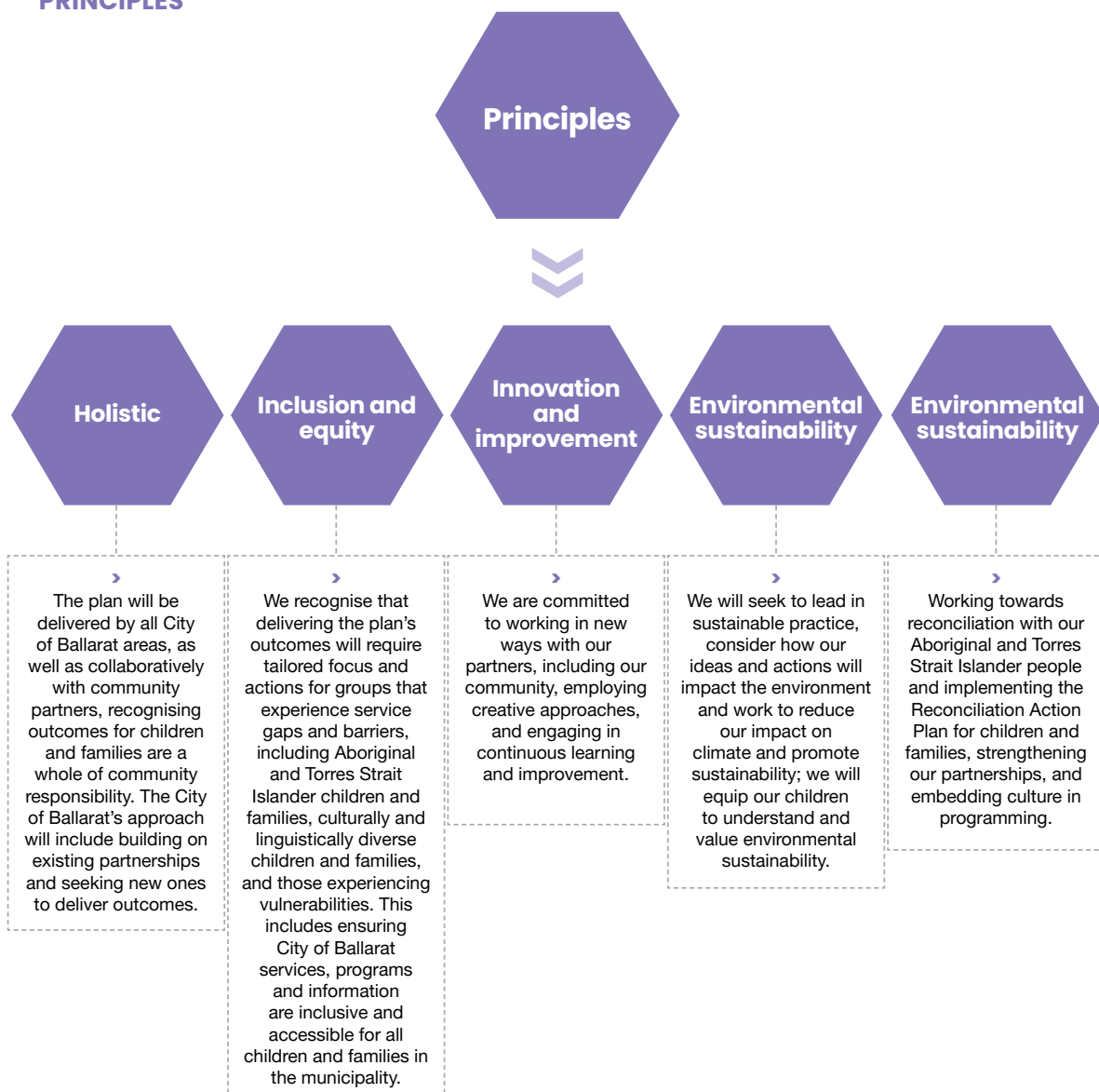
2. Data has been sourced from the Australian Bureau of Statistics Population Census (2016), Central Highlands Primary Care Partnership (CHPCP), City of Ballarat Maternal and Child Health data, the Victorian Child and Adolescent Monitoring System (VCAMS), Victorian Crime Statistics Agency, and Australian Institute of Health and Welfare (AIHW).

**THE COVID-19 PANDEMIC**

The pandemic has produced additional pressures for every single family and made it harder for children and their families to be connected to each other, to their community, to learning, and to the services and organisations that support and enrich their lives. It has particularly exacerbated pre-existing disadvantage and has disproportionately affected our most vulnerable children and families. For Aboriginal and Torres Strait

Islander children, it has been harder to be connected to culture. Children commencing school in 2022 will have had two years of disrupted pre-school education, prior to transitioning to school. While these and other pandemic impacts on children and families are anticipated and addressed in this plan, the City of Ballarat will continue to work with the community to identify emerging needs and issues for children and families and respond to them.







**> 3.5 PRINCIPLES**



## Our Goals

Our plan has six goals that have been identified in the Nest, Australia’s first evidence-based framework for child and youth wellbeing, developed by the Australian Research Alliance of Children and Youth. The goals for children are:

> 3.6  
OUR GOALS

GOALS FOR CHILDREN	
	1. Valued, loved and safe
	2. Having material basics
	3. Being healthy
	4. Children are learning
	5. Children are participating
	6. Positive sense of culture and identity

The work we will do towards these goals is outlined in the following pages.



## 4. Goal 1: VALUED, LOVED AND SAFE



*“It means to me like feeling important, like when someone in my family says let’s go for a walk.”*

Sebastopol Primary School student

*“It’s having crossing people to help you cross the road safely. And traffic lights.”*

Sebastopol Primary School student

### > 4.1 OUR PRIORITIES

1. Home is a safe place for children.
2. Children are safe in their communities
3. Parents and carers have the supports they need to nurture their children
4. Children feel positive about their future

#### The Nest framework describes this as:

Being valued, loved, and safe means having loving, trusting relationships with family and friends. It involves a child or young person feeling valued by teachers and other adults in their life and knowing they are important to others and that others are caring and supportive of them. It involves feeling safe at home, in the community and online. Safety also means feeling safe about their future, which includes the knowledge that the environment and climate are a priority and are being protected.

#### What children in Ballarat have told us:














Children told us they feel safe and valued when people are friendly and kind, they can enjoy their neighbourhoods, navigate crossing roads and traffic safely, and enjoy green space and the outdoors with their friends and family.

Ensuring children are valued, loved and safe means actively planning for and prioritising the needs of children and families across our municipality and in our rapidly growing neighbourhoods.

The Infrastructure Plan, Housing Strategy, Net Zero Strategy, and Playspace Management Plan guide the way we will plan and deliver child friendly neighbourhoods. We will deliver our work in this area in alignment with our Disability Access and Inclusion Plan, LGBTIQ+ Action Plan, Intercultural City Strategy and Reconciliation Action Plan to ensure all children in Ballarat are valued, loved and safe.

Delivering this goal also means being able to identify those who are experiencing harm and vulnerabilities, and linking them with the right services. Responses to family violence will continue through the ongoing implementation and embedding of the MARAM framework and Child Safe Standards, ensuring staff across all areas of the City of Ballarat and the early years sector know violence is everybody’s business, and understand how to recognise and respond to children experiencing violence. We do this in collaboration with health, social and early years services. This work is led, in particular, by our Maternal and Child Health team and early years’ staff, through engagement with parents, carers and children in our programs and initiatives such as the co-location of early years staff with The Orange Door. Enhanced Maternal Child Health and other programs will also continue to provide additional support for children with vulnerabilities and their families. This work will be further supported through the implementation of our Health and Wellbeing Plan.

> 4.1  
OUR PRIORITIES

WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Ensure City of Ballarat activity is child friendly and child safe with child friendly initiatives and opportunities		 
Develop our neighbourhoods to ensure all children can move safely to play, walk, ride bikes, and commute to school, kindergarten and early learning environments, health settings and recreational activities.		 
Provide parents and carers with opportunities to strengthen parenting skills, resources, and capacity		 
Identify and support children at risk of harm in alignment with the MARAM framework		
Ensure children and their families are aware of the work being done to plan and provide for a sustainable and secure future		

-  Deliver
-  Partner
-  Advocate
-  Connected to community
-  Connected to the City of Ballarat, services, and organisations
-  Interconnected service sector
-  Connected to place and country

> 4.1.1  
HOW WE WILL DO IT

ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAMS
Develop and implement a Child Friendly assessment framework for City of Ballarat projects and planning in Ballarat		✓	✓	✓	✓	Business case to be developed according to implementation plan.	
Ensure amenities and services are walkable and accessible	✓	✓	✓	✓	✓	Recurrent and linked to business case identified in Community Infrastructure Plan	
Implement and embed the MARAM framework and Child Safe Standards across all City of Ballarat services, policies and frameworks	✓	✓	✓	✓	✓	Recurrent and funded via State Government implementation initiatives	
Increase the accessibility of Parent Place and early years information for all families in the municipality, including outreach and co-delivery with community organisations	✓	✓	✓	✓		Business case to be developed according to implementation plan	
Collaborate with antenatal care providers to link vulnerable parents with early years services earlier	✓	✓	✓	✓		Recurrent	
Communicate about climate change planning and initiatives in ways that are meaningful to families and children			✓	✓	✓	Recurrent	
Engage the business and commerce sector in child friendly initiatives				✓	✓	Business case to be developed, anticipate approximate program costs of \$30,000	

- Engaged Communities
- Family, Youth and Children's Services (FY&CS)
- City Design
- Development Facilitation
- Infrastructure
- People and Culture
- Waste and Environment
- Communication and Design
- Economic Growth
- Arts and Events
- All areas of Council





## 5. Goal 2: HAVING MATERIAL BASICS



*“I like riding my bike around to get to school. Everyone should have a bike.”*

Sebastopol Primary School student

### > 5.1 OUR PRIORITIES

1. **Parents and carers can access the information and resources they need to provide for their children**
2. **Children’s future security, including food, water, transport, housing, access to internet and timely services, is being actively planned for.**
3. **Children live in environments which enable them to thrive**

#### **The Nest framework describes this as:**

Children and young people who have material basics have the things they need. They live in suitable, secure, stable housing, with appropriate clothing, nutritious food, clean water, and clean air. They have access to transport, to required local services (e.g. plumbing) and to open spaces in nature. Their family has enough money for necessities. They have the material items needed to develop as an active member of society such as school supplies, suitable technology, or sporting equipment.

#### **What children in Ballarat have told us:**




Children told us having material basics means having the things a person ‘should’ have, and a community where kids have material basics including parks and playgrounds, public sports grounds, and helpful people who will look after you if you’re in need.



The City of Ballarat supports children to have material basics by connecting children and families to the services they need, empowering parents and carers to identify opportunities for support, and providing accessible information that parents and carers know how to find. Community facilities and libraries play an important role for children and families, providing access to safe environments to access to things that children need, including a place to learn, play and connect with others, enjoy nature and the outdoors, access books and information, the internet, and technology. As a provider of children’s services, the City of Ballarat is dedicated to providing high quality environments for children that set a high standard for children’s services and provide a consistently high-quality experience for all children in the municipality.



Supporting work of the City of Ballarat that will contribute to this goal includes the implementation of our Infrastructure Plan, Diverse and Affordable Housing Strategy, the Libraries and Learning Strategy, Active Ballarat Strategy, the Playspace Management Framework, and the Circular Ballarat Framework.

> 5.1  
OUR PRIORITIES




WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Provide families with access to the social and other services they need		
Provide families and children with access to the information they need		
Ensure City of Ballarat facilities, including open space, are high quality and facilitate best practice service models		

 Deliver
  Partner
  Advocate

 Connected to community
  Connected to the City of Ballarat, services, and organisations

 Interconnected service sector
  Connected to place and country

> 5.1.1  
HOW WE WILL DO IT

ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAM
Planning for our growing municipality, informed by a child friendly assessment framework		✓	✓	✓	✓	Recurrent	
Plan, deliver, and advocate for services for families and children in more locations across the municipality, including Parent Place outreach delivery with partner organisations	✓	✓	✓	✓	✓	Business cases to be developed as outlined in the Community Infrastructure Plan	
Review and renew license agreements for City of Ballarat facilities to ensure high quality facilities designed to support the delivery of models of best practice;		✓	✓			Business case to be developed, anticipated cost approximately \$30000	

Review current information content and channels provided to families and children, and increase access to information for culturally and linguistically diverse children and families	✓	✓				Recurrent	
Develop an online family, youth and children directory		✓	✓	✓	✓	Business case to be developed according to implementation plan.	
Advocate for, support, and provide investment in new and improved infrastructure where needed	✓	✓	✓	✓	✓	Business cases to be submitted as outlined in Community Infrastructure Plan	
Delivery of free Wi-Fi in City of Ballarat run spaces and advocate for the provision of free Wi-Fi in public spaces across the municipality		✓	✓	✓	✓	Recurrent	

- Engaged Communities
- City Design
- Strategic Planning
- Sustainable Growth
- Libraries and Lifelong Learning
- Family, Youth and Children's Services (FY&CS)
- Development Facilitation
- Business Improvement
- Information Services
- Infrastructure
- Communication and Design
- Property and Facility Maintenance



## 6. Goal 3: BEING HEALTHY



*“In a healthy community there would be kids outside practicing sports most of the day, and you’d hear kids cheering each other on and staying positive, showing sportsmanship.”*

Lucas Primary School student

*“And planting trees on every street. I think that would help make it healthier for the community, and also showing kids good things to do that they might then copy when they grow up.”*

Dana Street Primary School student

### > 6.1 OUR PRIORITIES

1. Children have access to diversity of play space that meets their needs
2. Children access the right services at the right time to support their health and wellbeing
3. Children and families are engaged in climate adaptation and sustainability
4. Children are supported through the disruptive impacts of COVID-19

#### The Nest framework describes this as:

Healthy children and young people have their physical, mental, and emotional health needs met. All of their developmental health needs are provided for in a timely way. They receive appropriate health services, including preventative measures to address potential or emerging physical, emotional, and mental health concerns.
















#### What children in Ballarat have told us:

Children told us that being healthy is as much about feeling positive, having encouragement and supportive relationships as it is about being in the fresh air, eating healthy food, exercising, and playing sport. Children also recognised the importance of healthy environments which included natural assets.

Being healthy also means being supported to recover from continuing COVID19 impacts by ensuring all children have opportunities for active recreation and social connection, and to participate in the community, and that sport and recreation facilities and play spaces are inclusive and designed for all children. For many, it will also mean re-connection or connecting with services for the first time, including for mental health and wellbeing support. Our Integrated Children’s Centres, Parent Place, supported playgroups and new parents’ groups play a critical role in fostering opportunities for children and families to connect with services and with each other.

Strategies and frameworks that link to this work include the 2021-2031 Health and Wellbeing Plan that includes long term objectives for children and young people, the Active Ballarat Strategy and the Active Women and Girls Strategy, the Ballarat Cycling Action Plan, the Play Space Management Framework and the Disability Access and Inclusion Plan.

> 6.1  
OUR PRIORITIES








WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Increase safe, inclusive green space and active play space across the municipality		 
Increase the inclusivity of community and sporting clubs and organisations for children		 
Partner with the community to deliver initiatives in identified areas of need, including physical health and activity, mental health, dentistry		 
Provide opportunities for social connection for all families and children, including positive social and peer supports for parents, carers, and children	 	
Children and families are engaged in sustainability and care for the environment		 












 Deliver
  Partner
  Advocate










 Connected to community
  Connected to the City of Ballarat, services, and organisations

 Interconnected service sector
  Connected to place and country

> 6.1.1  
HOW WE WILL DO IT

ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAM
Deliver new and improved play space throughout the municipality		✓	✓	✓	✓	Business cases developed as outlined in Active Ballarat and the Playspace Management Plan	     
Deliver community health initiatives including the Smiles for Miles and Healthy Together Achievement programs	✓	✓	✓	✓		Recurrent	

Collaborate with and lead community initiatives, to provide a range of need-based programs and interventions for children	✓	✓	✓	✓	✓	Recurrent	
Continue to review and improve the accessibility, cultural safety, and inclusivity of Maternal and Child Health services	✓	✓	✓	✓	✓	Recurrent	 
Ensure relevant community events include opportunities to facilitate interactions with peers for children of all abilities, and their families	✓	✓	✓	✓		Recurrent	 
Increase opportunities for children with additional needs to access early years programs	✓	✓	✓	✓		Recurrent	
Engage with community organisations to promote the inclusivity of community and sporting clubs and organisations, including promotion of community grants to support this	✓	✓	✓	✓		Recurrent and business cases developed as outlined in the Active Ballarat plan	  
Engage children and families in the move to the Ballarat circular economy		✓	✓	✓	✓	Recurrent	 

-  Engaged Communities
-  Family, Youth and Children's Services (FY&CS)
-  City Design
-  Development Facilitation
-  Infrastructure
-  Waste and Environment
-  Arts and Events
-  Property and Facility Maintenance
-  Recreation Services





## 7. Goal 4: CHILDREN ARE LEARNING



*“In my ideal learning community everyone would be outside with a couple of tables and in small groups, lots of teamwork and communication.”*

Dana Street Primary School student

*“You can say anything without being judged.”*

Dana Street Primary School student

*“When people are learning it’s noisy but in the good way, like having a fun time and laughing.”*

Dana Street Primary School student

### > 7.1

#### OUR PRIORITIES

1. **Children and families are supported through key transitions including to kindergarten and school**
2. **All children have access to quality early learning, kindergarten and schooling that meets their needs**
3. **Children are supported to understand reconciliation, diversity, and social inclusion.**

#### The Nest framework describes this as:









Children and young people learn through a variety of experiences within the classroom, the home, and the community in which they live. Their individual learning needs are addressed to allow them to realise their full learning potential. Families are engaged in their child’s learning. Children and young people are supported and encouraged to learn in a wide variety of settings, including formal education. They have opportunities to participate in a breadth of experiences where their learning is valued and supported by their family and in the wider community.

#### What children in Ballarat have told us:

Children told us they enjoy stimulating learning environments that are colourful and joyous, and that learning together with a diversity of people was important to them. Children value and are eager to learn about Ballarat’s Aboriginal culture and colonial history.

City of Ballarat supports children’s learning from birth, through services to support parents to provide a rich learning environment in the home, as a key provider of early learning through its centre-based day care and kindergarten services, by providing information that supports all families to exercise choice and navigate transitions, and through advocacy for primary and secondary schools that meet the needs of all families in the municipality. Opportunities for children’s learning are also supported in numerous informal environments, including libraries, art galleries and at community events, and are supported by our Libraries and Learning Strategy and our Creative City Strategy.

> 7.1  
OUR PRIORITIES



WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Strengthen supports for children and families through key transitions		
Continue to foster engagement with Aboriginal and Torres Strait Islander, and CALD communities and early learning services, kindergartens, and schools, to facilitate the continuous development of cultural competencies		
Continue leadership of best practice in the early years sector		
Deliver and fund MCH, early learning and kindergarten, and advocate for schools that are inclusive, accessible, affordable, within local neighbourhoods and of a consistent quality and standard across the municipality.		

 Deliver
  Partner
  Advocate

 Connected to community
  Connected to the City of Ballarat, services, and organisations

 Interconnected service sector
  Connected to place and country

> 7.1.1  
HOW WE WILL DO IT

ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAM
Continuous planning, funding and advocacy for children's services, kindergartens and schools that meet the need of our growing municipality	✓	✓	✓	✓	✓	Recurrent and business cases developed as outlined in the Community Infrastructure Plan	
Identify and facilitate transition support between programs and organisations, including early learning and school, for all children and families.	✓	✓	✓	✓	✓	Recurrent	

Families are supported to participate in two years of funded kindergarten from 2022	✓	✓	✓	✓	✓	Recurrent with possible business case to assist with administration of Central Kindergarten Registration scheme as necessary	
All City of Ballarat run early years programs are evidence based	✓	✓	✓	✓	✓	Recurrent	 
Continued facilitation and participation in early years networks to promote leadership and best practice across the early childhood sector	✓	✓	✓	✓	✓	Recurrent	
Implement dual language Aboriginal and English signage in City of Ballarat run early years facilities			✓	✓	✓	Business case to be developed	
Promote and advocate for STEAM initiatives for children			✓	✓	✓	Recurrent and business case linked to Creative City Strategy to be developed	 

 Engaged Communities     
  Family, Youth and Children's Services (FY&CS)

 Arts and Events     
  Development Facilitation     
  Economic Growth

 Libraries and Lifelong Learning



## 8. Goal 5: CHILDREN ARE PARTICIPATING



*“A city where every kid is participating looks, at worst, like kids getting involved in activities like the tree planting and sports like they already do, and at best it would have a kid member of parliament.”*

Dana Street Primary School student

*“It’s important everywhere since your voice is important and discussing your feelings with others is also important”*

Lucas Primary School student

### > 8.1 OUR PRIORITIES

1. Children feel part of the community
2. Children have opportunities to participate in their community
3. Children are empowered to speak up and be heard on decisions that matter to them and impact them
4. Children are supported to engage and connect with their communities throughout COVID-19

#### The Nest framework describes this as:










Participating is about children and young people having a voice, being listened to, and taken seriously within their family and community. It means having a say in decisions that impact them. It is being empowered to speak out and express themselves. Participating includes involvement with peers and groups through a variety of activities, including online communities.

#### What children in Ballarat have told us:

Participating means being an active member of society. Children told us participating means being able to do things you enjoy and getting to meet like-minded people. They recognised the importance of inclusivity so that everyone could participate, and they want to have a voice and influence decisions that matter to them.




















As a Child Friendly City, Ballarat recognises engaging children in decision making is as important as any other group in the community; we have an established history of consulting children and we will continue to strengthen children’s consultation practice across all areas. City of Ballarat is also well placed to fund and deliver programs, community events and festivals that are inclusive of children and families and facilitate opportunities for play and interaction. Our work in this area is also delivered through our Creative City Strategy, Intercultural City Strategy, Disability and Inclusion Action Plan, Active Ballarat and Active Women and Girls Strategy and underpinned by our Community Engagement Framework.











> 8.1  
OUR PRIORITIES

WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Support children and families to remain engaged and connected to their communities throughout COVID-19		
Ensure facilities, amenities, open spaces, and places in the municipality are inclusive and meet the needs of all children and families		
Children are consulted on key City of Ballarat decisions and listened to with respect		 
All new residents are welcomed into the community		

-  Deliver
-  Partner
-  Advocate
-  Connected to community
-  Connected to the City of Ballarat, services, and organisations
-  Interconnected service sector
-  Connected to place and country

**> 8.1.1  
HOW WE WILL DO IT**

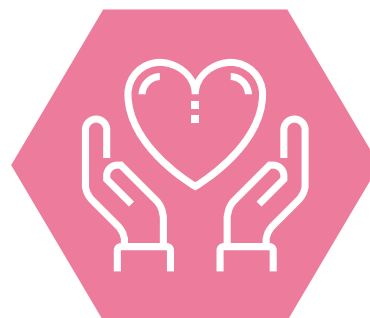
ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAM
All City of Ballarat community events are child and family friendly	✓	✓	✓	✓	✓	Recurrent	 
Develop and promote a Children and Youth web page to support active citizenship and engagement in relevant decisions		✓	✓	✓	✓	Business case to be developed linked to implementation plan	  
Convene a Children's Brains Trust for input into decisions that impact them		✓	✓	✓	✓	Recurrent Business case to be developed linked to implementation plan	 
Increase opportunities for engagement by including children in consultations across the City of Ballarat, including routine surveys and feedback processes, and liaising with schools and learning environments to promote opportunities for participation and engagement	✓	✓	✓	✓	✓	Business case to be developed	        
Promote inclusive opportunities for connection for new residents, including delivering new resident sessions for families with younger children	✓	✓	✓	✓	✓	Recurrent	  

 Engaged Communities	 Family, Youth and Children's Services (FY&CS)	
 City Design	 Development Facilitation	 Communications and Design
 Strategic Planning	 Arts and Events	 Libraries and Lifelong Learning
 Recreation Services	 Customer Service	





## 9. Goal 6: POSITIVE SENSE OF CULTURE AND IDENTITY



*“It means that people support you. Being respected. Fitting in and being included.”*

Dana Street Primary School student

*“It would feel really good if everybody got together one day, just to celebrate different cultures.”*

Dana Street Primary School student

### > 9.1 OUR PRIORITIES

1. Children feel connected to place
2. Aboriginal and Torres Strait Islander children are connected to country
3. Ballarat celebrates children’s diverse cultures and identities
4. Children have opportunities to understand and build their cultural identity.
5. Children feel safe to express their identity.

#### The Nest framework describes this as:












Having a positive sense of identity and culture is central to the wellbeing of all children and young people. This is important for all, regardless of background, but in Australia, especially for Aboriginal and Torres Strait Islander young people. It encompasses having spiritual needs met, a sense of cultural connectedness, belonging and acceptance at home and in the community – and confidence that their identity, culture, and community is respected and valued. It involves feeling safe and supported in expressing one’s identity, regardless of gender, sexuality, culture, or language.

#### What children in Ballarat have told us:

Children told us a positive sense of culture and identity involved learning about and celebrating lots of different cultural identities, being kind and not excluding anybody, feeling respected and peaceful.













City of Ballarat’s work in this area is driven by the Reconciliation Action Plan (RAP), Disability and Inclusion Action Plan, the LGBTIQ+ Action Plan, and until recently, the Intercultural Strategic Plan, and well as in our relationships with our cultural partners at BADAC and BRMC. Our work is further supported by the Libraries and Learning Strategy and the Creative City Strategy.

> 9.1  
OUR PRIORITIES

WHAT WE WILL DO	CITY OF BALLARAT'S ROLE	KEY CONNECTIONS
Children engage in reconciliation		
All children see themselves and their culture celebrated in their community, events, public art, green and open spaces		 
City of Ballarat identifies further opportunities to integrate the delivery of programs and services with cultural and community partners		
City of Ballarat public institutions, children's services and learning environments are culturally welcoming		
Continually reassess and strengthen cultural competence and cultural safety across all areas of City of Ballarat and children's services		

-  Deliver
-  Partner
-  Advocate
-  Connected to community
-  Connected to the City of Ballarat, services, and organisations
-  Interconnected service sector
-  Connected to place and country

**> 9.1.1  
HOW WE WILL DO IT**

ACTIONS	2022	2023	2024	2025	2026 & beyond	BUDGET	LEADING TEAM
Ensure City of Ballarat run children’s and family services are culturally safe and culturally appropriate	✓	✓	✓	✓	✓	Recurrent	 
Reconciliation Week, NAIDOC week and Harmony Day are promoted as a core calendar items on all early years learning programs	✓	✓	✓	✓	✓	Recurrent	 
Identify opportunities for publications, public art and other initiatives for child audiences that celebrate diverse children and families	✓	✓	✓	✓	✓	Business case to be developed linked to Creative City Strategy	  
Co-deliver services for children and families with cultural partners and organisations	✓	✓	✓	✓	✓	Recurrent	
Delivery of child and family initiatives in the Reconciliation Action Plan		✓	✓	✓	✓	Business case to be developed linked to RAP	 
Enable self-determination for Aboriginal and Torres Strait Islander families, by offering choice of services and referral to community organisations and services where preferred	✓	✓	✓	✓	✓	Recurrent	 

 Family, Youth and Children's Services (FY&CS)

 Engaged Communities  Arts and Events



# 10. How we will measure our success

Additional indicators may be identified throughout the four years of the Plan.

<b>1. Valued, loved and safe</b>	
	<ul style="list-style-type: none"> <li>Families supported through co-location of Maternal and Child Health at the Orange Door</li> <li>Community supported by Parent Place</li> </ul>
<b>2. Having material basics</b>	
	<ul style="list-style-type: none"> <li>Parental employment status</li> <li>Reduction in housing stress (rental stress/mortgage stress)</li> <li>Access to Families, Youth and Children Directory</li> </ul>
<b>3. Being Healthy</b>	
	<ul style="list-style-type: none"> <li>Low birthweight babies</li> <li>MCH visit rates</li> <li>Participation in First Parent Groups and Sleep and Settling programs</li> </ul>
<b>4. Children are learning</b>	
	<ul style="list-style-type: none"> <li>Kindergarten participation rate (3 and 4 year old)</li> <li>Proportion of children ready for school (AECD)</li> <li>Children attend and enjoy kindergarten (absentee data)</li> <li>Proportion of children read to every day</li> </ul>
<b>5. Children are participating</b>	
	<ul style="list-style-type: none"> <li>Access to internet at home</li> <li>Participation in children's consultations</li> <li>Opportunities to be involved in activities that meet their needs</li> </ul>
<b>6. Positive sense of culture and identity</b>	
	<ul style="list-style-type: none"> <li>To be determined in consultation with cultural organisations</li> <li>Children feel safe to express their identity</li> </ul>

A review will be conducted at the end of 2023 to assess the first two years' to assess implementation and update actions in the plan in response to emerging needs and issues.



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☎ 03 5320 5500 🌐 [ballarat.vic.gov.au](http://ballarat.vic.gov.au)

February 2022

## 8.2. BOAK AVENUE, MOUNT HELEN

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Pete Appleton – Executive Manager Engaged Communities

### PURPOSE

1. This report provides an assessment on the potential sale of 14-16 Boak Avenue following the completion of community engagement with residents of Mount Helen and a recent building condition report of the old Mount Helen Preschool building.

### BACKGROUND

2. On 13 December 2017 Council resolved to sell the blocks of 14 and 16 Boak Avenue (R464/17). 16 Boak Avenue was previously the site for the Mount Helen Preschool while 14 Boak Avenue was an access point for the facility. The property has remained vacant since the end of 2016.
3. At the 2 December 2020 Meeting of Council, 18 submissions were received during the Planning Application PLP/2020/348 objecting to the removal of the reserve status of 14 Boak Avenue, its consolidation with 16 Boak Avenue, and the removal of the drainage easement bordering both blocks. As part of the process community members requested Council reconsider its intention and consult Mount Helen residents regarding future land use. A common concern amongst objectors was the loss of community uses at the property, and in addition objectors expressed concern about what types of future development may occur on the property once it is sold.
4. In April and May 2021 Council Officers undertook the following community engagement activities to gather feedback from the Mount Helen community.
  - A letterbox drop to 575 residents and businesses.
  - A community drop-in session onsite at 14-16 Boak Avenue.
  - Emails to all residents who submitted objections to PLP/2020/348.
  - Social media posts via Facebook and Twitter.
  - A feature article in the Ballarat Times.
5. The engagement process undertaken specifically focused on understanding the community's preferred future use of the two blocks. It did not test the community's appetite for many of the suggestions raised to be developed at other nearby locations using a proportion of the proceeds from the sale of 14-16 Boak Avenue. Whilst the engagement process did not specifically explore this concept, the responses received provide an important insight into local priorities for residents in and around the Mount Helen area.

### KEY MATTERS

#### Officer's Assessment:

6. In developing this report and recommendation Council Officers considered several elements in terms of overall site assessment. The assessment included feedback and

key messages from the community engagement process, recommendations from Council's Open Space Strategy, estimated annual ongoing maintenance costs, distance to and facilities at local neighbourhood parks, costs of redevelopment, and other local community infrastructure.

7. Responses to the community engagement process featured 57 completed community surveys and 12 people attending the drop-in session at the site.

Most people who responded suggested that they would like the blocks to be kept as a reserve with a play space for community use. Suggestions included a new greenspace, outdoor social / community space, nature reserve, playground, active / passive recreation land, and to preserve the trees. Other suggestions included a walking track, a bike track, splash park, as well as a BBQ and picnic facilities and a community garden.

The next most popular option from residents was to keep the old preschool building and repurpose it as a community facility. Other comments included a new hub for library services and a space for maternal child health services.

Only a small proportion of residents supported future housing development in the area. Many residents highlighted that additional local traffic was a key reason as to why they did not support further subdivision.

8. Council's Open Space Strategy does not list the subject site as a reserve as it has never been public open space. It does however state that the provision of open space within the Mount Helen suburb well exceeds the recommended ratio and is expected to be sufficient, well above targets into the future according to predicted population growth (Open Space Strategy, 2008, pages 112-117).
  9. According to the Australia Urban Observatory, Mount Helen has a liveability score of 90.1 with the provision of and distance to public open space be classified as good with 88.3% of dwellings located within 400 metres of a neighbourhood park. The liveability scores notes that walkability and connection in the suburb is poor. (Australian Urban Observatory, Liveability Report for Ballarat, 2020).
  10. 14-16 Boak Avenue is a 2052 square metre block with private housing development on 3 sides. If the land were to be developed as public open space it would not comply with Council's recommended minimum size for a local park and it would not have passive surveillance and active frontages as recommended by Safety by Design principles for new parks. The size of the space is also considered too small for infrastructure such as a public BBQ or public toilets.
  11. Council's Parks and Gardens estimate that 14-16 Boak Avenue as a piece of open space would cost \$5,000 per annum to maintain.
  12. The closest public open space is Yarana Drive Reserve. It is 300 metres away from 14-16 Boak Avenue and has undergone some enhancements over the last few years including a play space, half court, park furniture and some paths. Connection and access to the reserve along thoroughfares such as Boak Avenue and Yarana Drive is poor with no footpaths in places. The lack of a footpath and connections along Boak Avenue is particularly noticeable given the row of shops and facilities that also operate in the space.
-



13. Two other reserves operate within the precinct, a small local park on Sobey Street and a larger bushland reserve which includes the Sewell Court play space. There are also significant other parcels of land on the nearby Federation University campus site to which community members have access.
  14. A Buildings and Condition Assessment was completed by an external contractor. The assessment reports the condition of the building to be “in very poor overall condition with serviceability now being heavily impacted upon by the poor condition.”
  15. Council’s Property and Facilities Team estimate the cost to retain and upgrade the building to be \$420,010. If the building were upgraded additional program dollars for activation of the facility would also need to be factored in, and these are not currently within recurrent budget estimates given that services from the property ceased several years ago. Both Maternal and Child Health Services and Library Outreach Services currently operate from Buninyong and there are no plans within either service to return to the Boak Avenue site.
  16. Further to the above, Council’s draft Community Infrastructure Plan does not currently include the Boak Avenue site for potential redevelopment. Estimated costs to redevelop the site as a community hub will exceed \$2 million in capital alone.
  17. Regarding the concern expressed by objectors about what types of future development may occur on the site if it was sold, advice from Council’s Planning team is that anything more than a proposal for a single dwelling (for example, multi-dwelling or subdivision) would trigger the requirement for a planning permit which would be subject to public notice.
  18. Officers note that placing upfront restrictions on the Title imposed to prevent specific types of development on the land is not an orderly planning approach for a 2000 sqm residential zoned property. This requires anticipating potential uses and may lead to an interpretation that if it’s not listed it would be appropriate or allowed. Therefore, it is recommended that any potential future development of the site, if a planning permit is required, be subject to the proper planning processes and is beyond consideration in this report.
  19. Considering the issues and ongoing costs involved with options to retain the properties outlined above, and understanding the broad feedback from community members who participated in the engagement process, officers provide the following summary and recommendation to Council for consideration:
    - a. The views shared by community pertaining to the property at Boak Avenue, broadly speaking, are about the provision of enhanced community amenity in the immediate area;
    - b. Council’s Open Space Plan 2008 identifies sufficient supply of public open space within Mount Helen, and does not include the property at 14-16 Boak Avenue as public open space meaning that the property is surplus to needs for public open space;
    - c. Council has invested in the open space at Yarana Drive as the primary public open space in the immediate catchment area, and any further investment would focus on this reserve;
    - d. Options to bring the property at 14-16 Boak Avenue back into operation are costly, and are not within Council’s capital program or recurrent operational budgets;
-

- e. The property at 14-16 Boak Avenue has been vacant since 2016 and identified for sale since 2017;
  - f. Officers believe that selling the property and reinvesting a portion of the proceeds back into the public realm in Yarana Drive reserve and potentially providing a footpath connection from the Boak Avenue shops to the reserve would meet the intent of enhancing community amenity in the immediate area.
20. In view of the above, officers recommend that Council proceed with the process to sell the property at 14-16 Boak Avenue and commit to reinvest a portion of the proceeds into the public realm in the Boak Avenue and Yarana Drive Park.

## OFFICER RECOMMENDATION

### 21. That Council:

**21.1 Proceed with Planning Application PLP/2020/348 which seeks to remove the reserve status of 14 Boak Avenue, its consolidation with 16 Boak Avenue, and the removal of the drainage easement bordering blocks; and**

**21.2 In accordance with resolution R464/17 of December 2017 continues the process to dispose of the property known as 14 and 16 Boak Avenue, Mount Helen with the Chief Executive Officer having delegated authority to finalise the sale including the signing of the Contract of Sale; and**

**21.3 Commit to reinvest a portion of the proceeds from the sale of 14-16 Boak Avenue being allocated to implement local community priorities highlighted from the recent engagement process within the public realm in Mount Helen.**

## ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Open Space Strategy 2008
2. Draft Community Infrastructure Plan 2022

**COMMUNITY IMPACT**

Clearly there is a cohort of the community that would like to see these blocks transitioned to open space or the building retained, and they will be disappointed with the officer's recommendation to continue with the process to sell the blocks. The officer assessment takes on board community feedback about local priorities but also considers existing Council policy around open space, practical community safety implications, annual maintenance costs, potential redevelopment costs and broader community infrastructure planning. The block is an awkward shape for a greenspace and is only accessible from the front along Boak Avenue. There is really no option to use the space as a walkway or thoroughfare and it is too small for many of the requests put forward by community members.

The community feedback presented as part of the engagement process is useful in that it provides Council with an understanding of what is important to residents in Mount Helen. Whilst the report recommends Council continue with the process to sell the blocks, it also recommends further investment in the Mount Helen community potentially implementing projects and improvements that directly respond to community priorities raised.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and sustainability implications for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. Council's Parks and Gardens estimate that 14-16 Boak Avenue as a piece of open space would cost \$5,000 per annum to maintain. Property and Facilities estimate that the cost to retain and upgrade the building is \$420,010.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no legal and risk considerations identified for the subject of this report.

**HUMAN RIGHTS CONSIDERATIONS**

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7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. As noted in the background section of the report.

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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### 8.3. NEW COMMEMORATION EVENT (BATTLE FOR AUSTRALIA)

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Jeff Johnson – Executive Manager Arts & Events

#### PURPOSE

1. This report presents the request by the Air Force Association of Victoria, Ballarat Branch to incorporate the Battle for Australia as an annual commemorative service within the portfolio of commemorative services events currently funded and coordinated by Council.

#### BACKGROUND

2. In October 2021, Officers received an unprompted request from Noel Hutchins, President of the Air Force Association of Victoria, Ballarat Branch, requesting Council include the Battle for Australia as an annual event within the portfolio of commemorative services currently funded and coordinated by Council.
3. The Australian Government leads national services and activities each year to commemorate some of the most significant moments in our military history. The Department of Veterans' Affairs lists the official gazetted days of these commemorations as proclaimed by the Governor-General. The Battle for Australia is on this list and is observed across Australia.
4. The Battle for Australia service reflects on the bravery of those who served on Australia's home front and is an important reminder of a challenging time for Australia between 1942 and 1945. The commemoration provides recognition of the thousands of Australians who served in the defence of our mainland, and in land, air and sea battles in the Coral Sea, Papua, and New Guinea. These actions stopped the Japanese southward advance and contributed substantially to the defeat of Japan. Uniquely, the Battle for Australia service, commemorates the first time in the history of European settlement that Australia came under direct attack and the campaigns to the north of Australia.
5. The first Wednesday of September is the nationally recognized commemorative date for the Battle for Australia, however the Air Force Association of Victoria, Ballarat Branch requests Council schedule the Ballarat service to be held on the last Sunday of August to precede the first Wednesday of September\*.

(\*Note the written request from Air Force Association of Victoria, Ballarat Branch initially requested Council schedule the service on the Sunday following the first Wednesday but have subsequently amended this request).

6. The direction by the Federal Government on timing for the Battle for Australia service allows for 'activities and Commemorations **around the date** that will be the first Wednesday in September'. This provides the flexibility for each community to determine the most meaningful date for the service.

## KEY MATTERS

7. This request is made by the Air Force Association of Victoria, Ballarat Branch and is endorsed by the Ballarat RSL and the Sebastopol RSL. Both Ballarat and Sebastopol RSL organisations see great merit in providing a commemorative service that would inform the community of this important Australian military history and to understand the important role that Australian service men and women played in the defence of the country.
8. Commemorative services require an allocation of funds within Council's annual recurrent budget to support event logistics. Should this resolution be adopted by Council, Officers will work with the veteran's associations involved to determine the necessary event support to enable this new commemoration event to occur.

## OFFICER RECOMMENDATION

### 9. That Council:

- 9.1 **Endorse the request made by the Air Force Association of Victoria, Ballarat Branch, to include the Battle for Australia as an annual event within Council's portfolio of commemorative services; with the service scheduled at the most appropriate date around the first Wednesday in September each year.**

## ATTACHMENTS

1. Governance Review [8.3.1 - 2 pages]
2. Battle for Australia Commemorative Service [8.3.2 - 3 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Commemorative services such as the Battle of Australia is aligned with the Ballarat Event Strategy 2018 - 2028 by supporting civic liveability, one of the three core pillars of the strategy. Civic liveability generates community pride in what makes our community unique. Celebrating, amplifying and sharing Ballarat's identity through our events highlights what makes Ballarat special.

**COMMUNITY IMPACT**

2. It is not anticipated that an additional commemorative service would impact negatively upon the community.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency or environmental sustainability implications with this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications associated with this report

**FINANCIAL IMPLICATIONS**

5. Provision is made within the draft 2022/23 budget to support the establishment of this new commemorative event.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no legal considerations associated with this report. Each public event carries a degree of risk, however, the proposed Battle of Australia commemorative service can be competently and safely managed by Council's Events unit.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. Community consultation and engagement has been conducted primarily with the Ballarat RSL, the Sebastopol RSL, and the Air Force Association of Victoria, Ballarat Branch. These three entities predominantly represent the community involved with the commemorative services listed in this report.

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implications identified for the subject of this report.

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**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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## Air Force Association of Victoria Ballarat Branch

18th October 2021

City of Ballarat

Attn : Jeff Johnson and Sarah Kennedy

Dear Sarah and Jeff,

### COMMEMORATIVE EVENTS DISCUSSION

Thank you for meeting with me to discuss future commemorative services in Ballarat.

As you are aware, our Branch of the Air Force Association had been, up until 2019, holding an annual Battle of Britain commemorative Service with the support of the City of Ballarat Council.

Attached is a statement from myself explaining the reasons behind changing from an annual Battle of Britain Commemorative Service to our desire to hold an annual Battle for Australia Commemorative Service at the Australian Ex-Prisoners of War Memorial. The Trustees of that memorial fully support the conduct of this annual service at the memorial.

It is our intention to hold the Service each year on the Sunday closest to Battle for Australia Day which is the first Wednesday in September, but while avoiding Fathers' Day. This would mean in 2022 the Service will be held on Sunday 11th September, the Sunday *after* the first Wednesday, with the previous Sunday being Fathers' Day.

Unfortunately we were not able to proceed with services in 2020 or 2021 due to Covid-19 related restrictions.

While this year's Service ultimately needed to be cancelled not long before the scheduled date, support for the Service was shown to be very strong, not only from the Veteran community but also from present day Australian Defence Force officials representing Navy, Army and Air Force and with Air Force offering a flyover of a World War Two vintage Harvard aircraft from No.100 Squadron RAAF Museum Point Cook.

It would be very much appreciated if this annual service could be supported by the City of Ballarat.

Regards,

A handwritten signature in blue ink, appearing to read 'Noel Hutchins'.

Noel Hutchins,  
President



## Air Force Association of Victoria Ballarat Branch

### STATEMENT AROUND CHANGE FROM COMMEMORATING BATTLE OF BRITAIN DAY TO COMMEMORATING BATTLE FOR AUSTRALIA DAY

When I first became involved with the Air Force Association in Ballarat, which was in April 2018, I began to ask the question as to why, in this city of Ballarat, do we commemorate a range of military battles of the past, (which is wonderful), but not commemorate our war in the Pacific and right here at home against the might of the Japanese invading forces.

I also asked the question as to why our Branch of the Air Force Association commemorated the *Battle of Britain* as our major event each year rather than commemorate our own war right here at home where so many airmen who trained at No 1 Wireless Air Gunners School, right here in Ballarat, went on to serve, with many of those young men losing their life in the defence of our country.

**WHY NOT BATTLE OF BRITAIN DAY?** There is absolutely no doubt that World War Two in Europe would have taken a totally different course had not the British RAF Fighter Squadrons defeated the might of Germany's Luftwaffe in the more than three month long battle in the skies over Britain from July to October 1940 which became known as the "Battle of Britain". However, :

- (a) **Battle of Britain Day IS NOT an official commemorative day in Australia.** (The Australian Government lists "Days of commemoration in Australia" on its *anzacportal.dva.gov.au* website. It lists a total of ten commemorative days. A "Battle of Britain Day" **IS NOT on that list**).
- (b) **No RAAF aircraft took part in the Battle of Britain,** (RAAF fighter squadrons were not operational in Europe until mid-1941). (The few Australians involved were enlisted members of Britain's RAF).
- (c) **There are no historical links** between the The World War Two period RAAF Base at Ballarat and the Battle of Britain.

### WHY BATTLE FOR AUSTRALIA DAY?

- (a) The Federal Government proclaims Australia's commemoration days. Among those for war is the Battle for Australia Day, (the first Wednesday in September), in third place of significance only after Anzac Day and Remembrance Day. When, in June 2008, the Federal Government announced that the first Wednesday of September each year would be the day that would be "Battle for Australia Day, it was said, inter alia,

*"There will be a series of activities and commemorations around the date that will be the first Wednesday in September each year to acknowledge the sacrifice and courage that was something we can all be proud of".*

- (b) There is a very real connection between the World War Two period RAAF No 1 Wireless Air Gunners School at Ballarat and the Battle for Australia.

In our Battle for Australia war against the Japanese, the total of Australian servicemen killed in action was 8,274 but when adding those who died from their wounds or died as prisoners of war, the total climbs to 17,501. But of course there were also casualties among the civilian population including the lives lost with the bombing of Darwin and other bombings in the North of Australia. Thirty Merchant ships were lost to enemy attack in Australian waters with a resulting 654 deaths.

Those thousands of deaths included airmen that trained at No 1 Wireless Air Gunners School at RAAF Ballarat. In addition to the many that lost their lives in Europe and Africa, 281 of them lost their lives in operations relating to our war closer to home against the Japanese, and that is just the Ballarat trained airmen, and many of those that survived would have returned home carrying the scars of war, physically and/or mentally.

Of the killed-in-action Ballarat trained airmen, a handful lost their lives on Australian soil with the rest losing their lives beyond our shores with most buried in foreign lands.

Here is just one name of a locally born young man that trained here in Ballarat and subsequently lost his life in the defence of our nation in our Battle for Australia.

Patrick Fraser **STANLEY**, Born Ballarat..... 3 Nov 1921 ... Enlisted in RAAF .....1 April 1943  
Commenced No 1 Wireless Air Gunners Course No 46 at 1WAGS RAAF Ballarat commencing.....9 Dec 1943  
**Killed in Action as Flight Sergeant STANLEY P. F. on 5th July 1945 in a flying Battle over Borneo**  
**Buried in foreign soil at Labuan War Cemetery, Malaysia**  
~~~~~

**Battle for Australia Day** is not about one single battle but recognises all battles involving the defence of Australia during 1942 and 1943 including: **Submarine attack on Sydney** – 31 May/1 June 1942, **Air raids on Darwin** – beginning on 19 February 1942, **Battle of the Coral Sea** – 4–8 May 1942, **New Guinea Campaign** – January 1942 to August 1945 including Kokoda, Milne Bay, Wau, the Huon Peninsula, Wewak and Bougainville.

19 Australian and two British sailors died on HMAS Kuttabul in Sydney Harbour.  
More than 250 Australians and other nationalities died during the Darwin air raids.  
Australian casualties in PNG included more than 600 dead and over 1,000 wounded in the Kokoda Track campaign and more than 160 killed or missing and more than 200 wounded at Milne Bay.

World War Two wasn't all "over there", it was right here. Battle for Australia Commemorative Services will serve to inform the public of this important military history and, for the people of Ballarat, the important role that the officers and airmen of RAAF Ballarat, who formed part of the Ballarat community, played in the defence of Australia.

I wonder what percentage of the general public have knowledge of the bombardment of Newcastle from a Japanese submarine or the sinking of the Australian Hospital Ship "Centaur" which was attacked and sunk by a Japanese submarine off the coast of Queensland on 14 May 1943. Of the 332 medical personnel and civilian crew aboard, 268 died, including 63 of the 65 army personnel. Too many attacks to list them all here.

Battle for Australia Commemorative Services in Ballarat will commemorate all those that lost their lives and acknowledge the service of all those that played a part in this particular defence of Australia;  
**Navy, Army, Air Force, Merchant Navy and civilians.**

Noel Hutchins,  
President,  
Ballarat Branch  
Air Force Association

## 8.4. BORROWING POLICY

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Jason Clissold – Executive Manager Financial Services

### PURPOSE

1. To present the proposed Borrowing Policy (attachment 1) to Council for consideration and adoption.

### BACKGROUND

2. The City of Ballarat does not currently have an adopted Borrowing Policy. It is widely accepted best practice for Local Government Authorities to have an adopted Borrowing Policy.
3. Council also received community queries regarding its position on borrowing funds as part of the Financial Plan engagement process in 2021.
4. Over recent months Council have discussed what it considers to be appropriate borrowing principles and levels, culminating in a draft policy.
5. The draft policy was placed on Council's MySay web page during February 2022, seeking feedback. The page was viewed by 8 visitors and downloaded by 1.
6. Only one submission was received (attachment 2).

### KEY MATTERS

7. The submission is generally positive about the format and contents of the policy but contains some suggested improvements to the policy and the process of borrowing funds in general.
8. The following table summarises the main points of the submission with a response to each.

| Feedback                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 3.1 and 3.2 – Consider including the wording <b><i>'which increases the wealth and well-being of residents'</i></b>                                                                                                                                                             | Agree – Draft policy amended to include this wording in Section 3.2 – Borrowing Objectives.                                                                                                                           |
| Section 3.1 - This policy should provide guidance to councillors on what distinguishes a good from a bad infrastructure investment. I.e. whole-of-life cost and improved justification of infrastructure investment utilising appropriate risk assessments, cost benefit analysis, etc. | Council takes into consideration many factors when considering if borrowing funds is the recommended solution to funding an infrastructure project. This includes financial planning, modelling and risk assessments. |
| Section 3.3 - Add the following wording to the borrowing principles:<br><br><i>'With the exception of defined benefits superannuation calls, return a benefit to cost</i>                                                                                                               | Council is also required to take into account the strategies and plans contained in its Council plan and the social                                                                                                   |

|                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>ratio of more than 1.0 on the whole-of-life financial modelling of the project (where capital costs are gross, and include specific and general grant income from donor sources as well as council net contributions).</i></p> | <p>benefit and wellbeing that such projects deliver to the community.</p>                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>Section 4.0 – Request for additional supporting documents to support a formal framework relating to increased consideration of return on investment, cost/benefit ratios, risk assessments, etc.</p>                              | <p>As it is difficult to apply a dollar value to the social benefit and wellbeing projects deliver, applying a minimum return on investment or benefit to cost ratio is not currently considered practical nor within Councils current resourcing capability. Significant work would need to go in to enhancing process and systems to achieve such an evaluation.</p>                                                                                                  |
|                                                                                                                                                                                                                                      | <p>Notwithstanding this constraint, as appropriate on significant and material projects, officers will bring in professional expertise to provide appropriate analysis.</p>                                                                                                                                                                                                                                                                                             |
| <p>Section 3.3 – Consider including the words ‘<b>all of</b>’ in relation to meeting the stated criteria</p>                                                                                                                         | <p>Agree – Draft policy amended</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Section 3.4 – Request for an explanation of the thresholds outlined in the policy and whether, for instance, Council would consider \$0 in borrowings to be responsible.</p>                                                      | <p>The thresholds outlined in the policy have been developed utilising:</p> <ul style="list-style-type: none"> <li>• professional judgement, experience and knowledge;</li> <li>• sector guidance and best practice; and</li> <li>• historical and future financial analysis.</li> </ul> <p>Council believes the thresholds reflect the greater community’s appetite for risk.</p> <p>The thresholds only indicate a range and do not represent an absolute figure.</p> |

9. Following review and feedback from the Audit and Risk Committee. The following amendments have also been made to the proposed policy.

- a. The following sentence has been added to Section 3.3 to clarify that Council may also borrow for the purpose of refinancing existing loans, in addition to fund Defined Benefit Superannuation calls.

***‘Council will also consider borrowing to fund Defined Benefit Superannuation Calls and to refinance existing loans.’***

- b. The following sentence has been added to the final paragraph in Section 3.4 to clarify that Council must be aware of and approve of any occasions where the thresholds in the policy are to be exceeded.

***‘It is understood that over time there may be short periods of time these thresholds are exceeded in managing Council’s financial position, but consistent results above these limits is not sustainable. This will be subject to Council approval.’***

- c. The Financial Plan has been added as an Associated Document in Section 4.2, as this is a key document in reporting and monitoring the future levels of borrowings.
10. The proposed policy attached shows 'tracked changes' to highlight the amendments to the draft that was provided as part of the community engagement process.

## OFFICER RECOMMENDATION

### 11. That Council:

#### 11.1 Consider and adopt the proposed Borrowing Policy.

## ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]
2. Borrowing Policy For Adoption [8.4.2 - 4 pages]
3. Borrowing Policy Submission - Barnes [8.4.3 - 2 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Council's Borrowing Policy aligns with Council's Financial Management Policy, Public Transparency Policy and 10 Year Financial Plan.

**COMMUNITY IMPACT**

2. The transparency of how Council's borrowings are undertaken will promote community confidence in Council decision making and operations.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency or environmental sustainability implications in the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. The objective of borrowings is to enable Council to increase the wealth and well-being of residents in enabling it to deliver multigenerational or transformational projects. This will have an impact on the City's economic sustainability.

**FINANCIAL IMPLICATIONS**

5. There are no direct financial implications as a result of this report. However, the policy will provide Council with direction when deciding funding options for major projects.
6. All borrowings must be included within the adopted Annual Budget.
7. The Borrowing Policy will ensure that borrowings of Council are transparent and undertaken in accordance with the policy and Council's knowledge and approval.

**LEGAL AND RISK CONSIDERATIONS**

8. Council's borrowing policy, whilst not a legislative requirement, is aligned with best practice Local Government processes and decreases the risk to Council's reputation, transparency obligations and financial sustainability.
9. The Local Government Act requires any borrowings to be included in the adopted Annual Budget.

**HUMAN RIGHTS CONSIDERATIONS**

10. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

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**COMMUNITY CONSULTATION AND ENGAGEMENT**

11. The draft policy was displayed for public comment on Council's MySay page during February 2022. The page was viewed by 8 visitors and downloaded by 1.
12. One submission was received, which is attached to this report.

**GENDER EQUALITY ACT 2020**

13. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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## BORROWING POLICY

### 1.0 Purpose

To provide City of Ballarat with a borrowing policy based on sound, long-term financial management principles. Including:

- Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework;
- Ensure Council maintains a sustainable and prudent level of borrowings, within agreed thresholds; and
- Set out the manner in which Council may establish and manage a debt portfolio.

### 2.0 Scope

This Policy applies to all new borrowings undertaken by Council, as well as existing borrowings

This policy does not include lease liabilities or overdraft facilities that may be used in day-to-day management of Council's cash management.

### 3.0 Policy Statement

#### 3.1 INTRODUCTION

Borrowing is a legitimate and responsible financial management tool when used to fund major projects, as it spreads the payments for such assets across the generations who benefit.

Borrowings are an important source of funding for Council. This policy provides a structured and disciplined approach to the borrowing of funds for the purpose of funding new infrastructure and, in special circumstances, operational expenditure.

Borrowings will be considered as part of Council's long term financial planning strategy, whilst implementing the financial management principles contained in section 101 of the Act.

During annual budget preparations, Council will review its loan borrowing needs and manage existing and new borrowings in the context of optimising cash flow. Per section 104 of the Local Government Act 2020 (Act), all borrowings must be included in Council's budget or revised budget.

#### 3.2 BORROWING OBJECTIVES

The objective of borrowings is to enable Council to increase the wealth and well-being of residents in enabling it to deliver multigenerational or transformational projects. Ie. long-lived assets that will be enjoyed by current and future generations.

Borrowings will support council to deliver such projects, while maintaining appropriate levels of working capital to ensure the services contained in the Council Plan, Financial Plan and other Council strategies can be delivered unhindered.

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### 3.3 BORROWING PRINCIPLES

To ensure Council has a structured and disciplined approach that fits within Council's Financial Plan, borrowings will only be considered for the following projects:

- New Capital Projects
- Major Asset Upgrades
- Environmental Projects that demonstrate future sustainability benefits.

Borrowings for these projects must meet all of the following criteria:

- minimum \$500,000;
- funding requirement must be linked to a specific project;
- must be included in a Budget or Revised Budget;
- drawn down to coincide with when the cash funds are required for the project; and
- where the project relates to an asset the length of the loan will not be greater than the expected useful life of the asset.

Council will also consider borrowing to fund Defined Benefit Superannuation Calls and to refinance existing loans.

### 3.4 BORROWING LEVEL

Council will ensure the total amount of borrowings is sustainable and consistent with sound financial management principles, in terms of its ability to meet future repayments and budgetary constraints.

Council will utilise the Local Government Performance Reporting Framework (LGPRF) to measure, monitor and report the level of borrowings.

The LGPRF outlines the measures Council must report in Council's Annual Report. This framework includes financial performance measures of Council, and specific to this policy, includes measures in relation to Council's obligations.

Council considers that borrowing levels within the following thresholds to be sustainable and consistent with sound financial management principles.

| Ratio                                                                                                                                            | Threshold |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Loans and borrowings compared to rates<br>(Interest bearing loans and borrowings / rate revenue)                                                 | 0% to 60% |
| Loans and borrowings repayments compared to rates<br>(Interest and principal repayments on interest bearing loans and borrowings / rate revenue) | 0% to 10% |
| Non-current liabilities compared to own source revenue<br>([Non-current liabilities / Own source revenue] x 100)                                 | 0% to 40% |
| Liquidity Ratio<br>(Current Assets / Current Liabilities)                                                                                        | >100%     |

It is understood that over time there may be short periods of time these thresholds are exceeded in managing Council's financial position, but consistent results above these limits is not sustainable. This will be subject to Council approval.

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### 3.5 BORROWING STRUCTURE

When entering into borrowing arrangements, Council will seek to minimise interest costs over the long term without introducing undue volatility in annual interest costs.

Council's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:

- Council will consider the appropriateness of the various types of debt products available;
- Council to maintain a repayment schedule consistent with "principal and interest" repayment calculations;
- Loan repayments made on a regular schedule: e.g. monthly, quarterly, annually or otherwise determined at the time of entering the loan agreement. Consideration given to the efficiency of payment schedule while minimising interest costs;
- It is preferable for borrowings to be fixed interest, principal and interest loans. This enables more certainty when undertaking long term financial planning; and
- Should borrowings be made as interest only, or include a residual (or balloon) payment, a provision by way of a reserve, or similar, will be made to ensure sufficient cash is available to meet such an obligation.

### 3.6 DETERMINING LENDING INSTITUTIONS

Council will in the first instance consider borrowing from Treasury Corporation Victoria, within the framework established by Local Government Victoria (LGV).

This framework was established by LGV to enable councils to take advantage of Victoria's strong credit rating, which allows the State to borrow and lend money at cheaper rates than are commercially available to councils.

Council will otherwise invite written quotations from appropriate lending institutions.

Written quotations must include:

- Interest rate
- Term of loan
- Repayment intervals
- Repayment instalment amount
- Any applicable fees
- Loan break cost

Evaluation of written quotations from financial institutions will be based on the following principles:

- (1) An evaluation of lifecycle costs of the loan arrangements; and
- (2) An evaluation of the flexibility proposed by the borrowing arrangement.

## 4.0 Supporting documents and references

### 4.1 Legislation

- *Local Government Act 2020*

### 4.2 Associated Documents

- *Procurement Policy*

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- *Department of Jobs, Precincts and Regions - Treasury Corporation of Victoria loans to Victorian councils, 2021*
- *City of Ballarat Annual Budget*
- *City of Ballarat Financial Plan*

#### 4.3 Definitions

|                                                     |                                                                                                                                                                                       |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Borrowings</i></b>                            | Cash received from another party in exchange for future payment of the principal, interest and other finance charges                                                                  |
| <b><i>Capital Project</i></b>                       | A long-term project requiring relatively large sums to acquire, construct and/or renew a capital asset (eg buildings). The project would result in a new, expanded or replaced asset. |
| <b><i>Council</i></b>                               | City of Ballarat                                                                                                                                                                      |
| <b><i>Defined Benefit Fund</i></b>                  | A closed superannuation/retirement plan. The future liabilities of the fund in relation to investment performance may necessitate future funding calls.                               |
| <b><i>Interest Bearing Loans and Borrowings</i></b> | A loan or borrowing in which the debt is expressed as a principal amount and interest is calculated, charged, and collected on unpaid balances.                                       |
| <b><i>Interest and Principal Repayments</i></b>     | Repayments made on principal amounts and/or interest from interest bearing loans or borrowings                                                                                        |
| <b><i>Loan Break Costs</i></b>                      | Costs associated with paying out a loan prior to the expiry date of the loan                                                                                                          |
| <b><i>Rate Revenue</i></b>                          | Revenue from general rates, municipal charges, service rates and service charges                                                                                                      |

#### 5.0 Policy owner

Executive Manager Financial Services

#### 6.0 Authorisation

Adopted by Ballarat City Council on XX.

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**Draft Borrowing Policy - Submission by John Barnes, 21<sup>st</sup> February, 2022**

Thankyou for the opportunity to comment on your draft policy.

1. The format and headings are good. They provide the rationale for the policy as well as the detail.
2. The draft policy seems sound, in so far as it goes. The question that it raises for me is how much more ambitious it could be, and how much more useful it might be in guiding decisions faced by councillors. Will its adoption be a missed opportunity, as councillors and officers will almost certainly consider the matter done with, once adopted? If it was a first step in a series of policies that complement one another, I would feel more supportive.
3. It is difficult to comment on the paper due to a lack of explanation of your thinking in compiling the draft. This is likely to be provided in a covering Officers Report when it is presented to Council, but this is no help to members of the public who are being invited to make comment now, without the benefit of any explanations.
4. Section 3.1 Introduction provides context. This is good. Could the second paragraph go a little further than "...for the purpose of funding new infrastructure and, in special circumstances, operational expenditure." to read instead "...for the purpose of funding new infrastructure *which increases the wealth and well-being of residents* and, in special circumstances, operational expenditure." My reason for making this additional distinction is to seek to legitimise borrowing as a source of funding which not only supplies infrastructure, but which is required to add to the common wealth of the municipality and the people who live in it. Just like in any other part of investing, there are good and bad infrastructure projects. This policy does not provide any guidance to councillors on what distinguishes a good from a bad infrastructure investment. It should do so. For example, if a proposed project makes a whole-of-life return which exceeds the costs, it makes the people in the municipality wealthier. If this is higher, rather than marginal, so much the better for everyone. It also provides a mechanism of ranking projects by their returns (and risks – see later suggested additional supporting documentation), thus allowing councillors to make the best investments on behalf of their communities. However, if an infrastructure project shows a likely lower return over the life of the investment, councillors would be making their communities less wealthy by backing poor projects. Is it ethical to have substantial borrowing capacity and not use it, if a robust analysis shows that it would make the communities it serves wealthier and increase well-being? Could it be considered a fundamental failure to meet the purpose of a council and the duties of councillors outlined in Part 2, Division 1 of the Local Government Act 2020?
5. Currently, there is rhetoric about business cases justifying infrastructure investments, but little behind it. I recently corresponded with the Mayor over public comments he made about the investment in a commercial kitchen for the Civic Hall - Courier article entitled Civic Hall Works Complete (Nov 25, 2021). In that article the Mayor made a number of comments and quotes regarding the staging of the Civic Hall works. The finalisation of the latest stage of \$2m on fitting out a commercial kitchen, provision of stage lift, and some other minor works were commenced only once Council had convinced itself that the investment of an earlier \$8m was bringing forward sufficient benefits to justify further investment. He said that there is a market for the Hall's use and data showing "it could make a return on investment". Neither the Mayor nor the officer to whom he finally had respond to me on his behalf, were able to direct me to any such analysis. The supporting Officers Report when Council made the decision to make the investment did not include such an analysis. Both the Mayor and the officer seemed satisfied that the matter had been resolved by Council, and that no further justification is needed! Poor (or possibly poor) investment decisions abound, including the Fernery, the Gatekeepers Cottage, the reopening of Bridge Mall to vehicular traffic, the Ballarat Airport half-runway and the latest good idea. In his

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contribution to last week's Ballarat Times, the Mayor commented on Mars Stadium. "Mars Stadium delivers very significant economic and sporting benefits to the Ballarat community and will continue to do so for many years to come." I have unsuccessfully tried for years to get a look at the business case on which the arena was justified, and how its subsequent performance has compared to it. To the best of my knowledge, there has never been a report to council on the business case for the Stadium, nor on the annual performance of it as a discrete entity or as a economic multiplier. I raise this because of the frenzy created by Premier Andrews' aside that Mars Stadium might host the athletics for the 2026 Commonwealth Games; the subsequent editorialising in the Ballarat Courier about additional land acquisitions and their development for additional recreation and car parking; the building of a rail station (and presumably rolling stock to service it) and; the opening of a new suburb on the Selkirk's site. Council will be expected to get on board and spruik the benefits of such developments. Will it do so with its eyes firmly shut, as it has to date? -But I digress!

6. Section 3.2 Borrowing Objectives could benefit by a similar nod to increasing wealth as previously mentioned for 3.1.
7. Section 3.3 Borrowing Principles is clearly set out. I suggest the criteria clause be amended as follows (suggested changes in UPPER CASE):

Borrowings for these projects must meet ALL OF the following criteria:

- minimum \$500,000;
- funding requirement must be linked to a specific project;
- must be included in a Budget or Revised Budget;
- drawn down to coincide with when the cash funds are required for the project;
- where the project relates to an asset the length of the loan will not be greater than the expected useful life of the asset; AND

WITH THE EXCEPTION OF DEFINED BENEFITS SUPERANNUATION CALLS, RETURN A BENEFIT TO COST RATIO OF MORE THAN 1.0 ON THE WHOLE-OF-LIFE FINANCIAL MODELLING OF THE PROJECT (WHERE CAPITAL COSTS ARE GROSS, AND INCLUDE SPECIFIC AND GENERAL GRANT INCOME FROM DONOR SOURCES AS WELL AS COUNCIL NET CONTRIBUTIONS).

8. Section 3.4 Borrowing Levels makes little change to the current policy. It is relatively conservative. As in comment 3 above, an explanation of the thought processes that led you to adopt the ranges that you recommend would be helpful. Can you seriously suggest that \$0 borrowings would be responsible, given the comments I have already made about the obligations of councils and the duties of councillors mentioned in comment 4 above?
9. Sections 3.5 and 3.6 seem sound.
10. I would like to see Section 4 Supporting Documents include new policies to be adopted to complement the Borrowing Policy. These might include:
  - a standardised risk assessment for capital projects,
  - a whole-of-life business case analysis policy and methodology for projects of \$2m or more,
  - a standard methodology adopted for establishing a benefit to cost ratio, and
  - a ranking and publication in advance for competing projects from highest to lowest cost ratio for future capital projects of \$2m or more, accompanied and ameliorated by the risk assessment for each project.

John Barnes  
21 February 2022.

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## 8.5. AUDIT AND RISK COMMITTEE BIENNIAL REPORT AND ANNUAL ASSESSMENT

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

### PURPOSE

1. To present Council with the Audit and Risk Committee's Biennial Report for the period 1 July to 31 December 2021; and the committee's Self-Assessment Survey results.
2. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

### BACKGROUND

3. The Biennial report provides the details of activities and progress of the Audit and Risk Committee against the endorsed workplan for the period 1 July to 31 December 2021.
4. The Audit and Risk Committee Self-Assessment Survey was sent to the Committee members on 3 November 2021. Five responses were received, and the results were presented to the 1 December 2021 Audit and Risk Committee meeting.
5. The results of the Audit and Risk Committee Self-Assessment Survey are provided as an attachment to this report.

### KEY MATTERS

6. In accordance with Section 54(4) of the *Local Government Act 2020*, the Audit and Risk Committee is required to:
  - Undertake an annual assessment of its performance against the Audit and Risk Committee Charter; and
  - Provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.
7. In accordance with Section 54(5) of the *Local Government Act 2020*, the Audit and Risk Committee is required to:
  - Prepare a Biennial Audit and Risk Report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
  - Provide a copy of the Biennial Audit and Risk Report to the Chief Executive Officer for tabling at the next Council meeting.

### OFFICER RECOMMENDATION

**8. That Council:**

**8.1 Receive and note the Audit and Risk Committee Self-Assessment Survey.**

**8.2 Receive and note that Audit and Risk Committee Biannual report for the period 1 July to 31 December 2021.**

**ATTACHMENTS**

1. Governance Review [8.5.1 - 2 pages]
2. Biannual report to Council December 2021 [8.5.2 - 4 pages]
3. Audit and Risk Committee Annual Assessment Results [8.5.3 - 48 pages]



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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Audit and Risk Committee Annual Assessment and Biannual report is a statutory requirement of the *Local Government Act 2020* (the Act); and links to the Council Plan; Accountability.

**COMMUNITY IMPACT**

2. It is considered that the report does not have any community impact implications.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. In accordance with S54(4) of the Act, the Audit and Risk Committee is required to undertake an annual assessment of its performance against the Audit and Risk Committee Charter.
7. In accordance with S54(5) of the Act, the Audit and Risk Committee is required to prepare a Biannual Audit and Risk Committee Report.
8. The report complies with the Act.

**HUMAN RIGHTS CONSIDERATIONS**

9. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

10. No community consultation and engagement is required for the subject of this report.

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**GENDER EQUALITY ACT 2020**

11. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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# Audit and Risk Committee Biannual Report July – December 2021

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In accordance with Part 2, Division 8, clause 54 (5) of the *Local Government Act 2020*, the Audit and Risk Committee presents its biannual audit and risk report that describes the activities of the Audit and Risk Committee (Committee). This report is for the period July to December 2021.

The Committee's activities for the reporting period are summarised below:

| Area of Focus                                                                           | Outcome                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Compliance and Legislative Requirements</b>                                          |                                                                                                                                                                                                                                                 |
| <b>Overarching governance principles and Local Government Act 2020</b>                  | A standing agenda item was the update on the <i>Local Government Act 2020</i> implementation by council.                                                                                                                                        |
| <b>Consideration of the impact on Council of the outcomes of integrity body reports</b> | Regular updates provided to the Committee on the self-assessment and learnings from findings of integrity body reports.                                                                                                                         |
| <b>Policy and Procedure Log</b>                                                         | An update on the review of the status of Council policies and procedures on 13 September 2021.                                                                                                                                                  |
| <b>Councillor Expenses</b>                                                              | The Committee received the Councillor Expenses for January – June 2021 on 13 September 2021.                                                                                                                                                    |
| <b>Delegations</b>                                                                      | An update on the status of Council's Instruments of Delegation was provided to the Committee on 13 September 2021.                                                                                                                              |
| <b>Gifts Register</b>                                                                   | The Committee received a report on 1 December 2021.                                                                                                                                                                                             |
| <b>Disaster Recovery Testing and Implementation</b>                                     | An update on the status of Council's disaster recovery testing and data loss incidents was provided to the Committee on 1 December 2021.                                                                                                        |
| <b>HR Metrics</b>                                                                       | An update on the People and /culture report available through the Power BI reporting tool was presented to the Committee on 1 December 2021.                                                                                                    |
| <b>Council Plan</b>                                                                     | The Committee received a report on the council plan on 1 December 2021.                                                                                                                                                                         |
| <b>Audit Recommendation Status Register</b>                                             | A standing agenda item for every meeting. Report shows management actions to implement audit recommendations and allows the Committee to monitor progress. The following table summarises audit recommendations and status at 31 December 2021. |

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## Audit and Risk Committee Biannual Report July – December 2021

|                                                                                     | Audit Type                                                                                                                                                                                                                                                       | Audit Title                                                                  | Open at 1 July | New         | Closed Out | Open at 31 December |   |    |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------|-------------|------------|---------------------|---|----|
|                                                                                     | Internal Audit                                                                                                                                                                                                                                                   | Accounting System Architecture                                               | 2              | 0           | 0          | 2                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Business Continuity and IT Disaster Recovery Planning                        | 10             | 0           | 2          | 8                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: Asset Management                                                  | 1              | 0           | 0          | 1                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: Developer Contributions                                           | 3              | 0           | 1          | 2                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: Accounting System Architecture                                    | 3              | 0           | 0          | 3                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: HR Management                                                     | 8              | 0           | 0          | 8                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: IT Environment                                                    | 4              | 0           | 1          | 3                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Follow-up: Tendering and Contract Management                                 | 6              | 0           | 1          | 5                   |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Cyber Security                                                               | 0              | 16          | 0          | 16                  |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | Procurement                                                                  | 17             | 0           | 0          | 17                  |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | <b>Total</b>                                                                 | <b>54</b>      | <b>16</b>   | <b>5</b>   | <b>48</b>           |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  | (Follow up Audit recommendations replaced existing audit recommendations)    |                |             |            |                     |   |    |
|                                                                                     |                                                                                                                                                                                                                                                                  |                                                                              | Other          | IBAC report | 18         | 0                   | 2 | 16 |
| VAGO Management Letter                                                              | 11                                                                                                                                                                                                                                                               |                                                                              |                | 0           | 1          | 10                  |   |    |
| <b>Total</b>                                                                        | <b>29</b>                                                                                                                                                                                                                                                        |                                                                              |                | <b>0</b>    | <b>3</b>   | <b>26</b>           |   |    |
| <b>Oversight of the monitoring activity of high-risk areas by Council</b>           | Governance and Risk Report which includes OHS performance data, updates on risk management, statutory compliance and integrity agency reporting was presented each meeting.                                                                                      |                                                                              |                |             |            |                     |   |    |
|                                                                                     | <b>Council Financial and Performance Reporting</b>                                                                                                                                                                                                               |                                                                              |                |             |            |                     |   |    |
|                                                                                     | <b>Quarterly Financial Report</b>                                                                                                                                                                                                                                | The Committee received the financial report on 1 December 2021               |                |             |            |                     |   |    |
|                                                                                     | <b>Draft 10-Year Financial Plan</b>                                                                                                                                                                                                                              | The Committee received the Draft 10 Year Financial Plan on 13 September 2021 |                |             |            |                     |   |    |
| <b>Annual Financial and Performance Statements for the year ended 30 June 2021.</b> | At the 13 September 2021 meeting, the committee reviewed the Annual Financial and Performance Statements for the year ended 30 June 2021 and recommended that the Council record its approval 'in principle' to the Annual Financial Statements and Performance. |                                                                              |                |             |            |                     |   |    |

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## Audit and Risk Committee Biannual Report July – December 2021

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| Risk Management and Fraud Prevention                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Risk Update</b>                                      | The Enterprise Risk Action Plan was presented to the Committee each meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Fraud Prevention</b>                                 | The Fraud controls assessment on the Ballarat Animal Shelter was presented to the Committee on 1 December 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Internal Audit                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Consideration of the outcomes of internal audits</b> | <p>The Procurement Internal Audit was completed in July 2022 and identified 9 recommendations to be completed, a summary of recommendations included:</p> <ul style="list-style-type: none"> <li>• Procurement Framework</li> <li>• Segregation of Duties – Purchase Requisition</li> <li>• Supplies Masterfile Management</li> <li>• Purchase Order Utilisation</li> <li>• Purchase Order and Invoice Matching</li> <li>• Panel Arrangements</li> <li>• Supplier Evaluation and Selection</li> <li>• Exemption Register</li> <li>• Segregation of Duties – Supplies Management, Purchase Orders and Invoicing</li> </ul>                                                                                                                |
| <b>Approval of internal audit scopes</b>                | <p><b>Purchasing Cards (including DA)</b><br/>The Committee approved the scope for the internal audit of purchasing cards which commenced on 2 December 2021. The objective is to review compliance with policies and procedures, management of purchase cards and controls to prevent fraud. The report is due to be presented to the 1 June 2022 Audit and Risk Committee meeting.</p> <p><b>Child Safe Standards</b><br/>The Committee approved the scope for the internal audit of Child Safe Standards which was due to commence on 7 February 2022. The objectives are to assess the processes to comply with the Child Safe Standards. The report is due to be presented to the 1 June 2022 Audit and Risk Committee meeting.</p> |
| <b>Audit Plan and Status</b>                            | The Internal Audit Plan Status Report and a Strategic Three-Year Internal Audit Plan was approved by the Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Sector Issues Brief</b>                              | The internal auditors provide a summary of sector wide issues and reports to each meeting of the Audit and Risk Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Internal Audit Tender</b>                            | The Committee noted that Council appointed new internal auditors following a tender process. The new auditors, Crowe Australasia commenced on 1 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| External Audit                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Consideration of VAGO management letter</b>          | The draft Management Letter was presented to the Committee in September and the final version was approved in December.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>VAGO Performance Audit Results</b>                   | The VAGO performance audit Report was presented at the 13 September 2021 Committee meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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## Audit and Risk Committee Biannual Report July – December 2021

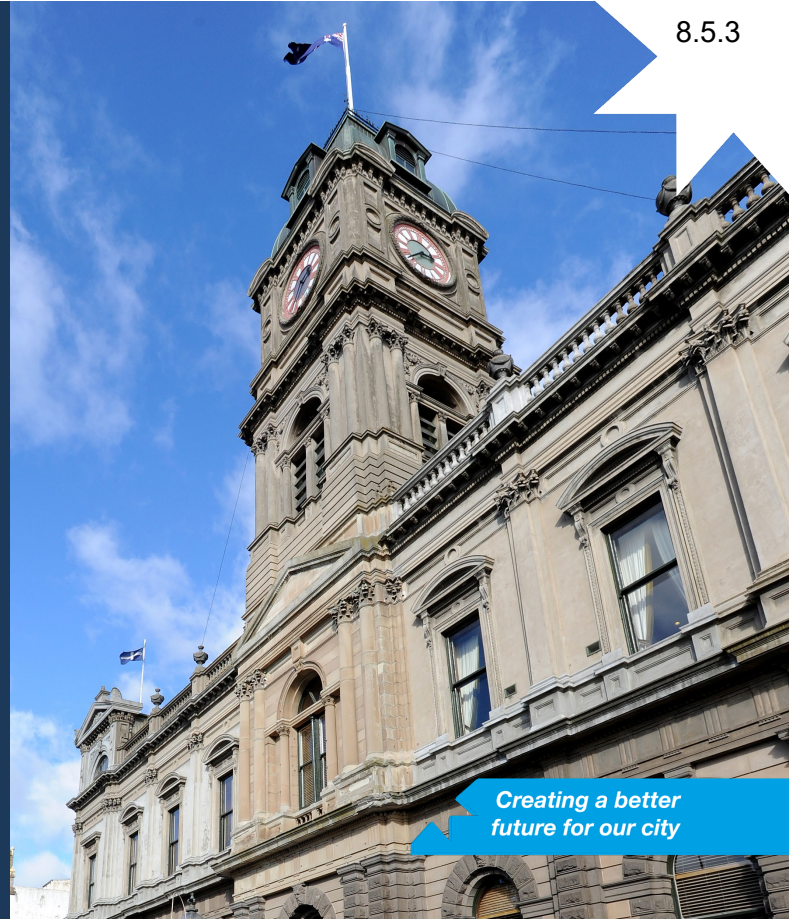
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|                                                                       |                                                                                                                                                                                                                                                                                                                                                                                  |                        |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <b>VAGO LG Sector Update</b>                                          | The Committee received a VAGO LG Sector Update at the 13 September 2021 Committee meeting.                                                                                                                                                                                                                                                                                       |                        |
| <b>Audit and Risk Committee</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                  |                        |
| <b>Annual Assessment</b>                                              | The Audit and Risk Committee Annual Assessment of its performance against the Audit and Risk Committee Charter was completed in accordance with section 54 clause 4 of the <i>Local Government Act 2020</i> . The results were presented at the 1 December 2021 Audit and Risk Committee Meeting and have been passed to the Chief Executive Officer for tabling at the council. |                        |
| <b>Workplan 2022</b>                                                  | The 2021 Workplan was considered at the September and December Committee meetings to ensure all matters were dealt with.<br>The 2022 Workplan was approved at the December 2021 Committee meeting.                                                                                                                                                                               |                        |
| <b>Audit and Risk Committee Member meeting with Internal Auditors</b> | At each Audit and Risk Committee Meeting, opportunity is provided for the members to meet with the auditors without management if required.<br>Opportunity is also provided at each meeting for the Members only to meet or Members only with the Chief Executive Officer.                                                                                                       |                        |
| <b>Committee Attendance</b>                                           |                                                                                                                                                                                                                                                                                                                                                                                  |                        |
| <b>Committee Member</b>                                               | <b>13 September 2021</b>                                                                                                                                                                                                                                                                                                                                                         | <b>1 December 2021</b> |
| John Watson (Chair)                                                   | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |
| Linda McNeill                                                         | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |
| Jason Hargreaves                                                      | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |
| Jeff Rigby                                                            | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |
| Cr Ben Taylor                                                         | apology                                                                                                                                                                                                                                                                                                                                                                          | apology                |
| Cr Amy Johnson                                                        | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |
| Cr Daniel Moloney                                                     | ✓                                                                                                                                                                                                                                                                                                                                                                                | ✓                      |



# Audit and Risk Committee Self-Assessment Survey Results

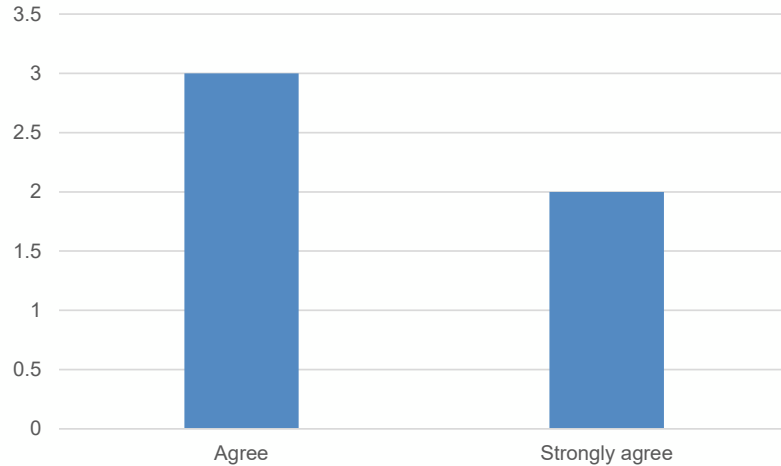
1 December 2021



*Creating a better  
future for our city*

# Audit Committee Charter

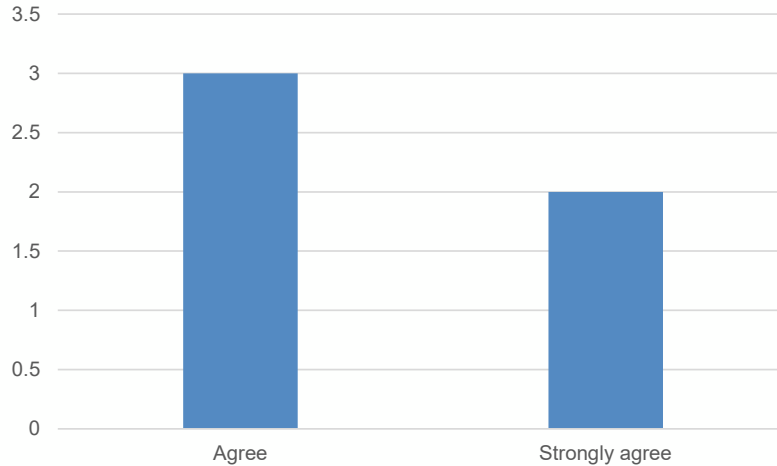
The Charter clearly articulates the Committee’s roles and responsibilities and provides it with the necessary authority to discharge them. Results shown below:





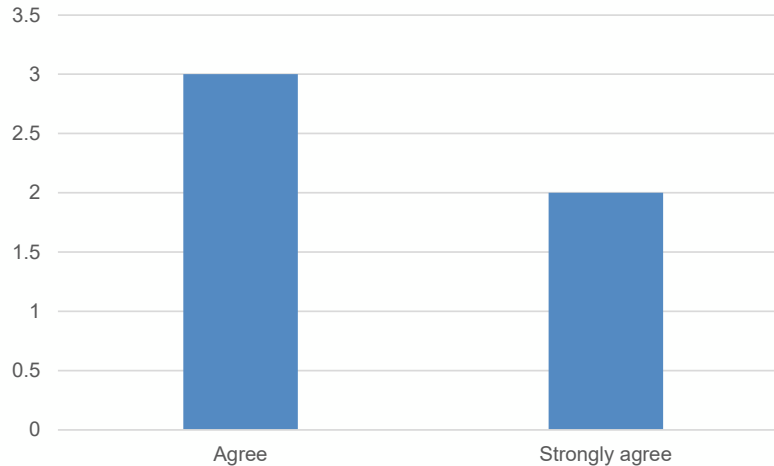
# Audit Committee Charter

The Charter facilitates and supports the effective operation of the Committee.  
Results shown below:



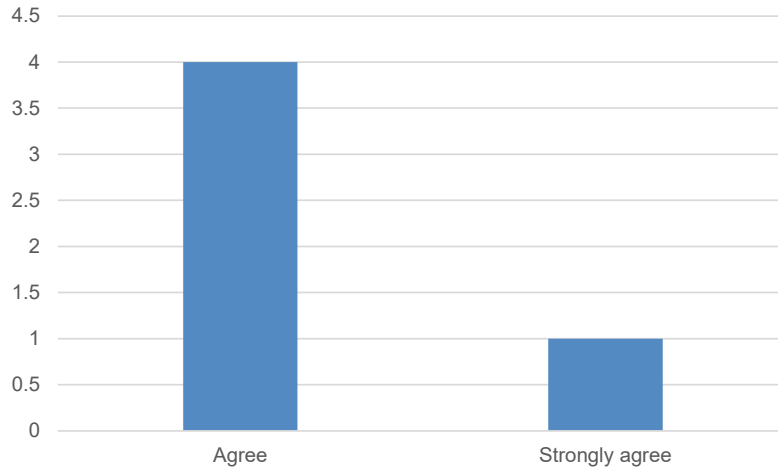
# Audit Committee Charter

During the past year, the Committee has adequately addressed all of its responsibilities as detailed in the Charter. Results shown below:



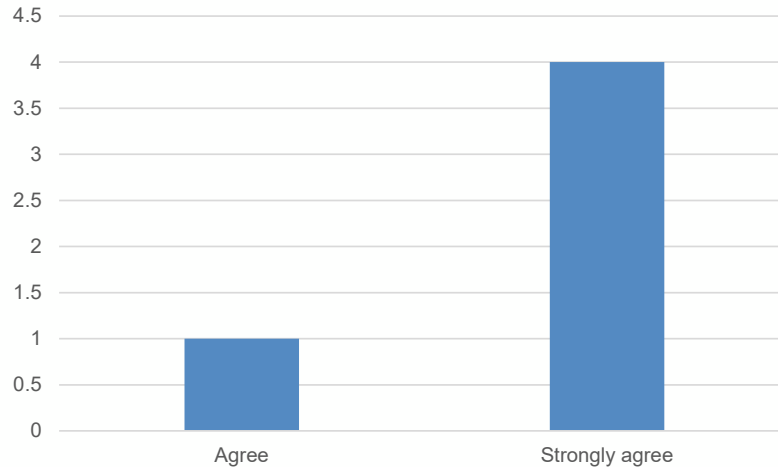
# Audit Committee Charter

The Charter ensures the Committee is sufficiently independent from the management of Council. Results shown below:



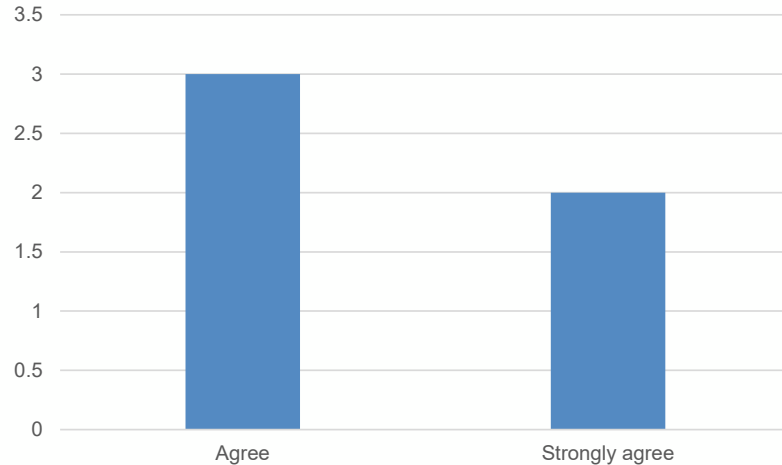
# Skills and Experience

The Committee has the desired mix of skills to allow it to effectively discharge its responsibilities. Results shown below:



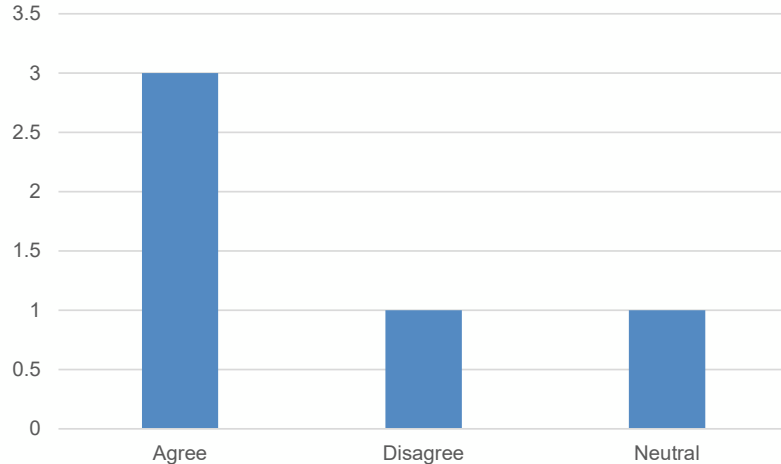
# Skills and Experience

The Committee has been able to analyse and critically evaluate information presented to it by management. Results shown below:



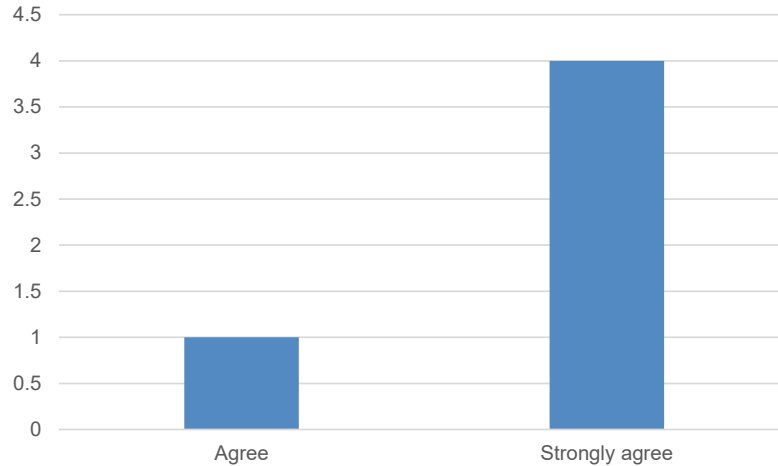
# Skills and Experience

There is a clear process that Committee members can follow to access advice and /or training to improve their skills and knowledge. Results shown below:



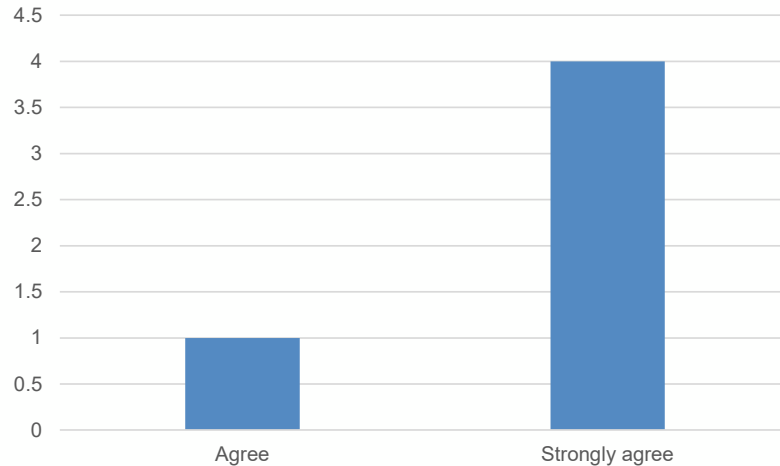
# Skills and Experience

The Committee’s collective skills are adequate in light of its responsibilities.  
Results shown below:



# Skills and Experience

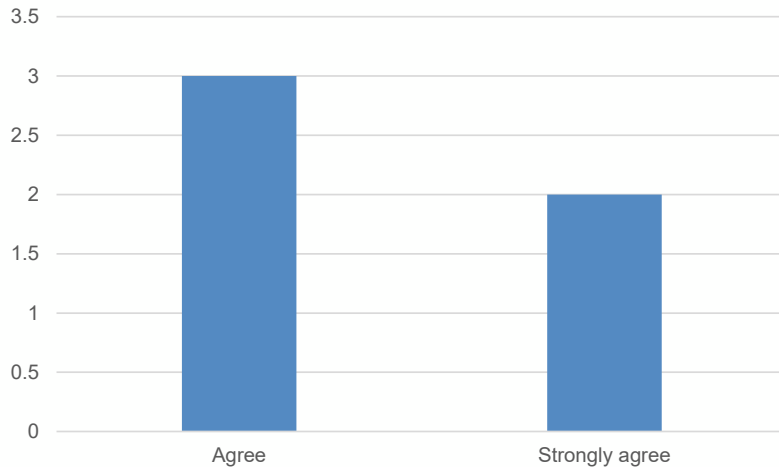
The Committee has responded appropriately where significant risks and/or control breakdowns have been brought to its attention. Results shown below:





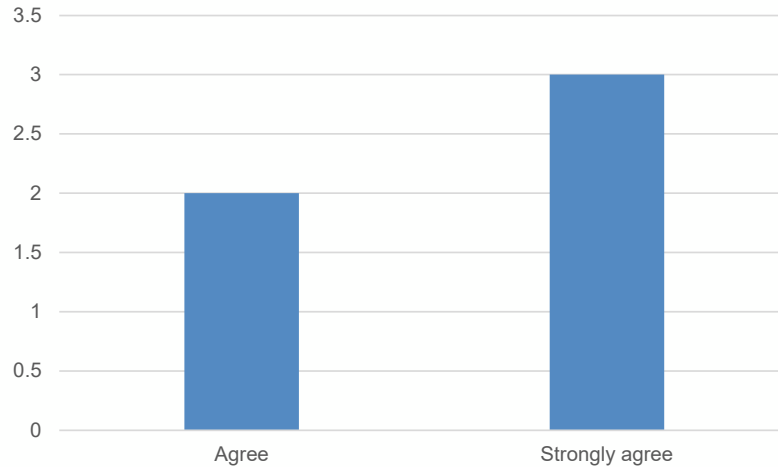
# Skills and Experience

The Committee has shown an openness to new ideas and different views in its deliberations. Results shown below:



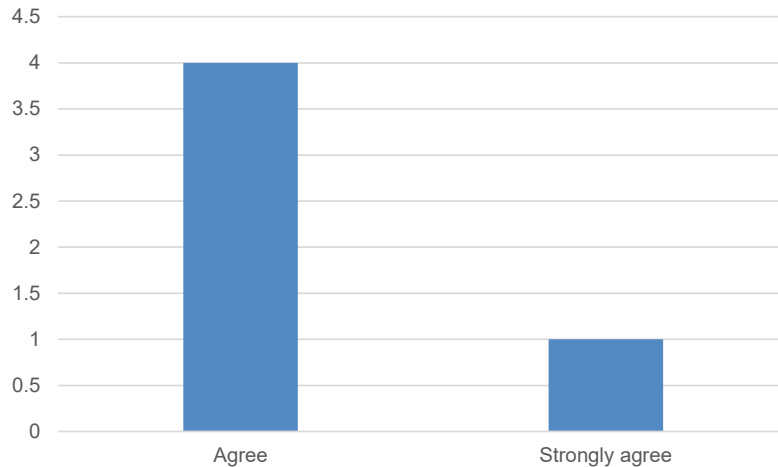
# Skills and Experience

The Committee has been sufficiently probing and challenging in its deliberations. Results shown below:



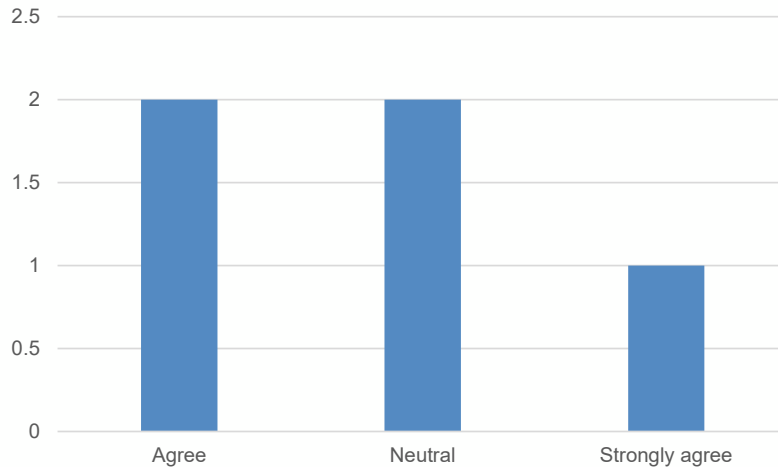
# Understanding the Business

The Committee has an adequate understanding of Council’s risk management framework and risk profile: Results shown below:



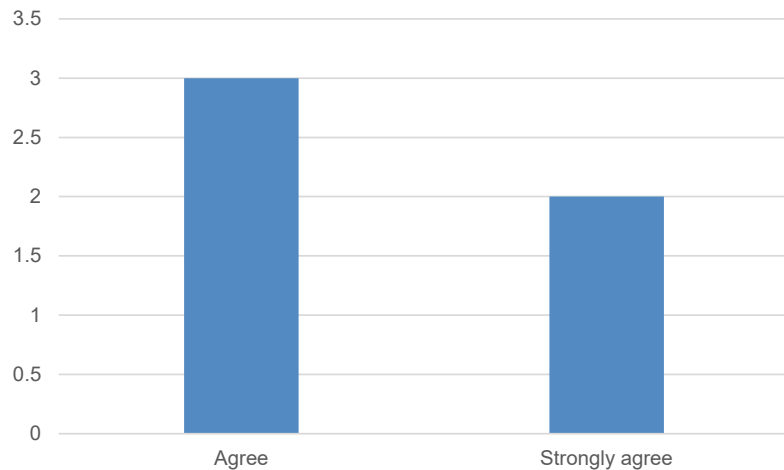
# Understanding the Business

The Committee has an adequate understanding of Council’s Internal control framework to mitigate significant risks. Results shown below:



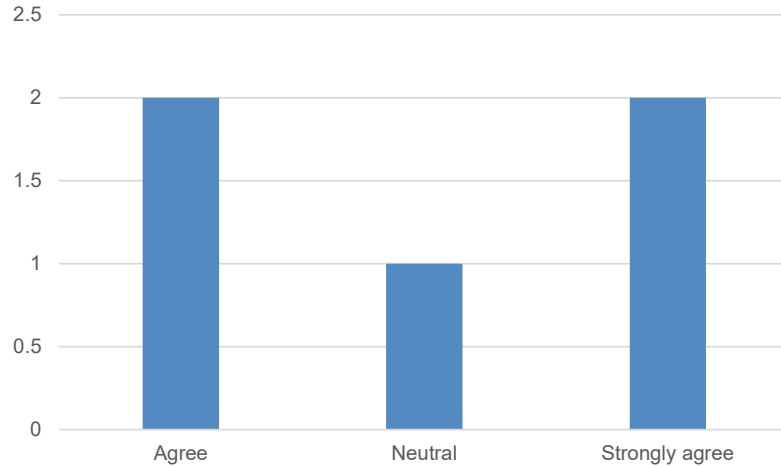
# Understanding the Business

The Committee has an adequate understanding of Council’s financial and statutory reporting requirements. Results shown below:



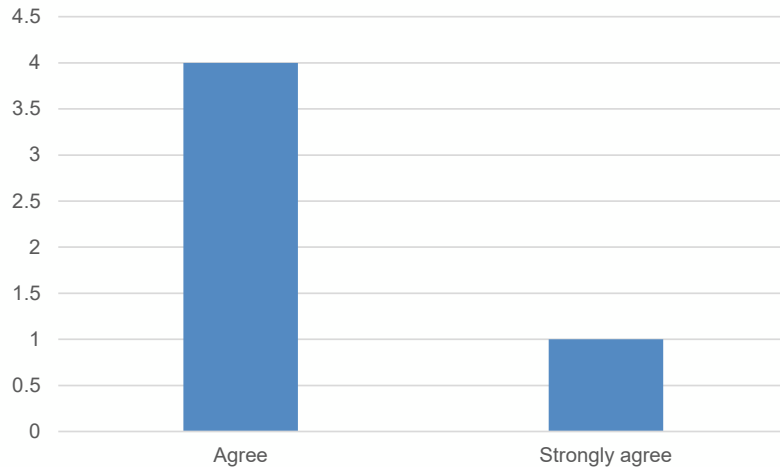
# Understanding the Business

The Committee has an adequate understanding of Council’s legislative compliance requirements. Results shown below:



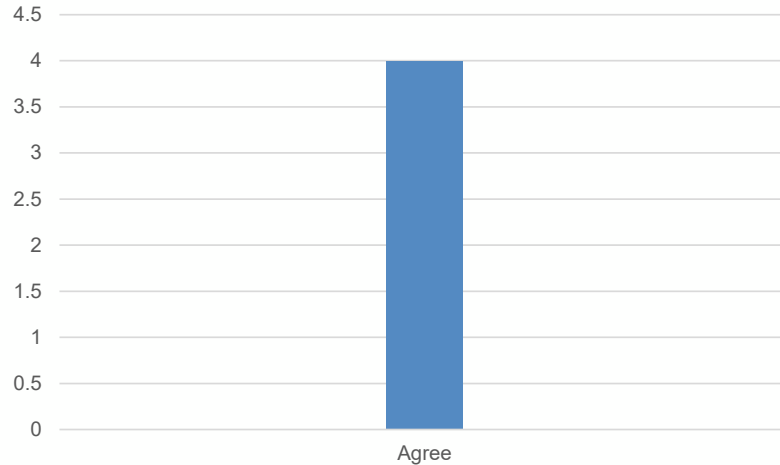
# Understanding the Business

The Committee receives appropriate briefings on current and emerging business risks. Results shown below:



# Understanding the Business

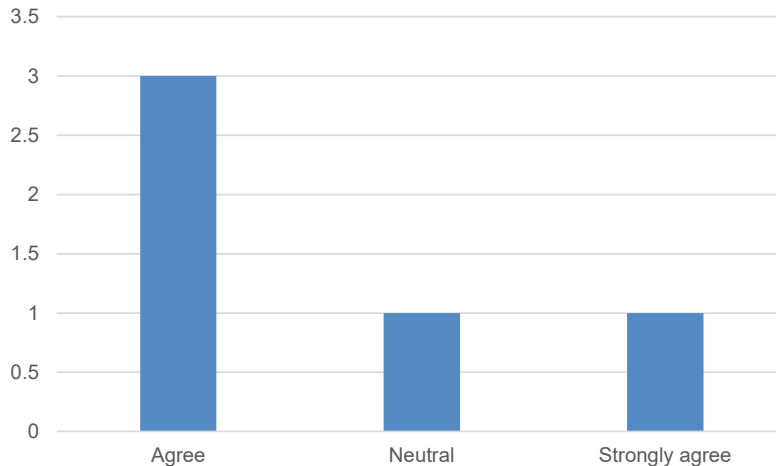
The Committee receives appropriate briefings on changes in financial reporting requirements. Results shown below:





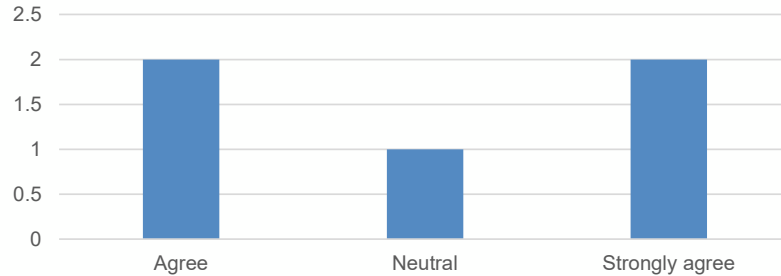
# Understanding the Business

The Committee receives appropriate briefings on changes in performance reporting requirements. Results shown below:



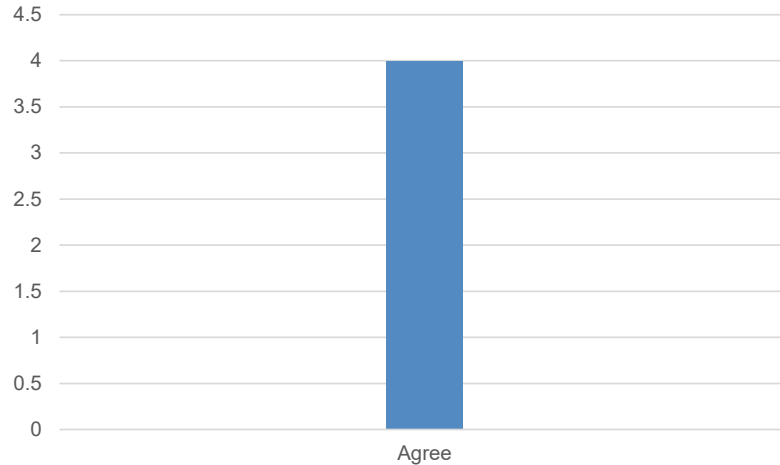
# Understanding the Business

The Committee receives appropriate briefings on Integrity Body reports. Results shown below:



# Understanding the Business

The Committee receives appropriate briefings on changes in the business/regulatory environment. Results are shown below:



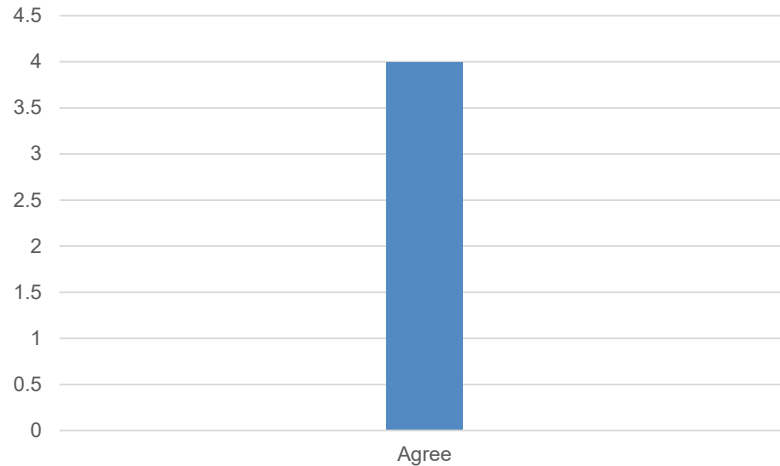
# Understanding the Business

## Comments/Suggestions for Improvements:

- With a new leadership team and a focus on the org changes, some controls have probably changed and will be picked up in upcoming audit plans.

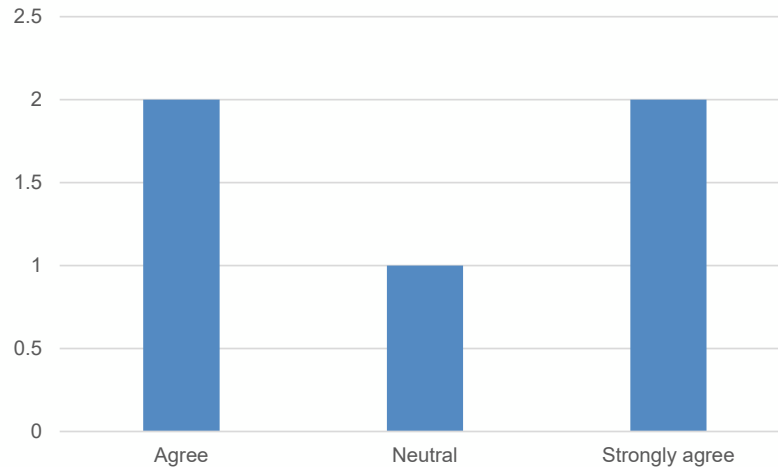
# Meeting Administration and Conduct

The Committee has had an appropriate number of meetings to properly discharge its responsibilities. Results shown below:



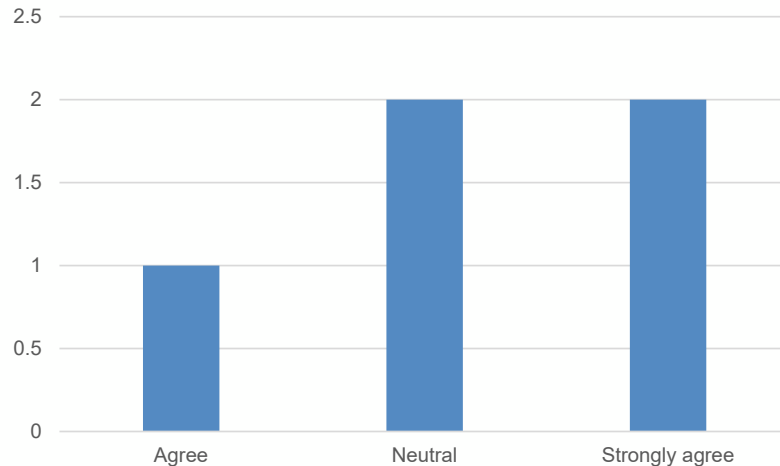
# Meeting Administration and Conduct

Agendas are structured to allow sufficient time to discuss all critical issues.  
Results shown below:



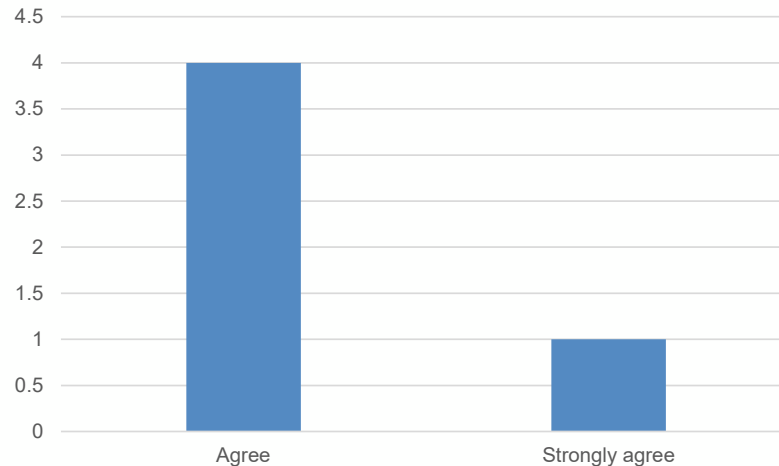
# Meeting Administration and Conduct

The Committee receives agendas and supporting papers in sufficient time prior to meetings. Results shown below:



# Meeting Administration and Conduct

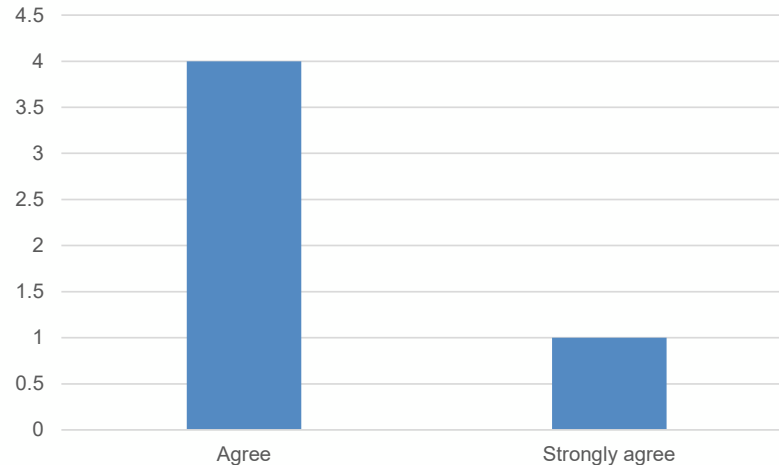
Agendas and supporting papers are of sufficient clarity and quality to enable the Committee to make informed decisions. Results shown below:





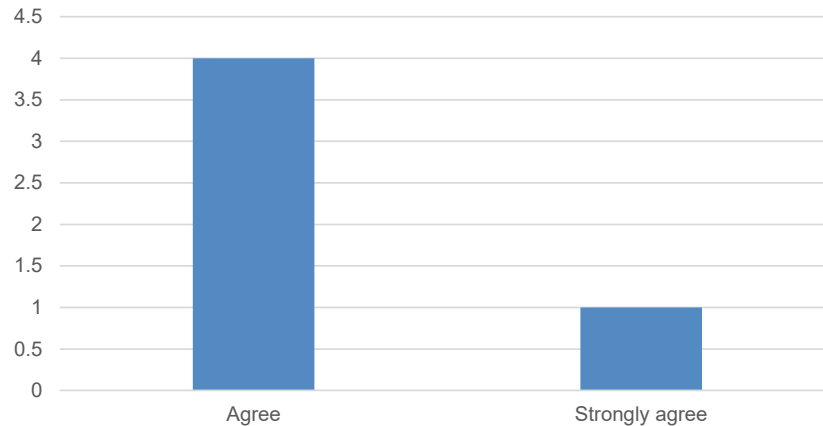
# Meeting Administration and Conduct

Committee meetings are well run and productive. Results shown below:



# Meeting Administration and Conduct

Committee minutes are appropriately maintained and provided to Council on a timely basis. Results shown below:



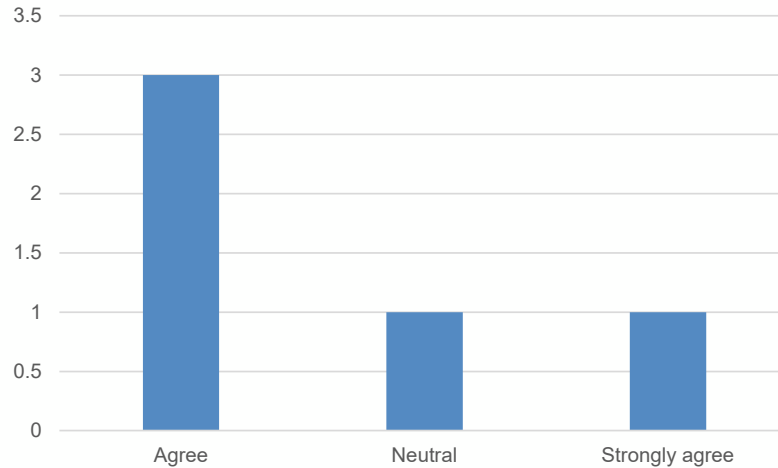
# Meeting Administration and Conduct

## Comments/Suggestions for Improvements:

1. I don't know how soon after an ARC meeting, the Council receives the minutes.
2. More time for agendas would be good in some cases we've had very short turn around but understand this can't always be helped and it's a very busy environment for officers in covid.

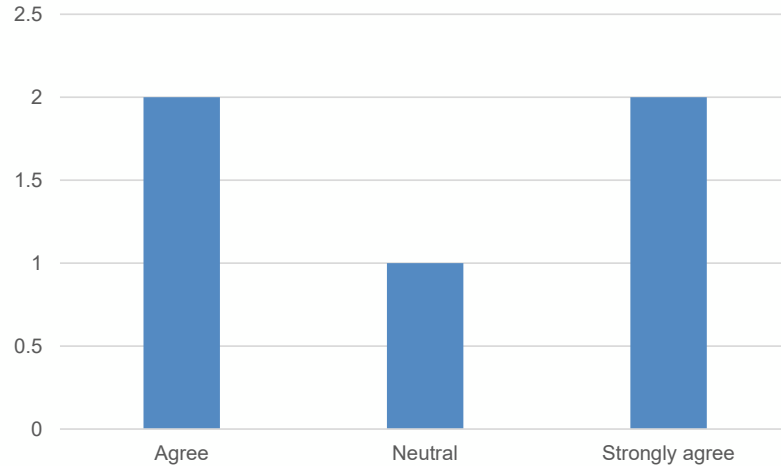
# Communications with Council

Committee communications to Council about its deliberations and decisions are appropriate. Results are below:



# Communications with Council

Committee reports to Council on its activities are appropriate. Results are below:



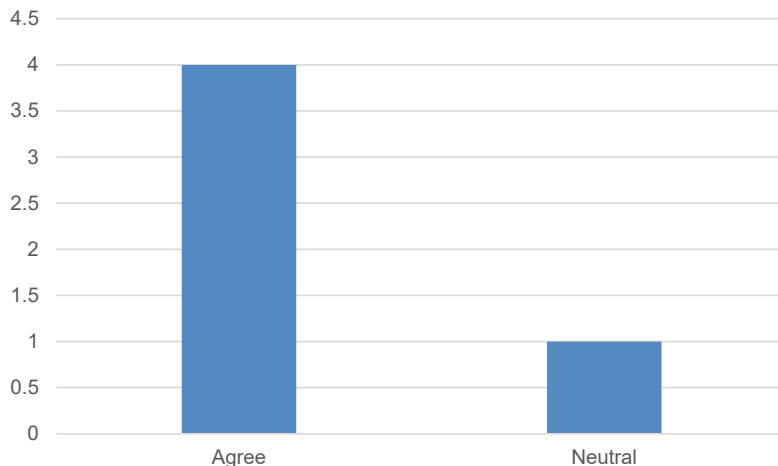
# Communications with Council

## **Comments/Suggestions for Improvements:**

The ARC members don't see the reports that go to Council.

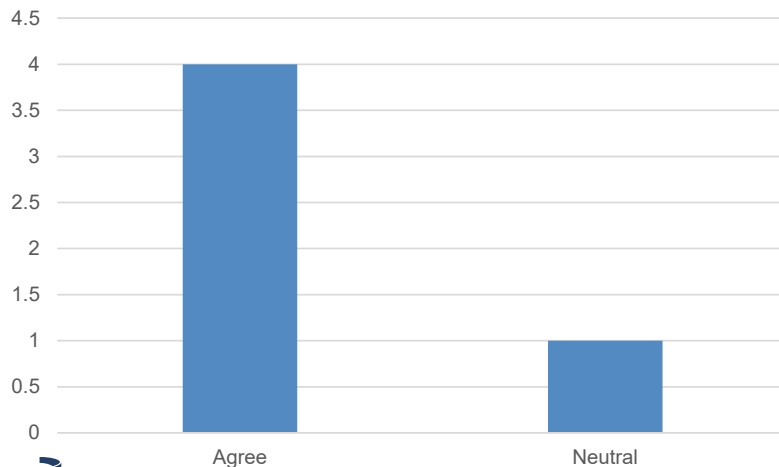
# Management Commitment and Support

Information and briefing papers presented by management meet the Committee’s expectations in respect of Council’s risk profile and mitigating actions for key risks. Results are below:



# Management Commitment and Support

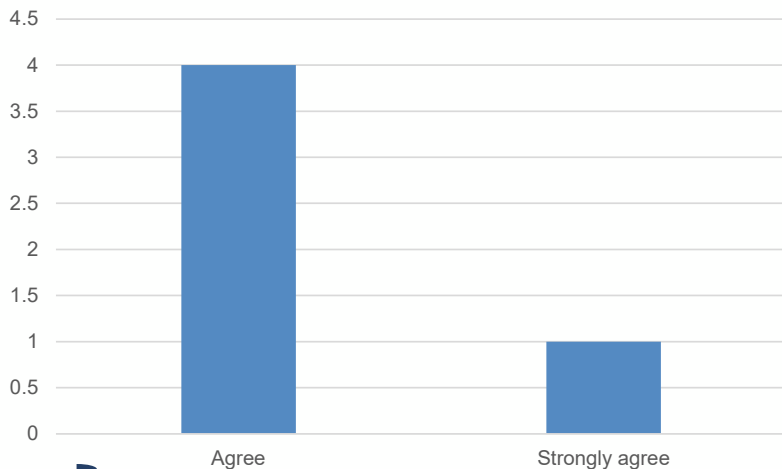
Information and briefing papers presented by management meet the Committee’s expectations in respect of Maintenance of a strong internal control environment that is effective in mitigating key risks. Results are below:





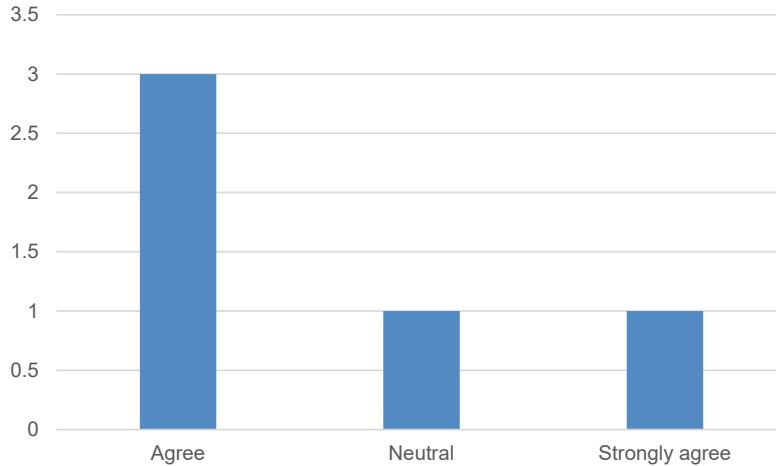
# Management Commitment and Support

Information and briefing papers presented by management meet the Committee’s expectations in respect of management of Council’s compliance and regulatory obligations. Results are below:



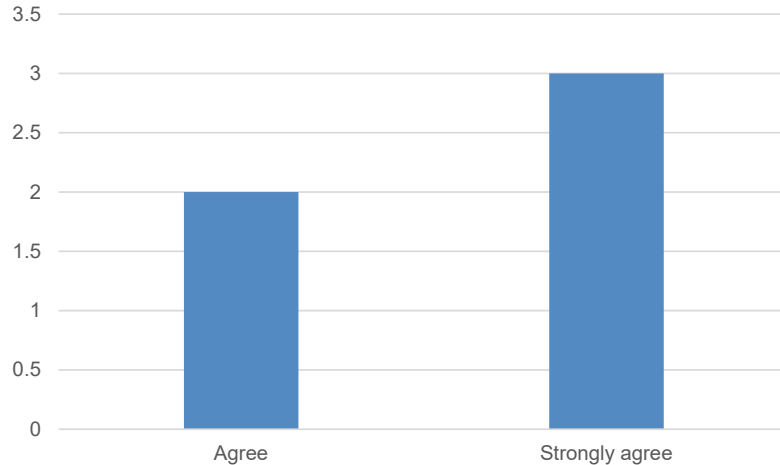
# Management Commitment and Support

Information and briefing papers presented by management meet the Committee’s expectations in respect of Council’s external reporting requirements. Results are below:



# Management Commitment and Support

The Committee has a positive attitude to continuous improvement in its dealings with management. Results are below:



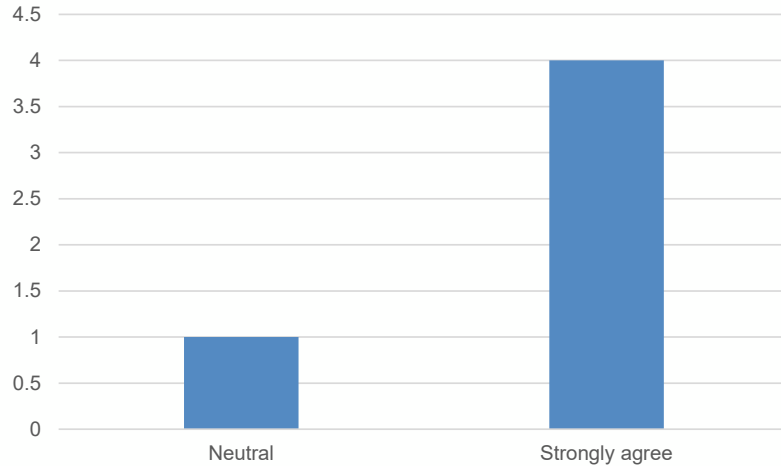
# Management Commitment and Support

## Comments/Suggestions for Improvements:

- As per previous control comment

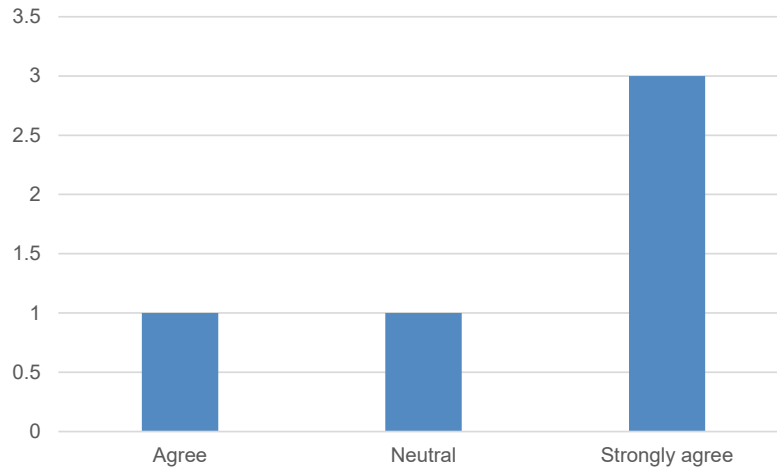
# Internal Audit

The Committee reviewed and approved the internal audit plan.



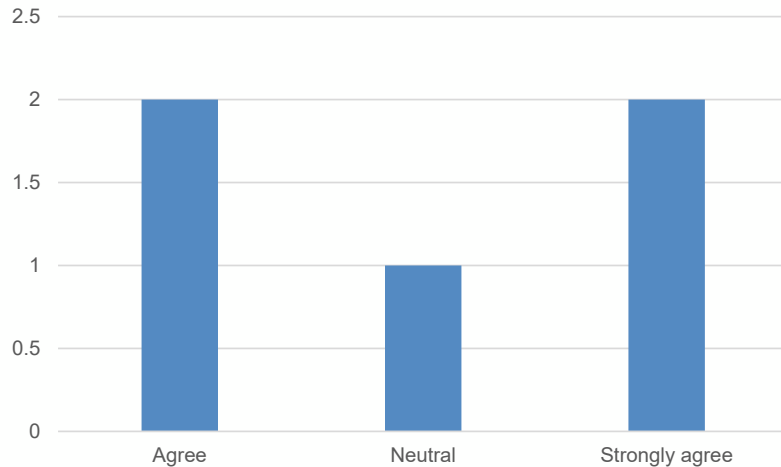
# Internal Audit

The Committee reviewed and approved any significant changes to the internal audit plan.



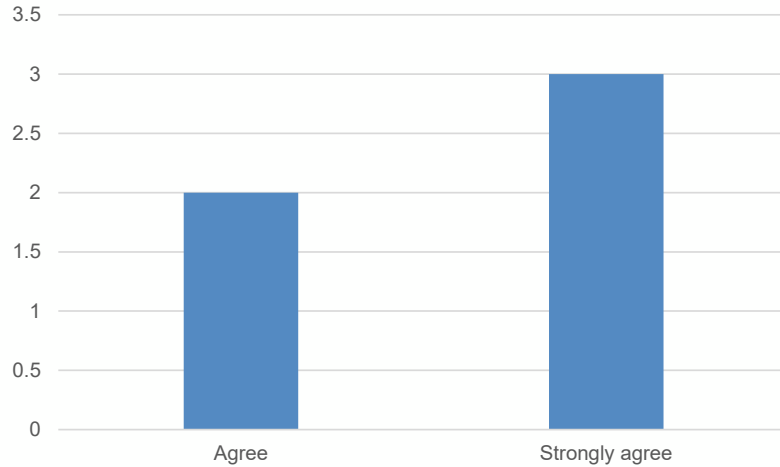
# Internal Audit

The Committee considered the adequacy of internal audit resources.



# Internal Audit

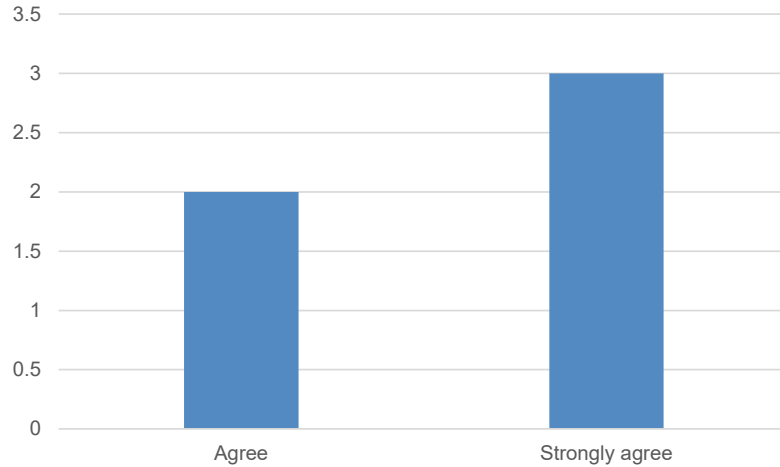
The Committee considered the performance of the internal audit function.





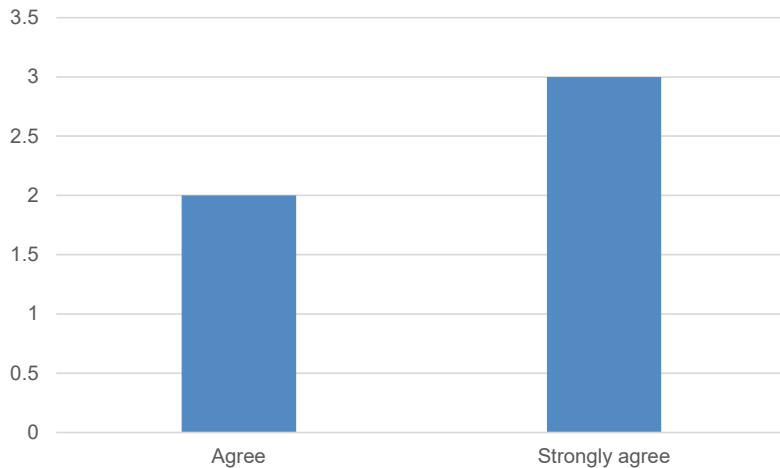
# Internal Audit

The Committee reviewed all internal audit reports and monitored management responses to recommendations.



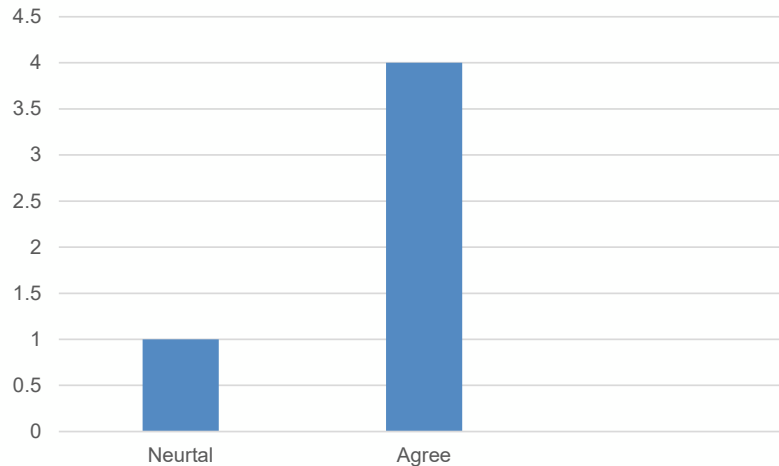
# Internal Audit

The Committee reviewed the Internal Audit Charter to ensure that appropriate structures, authority, access and reporting arrangements are in place for the internal audit function.



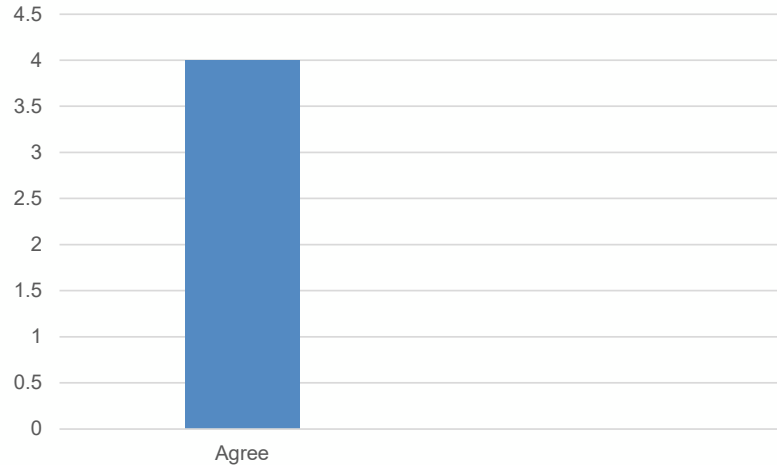
# External Audit

The Committee reviewed and approved the external audit plan. Results are shown below:



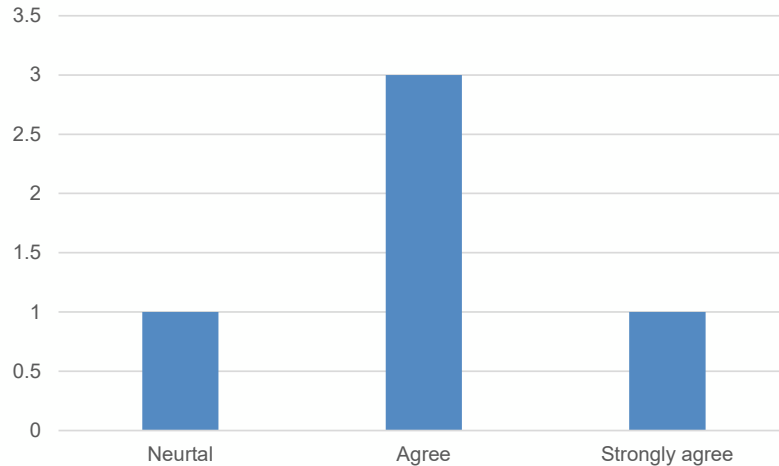
# External Audit

The Committee reviewed external audit reports and management letters and monitored management responses to findings and recommendations made by external audit. Results are shown below:



# External Audit

The Committee provided feedback comments/suggestion the performance of external audit. Results are shown below:



# External Audit

**The Committee provided feedback comments/suggestion the performance of external audit.**

1. VAGO or its agent present their audit plan for information, not for approval.
2. More time would have helped with time to review external audit outputs.

## 8.6. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis - Statutory Compliance Officer

### PURPOSE

1. The report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Claire Pepin and to revoke the Authorisation for Rhett English.

### BACKGROUND

2. The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

### KEY MATTERS

3. Claire Pepin holds the position of Principal Statutory Planner, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
4. At the Council Meeting held on 22 July 2020, Council resolved R181/20 to endorse the authorisation for Rhett English under the *Planning and Environment Act 1987*. Rhett English is no longer in the position of Coordinator Compliance and Parking Enforcement and the authorisation requires revocation by Council resolution.

### OFFICER RECOMMENDATION

#### 5. That Council:

##### 5.1 Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that

- a. Claire Pepin be appointed and authorised as set out in the instrument.
- b. The instrument comes into force immediately the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
- c. The instrument be sealed.

##### 5.2. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Rhett English (R181/20).

**ATTACHMENTS**

1. Governance Review [**8.6.1** - 2 pages]
2. S11A Claire Pepin [**8.6.2** - 2 pages]



## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Instrument of Appointments and Authorisations are a statutory requirement of Council.

**COMMUNITY IMPACT**

2. Council will make the register of authorised officers available on Council's website in accordance with Council's Public Transparency Policy.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987*.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.
9. The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

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OFFICIAL

OFFICIAL

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

11. Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

OFFICIAL



*S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

**Ballarat City Council**

**Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

OFFICIAL



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

**Claire Pepin**

**By this instrument of appointment and authorisation Ballarat City Council -**

- 1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the Ballarat City Council on

Date:

**The Common Seal of Ballarat City Council**                     )  
was affixed by authority of the Council in the                     )  
presence of:                                                                             )

..... Mayor/Councillor

..... Chief Executive Officer

## 8.7. S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION (ENVIRONMENT PROTECTION ACT 2017)

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

### PURPOSE

1. The purpose of the report is to adopt the 11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* to Michelle Stewart and revoke the Authorisation for Rhett English.

### BACKGROUND

2. The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Environment Protection Act 2017* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.
3. The *Environment Protection Act 2017* has given Council the power to appoint Authorised Officers under the Act.

### KEY MATTERS

4. Michelle Stewart holds the position of the Environmental Health Officer, and the *Environment Protection Act 2017* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
5. At the Council Meeting held on 28 July 2021, Council resolved R151/21, to endorse the authorisation for Rhett English under the *Environment Protection Act 2017*. Rhett English is no longer in the position of Coordinator Compliance and Parking Enforcement and the authorisation requires revocation by Council resolution

### OFFICER RECOMMENDATION

#### 6. That Council:

##### 6.1 Exercise the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Ballarat City Council resolved that:

- a. Michelle Stewart be appointed and authorised as set out in the instrument.
- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
- c. The instrument be sealed

**6.2. Revoke the S11B Instrument of Appointment and Authorisation (*Environment protection Act 2017*) for Rhett English (R151/21).**

**ATTACHMENTS**

1. Governance Review [8.7.1 - 2 pages]
2. S11B Michelle Stewart [8.7.2 - 2 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Instrument of Appointments and Authorisations are a statutory requirement of Council.

**COMMUNITY IMPACT**

2. Council will make the register of authorised officers available on Council's website in accordance with Council's Public Transparency Policy.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Environment Protection Act 2017*.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.
9. The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

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OFFICIAL

OFFICIAL

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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OFFICIAL



OFFICIAL



*S11B Instrument of Appointment and Authorisation  
(Environment Protection Act 2017)*

**Ballarat City Council**

**Instrument of Appointment and Authorisation  
(*Environment Protection Act 2017* only)**

OFFICIAL



**Instrument of Appointment and Authorisation  
(Environment Protection Act 2017)**

In this instrument "**officer**" means -

**Michelle Stewart**

**By this instrument of appointment and authorisation, Ballarat City Council -**

under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officer to be **an** authorised officer for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the [resolution] Ballarat City Council on [date]

**The Common Seal of Ballarat City Council**            )  
was affixed by authority of the Council in the            )  
presence of:                                                                    )

..... Mayor/Councillor

..... Chief Executive Officer

## 8.8. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

### PURPOSE

1. To review and update the S6 Instrument of Delegation, Members of Staff for Council's consideration.

### BACKGROUND

2. It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff member. This means that the delegation will still apply to the position should there be a change in personnel or any staff acting in the role.
3. It is imperative that Council staff have the correct delegation for dealing with matters under the current Acts and Regulations.
4. The powers conferred on the Council under some legislative Instruments cannot be delegated through the Chief Executive Officer and must be delegated from Council.

### KEY MATTERS

5. Changes to the Instrument of Delegation since the last approved iteration include:
  - The position Administration Officer Statutory Planning (AOSTP) changed to Planning Support Officer (PSO).

### OFFICER RECOMMENDATION

**That Council:**

6. **Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:**
  - 6.1. **There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.**
  - 6.2. **The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.**
  - 6.3. **On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.**

- 6.4. 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.**

### **ATTACHMENTS**

1. Governance Review [**8.8.1** - 2 pages]
2. S6 Instrument of Delegation - Members of Staff [**8.8.2** - 177 pages]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Instrument of Delegation is a statutory requirement of Council.

**COMMUNITY IMPACT**

2. There are no community impacts identified for the subject of this report.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. The endorsement of the revised S6 Instrument of Delegation ensures that the core operations functions of the Council are not impeded.
7. Council's delegations are constantly maintained and periodically monitored to ensure that appropriated Council officers have the power to carry out their duties lawfully.

**HUMAN RIGHTS CONSIDERATIONS**

8. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

9. There has been consultation with the relevant managers to ensure the correct delegations have included in the Instrument of Delegation.

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

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**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

11. No Council Officers who have provided advice in relation to this report have a conflict of interest regarding the matter.

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## **BALLARAT CITY COUNCIL**

### **INSTRUMENT OF DELEGATION**

#### **S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

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## Instrument of Delegation

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

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

| Abbreviation | Position                                      |
|--------------|-----------------------------------------------|
| AOBS         | Administration Officer Building Services      |
| AOEH         | Administration Officer Environmental Health   |
| AOLLT        | Administration Officer Local Laws and Traffic |
| AORS         | Administration Officer Regulatory Services    |
| AOSC         | Administration Officer Statutory Compliance   |
| CAEO         | Compliance and Events Officer                 |
| CO           | Compliance Officer                            |
| CAM          | Coordinator Asset Management                  |
| CBS          | Coordinator Building Services                 |
| CEH          | Coordinator Environmental Health              |
| CID          | Coordinator Infrastructure Delivery           |
| CIT          | Coordinator Integrated Transport              |



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| Abbreviation | Position                                                      |
|--------------|---------------------------------------------------------------|
| CPG          | Coordinator Parks and Gardens                                 |
| CRC          | Coordinator Risk and Compliance                               |
| CRM          | Coordinator Road Maintenance                                  |
| CSTP         | Coordinator Statutory Planning                                |
| CP           | Counter Planner                                               |
| DCA          | Development Contributions Accountant                          |
| DCS          | Director Corporate Services                                   |
| DDG          | Director Development and Growth                               |
| DIE          | Director Infrastructure and Environment                       |
| EHO          | Environmental Health Officer                                  |
| EMDF         | Executive Manager Development Facilitation                    |
| EMEG         | Executive Manager Economic Growth                             |
| EMGR         | Executive Manager Governance and Risk                         |
| EMI          | Executive Manager Infrastructure                              |
| EMO          | Executive Manager Operations                                  |
| EMPSFM       | Executive Manager Property Services and Facilities Management |

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| <b>Abbreviation</b> | <b>Position</b>                       |
|---------------------|---------------------------------------|
| EMRS                | Executive Manager Regulatory Services |
| HSO                 | Health Services Officer               |
| MSTP                | Manager Statutory Planning            |
| MSP                 | Manager Strategic Planning            |
| MSG                 | Manager Sustainable Growth            |
| MBS                 | Municipal Building Surveyor           |
| Not Applicable      | Not Applicable                        |
| Not Delegated       | Not Delegated                         |
| PSO                 | Planning Support Officer              |
| PP                  | Principal Planner                     |
| PSTP                | Principal Statutory Planner           |
| PSP                 | Principal Strategic Planner           |
| POC                 | Project Officer Compliance            |
| RMCS                | Road Maintenance Contract Supervisor  |
| RMS                 | Road Maintenance Scheduler            |

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| Abbreviation | Position                                  |
|--------------|-------------------------------------------|
| SASO         | Senior Asset Surveillance Officer         |
| SSTP         | Senior Statutory Planner                  |
| SSP          | Senior Strategic Planner                  |
| SCO          | Statutory Compliance Officer              |
| STP          | Statutory Planner                         |
| SP           | Strategic Planner                         |
| SPA0         | Strategic Planning Administration Officer |
| SO           | Subdivision Officer                       |
| SASU         | Supervisor Asset Surveillance             |
| SPD          | Supervisor Pathways and Drainage          |
| SRS          | Supervisor Road Safety                    |
| SUSR         | Supervisor Sealed Roads                   |
| SUR          | Supervisor Unsealed Roads                 |
| SGO          | Sustainable Growth Officer                |
| TLC          | Team Leader Compliance                    |
| TLEG         | Team Leader Economic Growth               |

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| Abbreviation | Position                                                         |
|--------------|------------------------------------------------------------------|
| TLEH         | Team Leader Environmental Health                                 |
| TLPSE        | Team Leader Parking Services                                     |
| TLRSATS      | Team Leader Regulatory Services Administration/Technical Support |
| TOBS         | Technical Officer Building Services                              |
| TOEH         | Technical Officer Environmental Health                           |
| TSODF        | Technical Support Officer Development Facilitation               |

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3. declares that:

3.1 this Instrument of Delegation is authorised by [#insert "a resolution" or "resolutions"#] of Council passed on [#date#] [#add "and [date]", if appropriate#]; 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;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

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### **Delegation Sources**

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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### S6 Instrument of Delegation - Members of Staff

| Cemeteries and Crematoria Act 2003 |                                                                                                                                                               |                       |                                           |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                                                                                 | Delegate              | Conditions and Limitations                |
| s 8(1)(a)(ii)                      | Power to manage one or more public cemeteries                                                                                                                 | CPG, EMO, EMPSFM, DIE | Where Council is a Class B cemetery trust |
| 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 | CPG, EMO, EMPSFM, DIE | Where Council is a Class B cemetery trust |
| s 12(2)                            | Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions                                                                | CPG, EMO, EMPSFM, DIE | Where Council is a Class B cemetery trust |
| s 13                               | Duty to do anything necessary or convenient to enable it to carry out its functions                                                                           | CPG, EMO, EMPSFM, DIE |                                           |
| s 14                               | Power to manage multiple public cemeteries as if they are one cemetery.                                                                                       | CPG, EMO, EMPSFM, DIE |                                           |

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| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                      |                                 |                                                          |
|-------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                 | <b>Delegate</b>                 | <b>Conditions and Limitations</b>                        |
| s 15(4)                                   | Duty to keep records of delegations                                                  | DCS, EMGR,<br>SCO, AOSC,<br>CRC |                                                          |
| s 17(1)                                   | Power to employ any persons necessary                                                | EMPSFM, DIE                     |                                                          |
| s 17(2)                                   | Power to engage any professional, technical or other assistance considered necessary | CPG, EMO,<br>EMPSFM, DIE        |                                                          |
| s 17(3)                                   | Power to determine the terms and conditions of employment or engagement              | EMPSFM, DIE                     | Subject to any guidelines or directions of the Secretary |
| s 18(3)                                   | Duty to comply with a direction from the Secretary                                   | CPG, EMO,<br>EMPSFM, DIE        |                                                          |
| s 19                                      | Power to carry out or permit the carrying out of works                               | CPG, EMO,<br>EMPSFM, DIE        |                                                          |



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| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                    |                          |                                               |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                               | <b>Delegate</b>          | <b>Conditions and Limitations</b>             |
| s 20(1)                                   | Duty to set aside areas for the interment of human remains                                                         | CPG, EMO,<br>EMPSFM, DIE |                                               |
| s 20(2)                                   | Power to set aside areas for the purposes of managing a public cemetery                                            | CPG, EMO,<br>EMPSFM, DIE |                                               |
| s 20(3)                                   | Power to set aside areas for those things in paragraphs (a) - (e)                                                  | CPG, EMO,<br>EMPSFM, DIE |                                               |
| s 24(2)                                   | Power to apply to the Secretary for approval to alter the existing distribution of land                            | CPG, EMO,<br>EMPSFM, DIE |                                               |
| 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 | CPG, EMO,<br>EMPSFM, DIE | Subject to the approval of the Minister       |
| s 37                                      | Power to grant leases over land in a public cemetery in accordance with s 37                                       | CPG, EMO,<br>EMPSFM, DIE | Subject to the Minister approving the purpose |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                        |                       |                                                                               |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                                                          | Delegate              | Conditions and Limitations                                                    |
| s 40                               | Duty to notify Secretary of fees and charges fixed under s 39                                                                          | CPG, EMO, EMPSFM, DIE |                                                                               |
| s 47                               | Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | DCS                   | Provided the street was constructed pursuant to the Local Government Act 1989 |
| s 57(1)                            | Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act                         | CPG, EMO, EMPSFM, DIE | Report must contain the particulars listed in s 57(2)                         |
| s 59                               | Duty to keep records for each public cemetery                                                                                          | CPG, EMO, EMPSFM, DIE |                                                                               |
| s 60(1)                            | Duty to make information in records available to the public for historical or research purposes                                        | EMPSFM, DIE           |                                                                               |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                 |                       |                                                                        |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                                                   | Delegate              | Conditions and Limitations                                             |
| s 60(2)                            | Power to charge fees for providing information                                                                                  | DCS                   |                                                                        |
| s 64(4)                            | Duty to comply with a direction from the Secretary under s 64(3)                                                                | CPG, EMO, EMPSFM, DIE |                                                                        |
| s 64B(d)                           | Power to permit interments at a reopened cemetery                                                                               | CPG, EMO, EMPSFM, DIE |                                                                        |
| s 66(1)                            | Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park                 | CPG, EMO, EMPSFM, DIE | The application must include the requirements listed in s 66(2)(a)-(d) |
| s 69                               | Duty to take reasonable steps to notify of conversion to historic cemetery park                                                 | EMPSFM, DIE           |                                                                        |
| 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 | CPG, EMO, EMPSFM, DIE |                                                                        |



| Cemeteries and Crematoria Act 2003 |                                                                                                      |                       |                            |
|------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
| Provision                          | Power and Functions Delegated                                                                        | Delegate              | Conditions and Limitations |
| s 70(2)                            | Duty to make plans of existing place of interment available to the public                            | CPG, EMO, EMPSFM, DIE |                            |
| s 71(1)                            | Power to remove any memorials or other structures in an area to which an approval to convert applies | CPG, EMO, EMPSFM, DIE |                            |
| s 71(2)                            | Power to dispose of any memorial or other structure removed                                          | CPG, EMO, EMPSFM, DIE |                            |
| s 72(2)                            | Duty to comply with request received under s 72                                                      | CPG, EMO, EMPSFM, DIE |                            |
| s 73(1)                            | Power to grant a right of interment                                                                  | CPG, EMO, EMPSFM, DIE |                            |
| s 73(2)                            | Power to impose conditions on the right of interment                                                 | CPG, EMO, EMPSFM, DIE |                            |



| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                                                      |                       |                                                               |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                                                 | <b>Delegate</b>       | <b>Conditions and Limitations</b>                             |
| s 74                                      | Duty to offer a perpetual right of interment                                                                                                         | EMPSFM, DIE           | Provision commences on 1 March 2022 unless proclaimed earlier |
| s 75                                      | Power to grant the rights of interment set out in s 75(a) and (b)                                                                                    | CPG, EMO, EMPSFM, DIE |                                                               |
| s 76(3)                                   | Duty to allocate a piece of interment if an unallocated right is granted                                                                             | CPG, EMO, EMPSFM, DIE |                                                               |
| 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 | EMPSFM, DIE           |                                                               |
| s 80(1)                                   | Function of receiving notification and payment of transfer of right of interment                                                                     | CPG, EMO, EMPSFM, DIE |                                                               |



| Cemeteries and Crematoria Act 2003 |                                                                                                        |                       |                                                                   |
|------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                          | Delegate              | Conditions and Limitations                                        |
| s 80(2)                            | Function of recording transfer of right of interment                                                   | CPG, EMO, EMPSFM, DIE |                                                                   |
| s 82(2)                            | Duty to pay refund on the surrender of an unexercised right of interment                               | DCS                   |                                                                   |
| s 83(2)                            | Duty to pay refund on the surrender of an unexercised right of interment                               | DCS                   | Reference to 'sole holder' will no longer apply from 1 March 2022 |
| s 83(3)                            | Power to remove any memorial and grant another right of interment for a surrendered right of interment | CPG, EMO, EMPSFM, DIE |                                                                   |
| s 84(1)                            | Function of receiving notice of surrendering an entitlement to a right of interment                    | CPG, EMO, EMPSFM, DIE |                                                                   |



| Cemeteries and Crematoria Act 2003 |                                                                                                                            |                       |                                                                                    |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                                              | Delegate              | Conditions and Limitations                                                         |
| s 84F(2)(d)                        | Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5) | EMPSFM, DIE           |                                                                                    |
| s 84H(4)                           | Power to exercise the rights of a holder of a right of interment                                                           | EMPSFM, DIE           |                                                                                    |
| s 84I(5)                           | Duty to pay refund to the previous holder or holders of the right of interment                                             | EMPSFM, DIE           |                                                                                    |
| s 84I(6)(a)                        | Power to remove any memorial on the place of interment                                                                     | EMPSFM, DIE           |                                                                                    |
| s 84I(6)(b)                        | Power to grant right of interment under s 73                                                                               | EMPSFM, DIE           |                                                                                    |
| s.85(1)                            | Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry                         | CPG, EMO, EMPSFM, DIE | The notice must be in writing and contain the requirements listed in s 85(2)       |
| s 85(2)(b)                         | Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry                | CPG, EMO, EMPSFM, DIE | Does not apply where right of internment relates to remains of a deceased veteran. |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                                                                                                                                                                                                   |             |                                                                                                                                                                                                         |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                          | Power and Functions Delegated                                                                                                                                                                                                                                                                                     | Delegate    | Conditions and Limitations                                                                                                                                                                              |
| 85(2)(c)                           | Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;<br>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. | EMPSFM, DIE | May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment |
| s 86                               | Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified                                                                                                                                                                            | EMPSFM, DIE |                                                                                                                                                                                                         |
| s 86(2)                            | Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment                                                                                                                                                                                    | EMPSFM, DIE |                                                                                                                                                                                                         |
| 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                                                                                                                                                                     | EMPSFM, DIE |                                                                                                                                                                                                         |





| Cemeteries and Crematoria Act 2003 |                                                                                                                       |             |                            |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------|----------------------------|
| Provision                          | Power and Functions Delegated                                                                                         | Delegate    | Conditions and Limitations |
| s 86(3)(b)                         | Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)                 | EMPSFM, DIE |                            |
| s.86(4)                            | power to take action under s.86(4) relating to removing and re-interring cremated human remains                       | EMPSFM, DIE |                            |
| s.86(5)                            | duty to provide notification before taking action under s.86(4)                                                       | EMPSFM, DIE |                            |
| s 86A                              | Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)             | EMPSFM, DIE |                            |
| 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 | EMPSFM, DIE |                            |
| s 88                               | Function to receive applications to carry out a lift and re-position procedure at a place of interment                | EMPSFM, DIE |                            |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                                       |                                  |                            |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------|
| Provision                          | Power and Functions Delegated                                                                                                                         | Delegate                         | Conditions and Limitations |
| s 91(1)                            | Power to cancel a right of interment in accordance with s 91                                                                                          | EMPSFM, DIE                      |                            |
| s 91(3)                            | Duty to publish notice of intention to cancel right of interment                                                                                      | CPG, EMO,<br>EMPSFM, DIE         |                            |
| 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 | CPG, EMO,<br>EMPSFM,<br>DCS, DIE |                            |
| s 98(1)                            | Function of receiving application to establish or alter a memorial or a place of interment                                                            | CPG, EMO,<br>EMPSFM, DIE         |                            |
| s 99                               | Power to approve or refuse an application made under s 98, or to cancel an approval                                                                   | CPG, EMO,<br>EMPSFM, DIE         |                            |

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| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                                                                         |                       |                                   |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                                                                    | <b>Delegate</b>       | <b>Conditions and Limitations</b> |
| 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 | CPG, EMO, EMPSFM, DIE |                                   |
| s 100(1)                                  | Power to require a person to remove memorials or places of interment                                                                                                    | EMPSFM, DIE           |                                   |
| 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)                                                       | EMPSFM, DIE           |                                   |
| s 100(3)                                  | Power to recover costs of taking action under s 100(2)                                                                                                                  | CPG, EMO, EMPSFM, DIE |                                   |
| s 101                                     | Function of receiving applications to establish or alter a building for ceremonies in the cemetery                                                                      | CPG, EMO, EMPSFM, DIE |                                   |
| s 102(1)                                  | Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)                                                                 | CPG, EMO, EMPSFM, DIE |                                   |



| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                                                                    |                       |                                   |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                                                               | <b>Delegate</b>       | <b>Conditions and Limitations</b> |
| s 102(2) & (3)                            | Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)                                                                  | CPG, EMO, EMPSFM, DIE |                                   |
| s 103(1)                                  | Power to require a person to remove a building for ceremonies                                                                                                      | CPG, EMO, EMPSFM, DIE |                                   |
| s 103(2)                                  | Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)                                                             | CPG, EMO, EMPSFM, DIE |                                   |
| s 103(3)                                  | Power to recover costs of taking action under s 103(2)                                                                                                             | CPG, EMO, EMPSFM, DIE |                                   |
| 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 | CPG, EMO, EMPSFM, DIE |                                   |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                                                          |                       |                            |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
| Provision                          | Power and Functions Delegated                                                                                                                                            | Delegate              | Conditions and Limitations |
| s 106(2)                           | Power to require the holder of the right of interment to provide for an examination                                                                                      | CPG, EMO, EMPSFM, DIE |                            |
| s 106(3)                           | Power to open and examine the place of interment if s 106(2) not complied with                                                                                           | EMPSFM, DIE           |                            |
| 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 | EMPSFM, DIE           |                            |
| s 107(1)                           | Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs                                                   | CPG, EMO, EMPSFM, DIE |                            |
| 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                                               | EMPSFM, DIE           |                            |
| s 108                              | Power to recover costs and expenses                                                                                                                                      | CPG, EMO, EMPSFM, DIE |                            |

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| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                                                                       |                       |                                                                              |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                                                                  | <b>Delegate</b>       | <b>Conditions and Limitations</b>                                            |
| s 109(1)(a)                               | Power to open, examine and repair a place of interment                                                                                                                | EMPSFM, DIE           | Where the holder of right of interment or responsible person cannot be found |
| s 109(1)(b)                               | Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial                                                              | EMPSFM, DIE           | Where the holder of right of interment or responsible person cannot be found |
| s 109(2)                                  | Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies                         | CPG, EMO, EMPSFM, DIE | Where the holder of right of interment or responsible person cannot be found |
| s 110(1)                                  | Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary     | CPG, EMO, EMPSFM, DIE |                                                                              |
| s 110(1A)                                 | Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary | EMPSFM, DIE           | Provision commences on 1 March 2022                                          |



| Cemeteries and Crematoria Act 2003 |                                                                                                                                                                                              |                       |                            |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
| Provision                          | Power and Functions Delegated                                                                                                                                                                | Delegate              | Conditions and Limitations |
| s 110(2)                           | Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary                                     | CPG, EMO, EMPSFM, DIE |                            |
| 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 | DCS                   |                            |
| s 111                              | Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment                                                                           | CPG, EMO, EMPSFM, DIE |                            |
| s 112                              | Power to sell and supply memorials                                                                                                                                                           | CPG, EMO, EMPSFM, DIE |                            |
| s 116(4)                           | Duty to notify the Secretary of an interment authorisation granted                                                                                                                           | CPG, EMO, EMPSFM, DIE |                            |



| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                    |                       |                                   |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                               | <b>Delegate</b>       | <b>Conditions and Limitations</b> |
| s 116(5)                                  | Power to require an applicant to produce evidence of the right of interment holder's consent to application        | CPG, EMO, EMPSFM, DIE |                                   |
| s 118                                     | Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met | CPG, EMO, EMPSFM, DIE |                                   |
| s 119                                     | Power to set terms and conditions for interment authorisations                                                     | EMPSFM, DIE           |                                   |
| s 131                                     | Function of receiving an application for cremation authorisation                                                   | EMPSFM, DIE           |                                   |
| s 133(1)                                  | Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with    | CPG, EMO, EMPSFM, DIE | Subject to s 133(2)               |
| s 145                                     | Duty to comply with an order made by the Magistrates' Court or a coroner                                           | CPG, EMO, EMPSFM, DIE |                                   |



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| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                         |                       |                                          |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                    | <b>Delegate</b>       | <b>Conditions and Limitations</b>        |
| s 146                                     | Power to dispose of bodily remains by a method other than interment or cremation                                        | EMPSFM, DIE           | Subject to the approval of the Secretary |
| s 147                                     | Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation | EMPSFM, DIE           |                                          |
| s 149                                     | Duty to cease using method of disposal if approval revoked by the Secretary                                             | EMPSFM, DIE           |                                          |
| 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        | EMPSFM, DIE           |                                          |
| s 151                                     | Function of receiving applications to inter or cremate body parts                                                       | EMPSFM, DIE           |                                          |
| s 152(2)                                  | Power to impose terms and conditions on authorisation granted under s 150                                               | CPG, EMO, EMPSFM, DIE |                                          |



| <b>Cemeteries and Crematoria Act 2003</b> |                                                                                                                                            |                            |                                   |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>                                                                                                       | <b>Delegate</b>            | <b>Conditions and Limitations</b> |
| 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 | CPG, EMO, EMPSFM, DIE      |                                   |
| sch 1 cl 8(8)                             | Power to regulate own proceedings                                                                                                          | CPG, EMO, EMPSFM, DIE, CSS | Subject to cl 8                   |

| <b>Domestic Animals Act 1994</b> |                                             |                 |                                                                 |
|----------------------------------|---------------------------------------------|-----------------|-----------------------------------------------------------------|
| <b>Provision</b>                 | <b>Power and Functions Delegated</b>        | <b>Delegate</b> | <b>Conditions and Limitations</b>                               |
| s 41A(1)                         | Power to declare a dog to be a menacing dog | TLC, DIE, EMRS  | Council may delegate this power to a Council authorised officer |



| Food Act 1984 |                                                                                                                                                                                                                                                                       |                     |                                                                                           |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                                                                                                                                                         | Delegate            | Conditions and Limitations                                                                |
| s 19(2)(a)    | Power to direct by written order that the food premises be put into a clean and sanitary condition                                                                                                                                                                    | TLEH, EHO, CEH, DDG | If s 19(1) applies                                                                        |
| s 19(2)(b)    | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable                                                                                                                                     | TLEH, EHO, CEH, DDG | If s 19(1) applies                                                                        |
| s 19(3)       | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | TLEH, EHO, CEH, DDG | If s 19(1) applies<br>Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a)    | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise                                                                          | DDG                 | If s 19(1) applies                                                                        |

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| Food Act 1984 |                                                                                                                                                                            |                     |                                                                                                                                                        |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                                                              | Delegate            | Conditions and Limitations                                                                                                                             |
| s 19(6)(a)    | Duty to revoke any order under section 19 if satisfied that an order has been complied with                                                                                | TLEH, EHO, CEH      | If s 19(1) applies                                                                                                                                     |
| s 19(6)(b)    | Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with                                                         | TLEH, EHO, CEH      | If s 19(1) applies                                                                                                                                     |
| s 19AA(2)     | Power to direct, by written order, that a person must take any of the actions described in (a)-(c).                                                                        | TLEH, EHO, CEH, DDG | Where Council is the registration authority                                                                                                            |
| s 19AA(4)(c)  | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | TLEH, EHO, CEH      | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7)     | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with                                        | TLEH, EHO, CEH      | Where Council is the registration authority                                                                                                            |



| Food Act 1984 |                                                                                                                                       |                      |                                             |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                         | Delegate             | Conditions and Limitations                  |
| s 19CB(4)(b)  | Power to request copy of records                                                                                                      | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s 19E(1)(d)   | Power to request a copy of the food safety program                                                                                    | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s 19EA(3)     | Function of receiving copy of revised food safety program                                                                             | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| s 19GB        | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s19IA(1)      | Power to form opinion that the food safety requirements or program are non-compliant.                                                 | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| s 19IA(2)     | Duty to give written notice to the proprietor of the premises                                                                         | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |



| Food Act 1984     |                                                                                             |                                                                  |                                                                                                              |
|-------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Provision         | Power and Functions Delegated                                                               | Delegate                                                         | Conditions and Limitations                                                                                   |
|                   |                                                                                             |                                                                  | Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3)) |
| s 19M(4)(a) & (5) | Power to conduct a food safety audit and take actions where deficiencies are identified     | Not Delegated                                                    | Where Council is the registration authority                                                                  |
| s 19N(2)          | Function of receiving notice from the auditor                                               | TLEH, EHO, CEH, EMRS                                             | Where Council is the registration authority                                                                  |
| s 19NA(1)         | Power to request food safety audit reports                                                  | TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRATS, HSO, AORS | Where Council is the registration authority                                                                  |
| s 19U(3)          | Power to waive and vary the costs of a food safety audit if there are special circumstances | Not Delegated                                                    |                                                                                                              |



| Food Act 1984 |                                                                                                                                                                                        |                     |                                                                                                                                                                    |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                                                                          | Delegate            | Conditions and Limitations                                                                                                                                         |
| s 19UA        | Power to charge fees for conducting a food safety assessment or inspection                                                                                                             | CEH, DDG, EMRS      | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.                                                          |
| s 19W         | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB                                                                                         | TLEH, EHO, CEH, DDG | Where Council is the registration authority                                                                                                                        |
| s 19W(3)(a)   | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction                                                                        | TLEH, CEH           | Where Council is the registration authority                                                                                                                        |
| s 19W(3)(b)   | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | TLEH, CEH           | Where Council is the registration authority                                                                                                                        |
|               | Power to register or renew the registration of a food premises                                                                                                                         | TLEH, EHO, CEH, DDG | Where Council is the registration authority<br>Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |



| Food Act 1984 |                                                                                                                                            |                                                                  |                                             |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                              | Delegate                                                         | Conditions and Limitations                  |
| s 36A         | Power to accept an application for registration or notification using online portal                                                        | TLEH, EHO, CEH, EMRS                                             | Where Council is the registration authority |
| s 36B         | Duty to pay the charge for use of online portal                                                                                            | TLEH, EHO, CEH, EMRS                                             | Where Council is the registration authority |
| s 38AA(5)     | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRATS, HSO, AORS | Where Council is the registration authority |
| s 38AB(4)     | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)                         | EHO, CEH                                                         | Where Council is the registration authority |





| Food Act 1984 |                                                                                                                 |                                                                 |                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                   | Delegate                                                        | Conditions and Limitations                  |
| s 38A(4)      | Power to request a copy of a completed food safety program template                                             | TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSA, HSO, AORS | Where Council is the registration authority |
| s 38B(1)(a)   | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs | TLEH, EHO, CEH, DDG                                             | Where Council is the registration authority |
| s 38B(1)(b)   | Duty to ensure proprietor has complied with requirements of s 38A                                               | TLEH, EHO, CEH, DDG                                             | Where Council is the registration authority |
| s 38B(2)      | Duty to be satisfied of the matters in s 38B(2)(a)-(b)                                                          | TLEH, EHO, CEH, DDG                                             | Where Council is the registration authority |



| Food Act 1984 |                                                                                                                |                                                                  |                                                                                                            |
|---------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                  | Delegate                                                         | Conditions and Limitations                                                                                 |
| s 38D(1)      | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39 | TLEH, EHO, CEH, DDG                                              | Where Council is the registration authority                                                                |
| s 38D(2)      | Duty to be satisfied of the matters in s 38D(2)(a)-(d)                                                         | TLEH, EHO, CEH, DDG                                              | Where Council is the registration authority                                                                |
| s 38D(3)      | Power to request copies of any audit reports                                                                   | TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRATS, HSO, AORS | Where Council is the registration authority                                                                |
| s 38E(2)      | Power to register the food premises on a conditional basis                                                     | TLEH, EHO, CEH, DDG                                              | Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5) |



| Food Act 1984 |                                                                                                                              |                      |                                             |
|---------------|------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                | Delegate             | Conditions and Limitations                  |
| s 38E(4)      | Duty to register the food premises when conditions are satisfied                                                             | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s 38F(3)(b)   | Power to require proprietor to comply with requirements of this Act                                                          | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s 38G(1)      | Power to require notification of change of the food safety program type used for the food premises                           | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| s 38G(2)      | Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| s 38G(4)      | Power to require the proprietor of the food premises to comply with any requirement of the Act                               | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |



| Food Act 1984 |                                                                                                                                                                    |                      |                                                                                                |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                                                      | Delegate             | Conditions and Limitations                                                                     |
| s 39(2)       | Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed                          | TLEH, EHO, CEH, EMRS |                                                                                                |
| s 39A         | Power to register, or renew the registration of a food premises despite minor defects                                                                              | TLEH, EHO, CEH, DDG  | Where Council is the registration authority<br>Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 39A (6)     | Duty to comply with a direction of the Secretary                                                                                                                   | TLEH, EHO, CEH, EMRS |                                                                                                |
| s 40(1)       | Duty to give the person in whose name the premises is to be registered a certificate of registration                                                               | TLEH, EHO, CEH, EMRS | Where Council is the registration authority                                                    |
| s 40(2)       | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008 | TLEH, EHO, CEH, DDG  |                                                                                                |



| Food Act 1984 |                                                                                            |                      |                                             |
|---------------|--------------------------------------------------------------------------------------------|----------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                              | Delegate             | Conditions and Limitations                  |
| s 40C(2)      | Power to grant or renew the registration of food premises for a period of less than 1 year | TLEH, CEH, DDG       | Where Council is the registration authority |
| s 40D(1)      | Power to suspend or revoke the registration of food premises                               | TLEH, CEH, DDG       | Where Council is the registration authority |
| s 40E         | Duty to comply with direction of the Secretary                                             | TLEH, EHO, CEH, EMRS |                                             |
| s 40F         | Power to cancel registration of food premises                                              | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| s 43          | Duty to maintain records of registration                                                   | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |



| Food Act 1984 |                                                                                                                                                                                                                                                                                   |                      |                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------|
| Provision     | Power and Functions Delegated                                                                                                                                                                                                                                                     | Delegate             | Conditions and Limitations                  |
| s 43F(6)      | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business                                                                                                                | TLEH, EHO, CEH       | Where Council is the registration authority |
| s 43F(7)      | Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements                                                                                                       | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |
| s 45AC        | Power to bring proceedings                                                                                                                                                                                                                                                        | TLEH, EHO, CEH, EMRS |                                             |
| 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 | TLEH, EHO, CEH, DDG  | Where Council is the registration authority |



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

| Local Government Act 1989 |                                                           |               |                            |
|---------------------------|-----------------------------------------------------------|---------------|----------------------------|
| Provision                 | Power and Functions Delegated                             | Delegate      | Conditions and Limitations |
| s 185L(4)                 | Power to declare and levy a cladding rectification charge | Not Delegated |                            |



| Planning and Environment Act 1987 |                                                                                                                              |                                                                         |                               |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------|
| Provision                         | Power and Functions Delegated                                                                                                | Delegate                                                                | Conditions and Limitations    |
| s 4B                              | Power to prepare an amendment to the Victorian Planning Provisions                                                           | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP                                    | If authorised by the Minister |
| s 4G                              | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister                 | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP                                    |                               |
| s 4H                              | Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements         | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                               |
| s 4I                              | Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements | SP, STP, SPAO, SSP, MSTP, CSTP,                                         |                               |





| Planning and Environment Act 1987 |                                                                                                   |                                                  |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                     | Delegate                                         | Conditions and Limitations |
|                                   |                                                                                                   | DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |
| s 8A(2)                           | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP       |                            |
| s 8A(3)                           | Power to apply to Minister to prepare an amendment to the planning scheme                         | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP       |                            |
| s 8A(5)                           | Function of receiving notice of the Minister's decision                                           | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP       |                            |

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| Planning and Environment Act 1987 |                                                                                                                                                                    |                                      |                            |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                      | Delegate                             | Conditions and Limitations |
| s 8A(7)                           | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days                    | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |
| s 8B(2)                           | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district                                 | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |
| 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 | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |
| s 12B(1)                          | Duty to review planning scheme                                                                                                                                     | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |



| Planning and Environment Act 1987 |                                                                                |                                                                      |                            |
|-----------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                  | Delegate                                                             | Conditions and Limitations |
| s 12B(2)                          | Duty to review planning scheme at direction of Minister                        | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP                           |                            |
| s.12B(5)                          | duty to report findings of review of planning scheme to Minister without delay | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP                           |                            |
| s 14                              | duties of a Responsible Authority as set out in s 14(a) to (d)                 | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP                           |                            |
| s 17(1)                           | Duty of giving copy amendment to the planning scheme                           | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                  |                                                                      |                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                    | Delegate                                                             | Conditions and Limitations |
| s 17(2)                           | Duty of giving copy s 173 agreement                                                                              | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |
| s 17(3)                           | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |
| s 18                              | Duty to make amendment etc. available in accordance with public availability requirements                        | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                         |                                                          |                                                                                                                                                                                                                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                           | Delegate                                                 | Conditions and Limitations                                                                                                                                                                                               |
| s 19                              | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP |                                                                                                                                                                                                                          |
| s 19                              | Function of receiving notice of preparation of an amendment to a planning scheme                                                                                        | SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |
| s 20(1)                           | Power to apply to Minister for exemption from the requirements of s 19                                                                                                  | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP                     | Where Council is a planning authority                                                                                                                                                                                    |
| s 21(2)                           | Duty to make submissions available in accordance with public availability requirements                                                                                  | SP, SPAO, SSP, MSTP, CSTP, DDG,                          |                                                                                                                                                                                                                          |



| Planning and Environment Act 1987 |                                                                              |                                                                              |                                                                              |
|-----------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                | Delegate                                                                     | Conditions and Limitations                                                   |
|                                   |                                                                              | PSP, EMDF,<br>PSTP, MSP, PP                                                  |                                                                              |
| s 21A(4)                          | Duty to publish notice                                                       | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP         |                                                                              |
| s 22                              | Duty to consider all submissions                                             | SP, SPAO,<br>SSP, EMO,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>MSP, PP | Except submissions which request a change to the items in s 22(5)(a) and (b) |
| s 23(1)(b)                        | Duty to refer submissions which request a change to the amendment to a panel | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,                                        |                                                                              |



| Planning and Environment Act 1987 |                                                                                                                      |                                                                      |                            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                        | Delegate                                                             | Conditions and Limitations |
|                                   |                                                                                                                      | PSP, EMDF,<br>PSTP, MSP, PP                                          |                            |
| s 23(2)                           | Power to refer to a panel submissions which do not require a change to the amendment                                 | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |
| s 24                              | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | SP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>MSP, PP       |                            |
| s 26(1)                           | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act       | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,                                |                            |



| Planning and Environment Act 1987 |                                                                                            |                                                                                           |                                                                                |
|-----------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                              | Delegate                                                                                  | Conditions and Limitations                                                     |
|                                   |                                                                                            | PSP, EMDF,<br>PSTP, MSP, PP                                                               |                                                                                |
| s 26(2)                           | Duty to keep report of panel available in accordance with public availability requirements | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                                                                                |
| s 27(2)                           | Power to apply for exemption if panel's report not received                                | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP                                                |                                                                                |
| s 28(1)                           | Duty to notify the Minister if abandoning an amendment                                     | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, MSP, PP                                                | Note: the power to make a decision to abandon an amendment cannot be delegated |





| Planning and Environment Act 1987 |                                                                                                            |                                                                    |                            |
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| Provision                         | Power and Functions Delegated                                                                              | Delegate                                                           | Conditions and Limitations |
| s 28(2)                           | Duty to publish notice of the decision on Internet site                                                    | SPAO, MSTP, CSTP, DDG, EMDF, SSTP                                  |                            |
| s 28(4)                           | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months | SPAO, MSTP, CSTP, DDG, EMDF, SSTP                                  |                            |
| s 30(4)(a)                        | Duty to say if amendment has lapsed                                                                        | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 30(4)(b)                        | Duty to provide information in writing upon request                                                        | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF,                         |                            |



| Planning and Environment Act 1987 |                                                     |                                                                |                            |
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| Provision                         | Power and Functions Delegated                       | Delegate                                                       | Conditions and Limitations |
|                                   |                                                     | PSTP, SSTP,<br>MSP, CP, PP                                     |                            |
| s 32(2)                           | Duty to give more notice if required                | SP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>MSP, PP |                            |
| s 33(1)                           | Duty to give more notice of changes to an amendment | SP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>MSP, PP |                            |
| s 36(2)                           | Duty to give notice of approval of amendment        | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,                          |                            |



| Planning and Environment Act 1987 |                                                                                                              |                                                                      |                            |
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| Provision                         | Power and Functions Delegated                                                                                | Delegate                                                             | Conditions and Limitations |
|                                   |                                                                                                              | PSP, EMDF,<br>PSTP, MSP, PP                                          |                            |
| s 38(5)                           | Duty to give notice of revocation of an amendment                                                            | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |
| s 39                              | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT | SP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>MSP, PP       |                            |
| s 40(1)                           | Function of lodging copy of approved amendment                                                               | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,                                |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                     |                                                                      |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                       | Delegate                                                             | Conditions and Limitations |
|                                   |                                                                                                                                                                                                     | PSP, EMDF,<br>PSTP, MSP, PP                                          |                            |
| s 41(1)                           | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period                                                             | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP |                            |
| s 41(2)                           | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends | SPAO, MSTP,<br>CSTP, DDG,<br>EMDF, SSTP                              |                            |
| s 42(2)                           | Duty to make copy of planning scheme available in accordance with the public availability requirements                                                                                              | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,    |                            |

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| Planning and Environment Act 1987 |                                                                                                                                                                                                                          |                         |                                                                                                                                                                                                                                                                    |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                            | Delegate                | Conditions and Limitations                                                                                                                                                                                                                                         |
|                                   |                                                                                                                                                                                                                          | SSTP, MSP,<br>CP, PP    |                                                                                                                                                                                                                                                                    |
| s 46AAA                           | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity    | Not Applicable          | Where Council is a responsible public entity and is a planning authority<br><br>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 |
| s 46AW                            | Function of being consulted by the Minister                                                                                                                                                                              | DDG, EMDF               | Where Council is a responsible public entity                                                                                                                                                                                                                       |
| s 46AX                            | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy<br><br>Power to endorse the draft Statement of Planning Policy | DDG, EMDF               | Where Council is a responsible public entity                                                                                                                                                                                                                       |
| s 46AZC(2)                        | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of                                                                                                             | SP, SPAO,<br>SSP, MSTP, | Where Council is a responsible public entity                                                                                                                                                                                                                       |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                      |                                                                      |                                                                                                                                                     |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                        | Delegate                                                             | Conditions and Limitations                                                                                                                          |
|                                   | Planning Policy for the declared area that is expressed to be binding on the responsible public entity                                                                                                                               | CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP                            |                                                                                                                                                     |
| 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 | SP, SPAO,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, MSP, PP | Where Council is a responsible public entity                                                                                                        |
| s 46GI(2)(b)(i)                   | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction                                                                            | MSG, SGO,<br>DCA, DCS,<br>DDG, EMDF                                  | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
| s 46GJ(1)                         | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans                                                                                          | DDG, EMDF                                                            |                                                                                                                                                     |



| Planning and Environment Act 1987 |                                                                                                                                                                                      |                          |                                        |
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| Provision                         | Power and Functions Delegated                                                                                                                                                        | Delegate                 | Conditions and Limitations             |
| s 46GK                            | Duty to comply with a Minister’s direction that applies to Council as the planning authority                                                                                         | DDG, EMDF                |                                        |
| s 46GN(1)                         | Duty to arrange for estimates of values of inner public purpose land                                                                                                                 | MSG, SGO, DCA, DDG, EMDF |                                        |
| s 46GO(1)                         | Duty to give notice to owners of certain inner public purpose land                                                                                                                   | DDG, EMDF                |                                        |
| s 46GP                            | Function of receiving a notice under s 46GO                                                                                                                                          | DDG, EMDF                | Where Council is the collecting agency |
| s 46GQ                            | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | MSG, SGO, DCA, DDG, EMDF |                                        |

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| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                              |                          |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                | Delegate                 | Conditions and Limitations |
| s 46GR(1)                         | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO                                                                                                                                       | MSG, SGO, DCA, DDG, EMDF |                            |
| s 46GR(2)                         | Power to consider a late submission<br>Duty to consider a late submission if directed to do so by the Minister                                                                                                                                               | DDG, EMDF                |                            |
| 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                                                                                                                                       | DDG, EMDF                |                            |
| 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 | DDG, EMDF                |                            |





| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                                           |                          |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                             | Delegate                 | Conditions and Limitations |
| s 46GT(2)                         | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference                                                                                                                                                                        | DDG, EMDF                |                            |
| 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                                                  | MSG, SGO, DCA, DDG, EMDF |                            |
| s 46GT(6)                         | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)                                                                                                                                                                         | MSG, SGO, DCA, DDG, EMDF |                            |
| 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 | MSG, SGO, DCA, DDG, EMDF |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                    |                |                                         |
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| Provision                         | Power and Functions Delegated                                                                                                                                                      | Delegate       | Conditions and Limitations              |
| s 46GV(3)                         | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br>Power to specify the manner in which the payment is to be made | DCS, DDG, EMDF | Where Council is the collecting agency  |
| s 46GV(3)(b)                      | Power to enter into an agreement with the applicant                                                                                                                                | DDG, EMDF      | Where Council is the collecting agency  |
| s 46GV(4)(a)                      | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)                                                                                           | DDG, EMDF      | Where Council is the development agency |
| s 46GV(4)(b)                      | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)                                                                                           | DDG, EMDF      | Where Council is the collecting agency  |
| s 46GV(7)                         | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area                     | DDG, EMDF      |                                         |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                  |                               |                                        |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                    | Delegate                      | Conditions and Limitations             |
| s 46GV(9)                         | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction                                                            | DDG, EMDF                     | Where Council is the collecting agency |
| s 46GX(1)                         | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable                                                                                   | MSG, SGO, DCA, DDG, EMDF      | Where Council is the collecting agency |
| s 46GX(2)                         | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | DDG, EMDF                     | Where Council is the collecting agency |
| s 46GY(1)                         | Duty to keep proper and separate accounts and records                                                                                                                                                                            | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                       |                               |                                                                                                                                                                 |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                         | Delegate                      | Conditions and Limitations                                                                                                                                      |
| s 46GY(2)                         | Duty to keep the accounts and records in accordance with the Local Government Act 2020                                                                                                                                                | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency                                                                                                                          |
| s 46GZ(2)(a)                      | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs                                                                                     | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency under an approved infrastructure contributions plan<br>This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a)                      | Function of receiving the monetary component                                                                                                                                                                                          | MSG, SGO, DCA, DCS, DDG, EMDF | Where the Council is the planning authority<br>This duty does not apply where Council is also the collecting agency                                             |
| s 46GZ(2)(b)                      | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities | MSG, SGO, DCA, DDG, EMDF      | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                      |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                 |                                                     |                                                                                                                                                                                   |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                   | Delegate                                            | Conditions and Limitations                                                                                                                                                        |
|                                   |                                                                                                                                                                                                                                 |                                                     | This provision does not apply where Council is also the relevant development agency                                                                                               |
| s 46GZ(2)(b)                      | Function of receiving the monetary component                                                                                                                                                                                    | MSG, SGO, DCA, DCS, DDG, EMDF                       | Where Council is the development agency under an approved infrastructure contributions plan<br>This provision does not apply where Council is also the collecting agency          |
| s 46GZ(4)                         | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)                                         | MSG, SGO, DCA, DCS, DDG, EMDF                       | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                                        |
| s 46GZ(5)                         | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP | Where Council is the collecting agency under an approved infrastructure contributions plan<br>This provision does not apply where Council is also the relevant development agency |

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| Planning and Environment Act 1987 |                                                                                                                                                                                                     |                               |                                                                                                                                                                                                                                                                                                                                                                     |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                       | Delegate                      | Conditions and Limitations                                                                                                                                                                                                                                                                                                                                          |
| s 46GZ(5)                         | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land                                                                              | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the development agency specified in the approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency                                                                                                                                                                                |
| s 46GZ(7)                         | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                                                                                                                                                                                                                          |
| s 46GZ(9)                         | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | MSG, SGO, DCA, DDG, EMDF      | If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |

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| Planning and Environment Act 1987 |                                                                                        |                                                                 |                                                                                                                                                                         |
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| Provision                         | Power and Functions Delegated                                                          | Delegate                                                        | Conditions and Limitations                                                                                                                                              |
| s 46GZ(9)                         | Function of receiving the fee simple in the land                                       | MSG, SGO,<br>DCA, DCS,<br>DDG, EMDF                             | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZA(1)                        | Duty to keep proper and separate accounts and records                                  | MSG, SGO,<br>DCA, DCS,<br>DDG, EMDF                             | Where Council is the development agency under an approved infrastructure contributions plan                                                                             |
| s 46GZA(2)                        | Duty to keep the accounts and records in accordance with the Local Government Act 2020 | MSG, SGO,<br>DCA, MSTP,<br>DCS, CSTP,<br>DDG, EMDF,<br>PSTP, PP | Where Council is a development agency under an approved infrastructure contributions plan                                                                               |
| s 46GZB(3)                        | Duty to follow the steps set out in s 46GZB(3)(a) – (c)                                | MSG, SGO,<br>DCA, DCS,<br>DDG, EMDF                             | Where Council is a development agency under an approved infrastructure contributions plan                                                                               |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                  |                                                     |                                                                                                                                                                                          |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                    | Delegate                                            | Conditions and Limitations                                                                                                                                                               |
| s 46GZB(4)                        | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2)                        | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)                                                                       | MSG, SGO, DCA, DDG, EMDF                            | Where Council is the development agency under an approved infrastructure contributions plan                                                                                              |
| s 46GZD(3)                        | Duty to follow the steps set out in s 46GZD(3)(a) and (b)                                                                                                                                                                        | MSG, SGO, DCA, DCS, DDG, EMDF                       | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                                               |
| s 46GZD(5)                        | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)                                                                                                                                         | MSG, SGO, DCA, DDG, EMDF                            | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                                               |





| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                                                                                                                                                               |                                                     |                                                                                                                                                                         |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                                                                                                                                                 | Delegate                                            | Conditions and Limitations                                                                                                                                              |
| 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 | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZE(2)                        | Function of receiving the unexpended land equalisation amount                                                                                                                                                                                                                                                                                                                                 | MSG, SGO, DCA, DCS, DDG, EMDF                       | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |
| s 46GZE(3)                        | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)                                                                                                                                                                                                                                   | MSG, SGO, DCA, DCS, DDG, EMDF                       | Where Council is the collecting agency under an approved infrastructure contributions plan                                                                              |

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

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| Planning and Environment Act 1987 |                                                                                                                                                                         |                               |                                                                                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                           | Delegate                      | Conditions and Limitations                                                                 |
| s 46GZF(6)                        | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)                                                                                     | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZH                           | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZI                           | Duty to prepare and give a report to the Minister at the times required by the Minister                                                                                 | MSG, SGO, DCA, DDG, EMDF      | Where Council is a collecting agency or development agency                                 |
| s 46GZK                           | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council                                                                | MSG, SGO, DCA, DCS, DDG, EMDF | Where Council is a collecting agency or development agency                                 |



| Planning and Environment Act 1987 |                                                                                                                                                                                            |                                                               |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                              | Delegate                                                      | Conditions and Limitations |
| 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) | MSG, SGO, DCA, DCS, DDG, EMDF                                 |                            |
| s 46N(1)                          | Duty to include condition in permit regarding payment of development infrastructure levy                                                                                                   | STP, MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 46N(2)(c)                       | Function of determining time and manner for receipt of development contributions levy                                                                                                      | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |



| Planning and Environment Act 1987 |                                                                                                                        |                                                |                            |
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| Provision                         | Power and Functions Delegated                                                                                          | Delegate                                       | Conditions and Limitations |
| s 46N(2)(d)                       | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy               | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| 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 | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 46O(1)(d) & (2)(d)              | Power to enter into agreement with the applicant regarding payment of community infrastructure levy                    | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                          |                                                     |                            |
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| Provision                         | Power and Functions Delegated                                                                            | Delegate                                            | Conditions and Limitations |
| s 46P(1)                          | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured             | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP      |                            |
| s 46P(2)                          | Power to accept provision of land, works, services or facilities in part or full payment of levy payable | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP      |                            |
| s 46Q(1)                          | Duty to keep proper accounts of levies paid                                                              | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                       |                                                     |                                                                     |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                         | Delegate                                            | Conditions and Limitations                                          |
| 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 | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP |                                                                     |
| 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                             | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP      |                                                                     |
| s 46Q(3)                          | Power to refund any amount of levy paid if it is satisfied the development is not to proceed                                                                                                          | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP | Only applies when levy is paid to Council as a 'development agency' |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                                                                 |                                                     |                                                                                                                                                                             |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                                                   | Delegate                                            | Conditions and Limitations                                                                                                                                                  |
| 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) | MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d)                       | Duty to submit to the Minister an amendment to the approved development contributions plan                                                                                                                                                                                                      | MSTP, CSTP, DDG, EMDF, PSTP, PP                     | Must be done in accordance with Part 3                                                                                                                                      |
| s46Q(4)(e)                        | Duty to expend that amount on other works etc.                                                                                                                                                                                                                                                  | MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP      | With the consent of, and in the manner approved by, the Minister                                                                                                            |





| Planning and Environment Act 1987 |                                                                                         |                                                                 |                                                            |
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| Provision                         | Power and Functions Delegated                                                           | Delegate                                                        | Conditions and Limitations                                 |
| s 46QC                            | Power to recover any amount of levy payable under Part 3B                               | MSG, SGO,<br>DCA, MSTP,<br>DCS, CSTP,<br>DDG, EMDF,<br>PSTP, PP |                                                            |
| s 46QD                            | Duty to prepare report and give a report to the Minister                                | MSG, DCA,<br>DDG, EMDF                                          | Where Council is a collecting agency or development agency |
| s 46Y                             | Duty to carry out works in conformity with the approved strategy plan                   | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                           |                                                            |
| s 47                              | Power to decide that an application for a planning permit does not comply with that Act | CO, POC,<br>MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP               |                                                            |



| Planning and Environment Act 1987 |                                                                                                        |                                                                               |                            |
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| Provision                         | Power and Functions Delegated                                                                          | Delegate                                                                      | Conditions and Limitations |
| s 49(1)                           | Duty to keep a register of all applications for permits and determinations relating to permits         | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 49(2)                           | Duty to make register available for inspection in accordance with the public availability requirements | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 50(4)                           | Duty to amend application                                                                              | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,                         |                            |



| Planning and Environment Act 1987 |                                                           |                                                                |                            |
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| Provision                         | Power and Functions Delegated                             | Delegate                                                       | Conditions and Limitations |
|                                   |                                                           | SSTP, CP, PP, PSO                                              |                            |
| s 50(5)                           | Power to refuse to amend application                      | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP                 |                            |
| s 50(6)                           | Duty to make note of amendment to application in register | SO, STP, TSODF, MSTP, CSTP, DDG, SCO, EMDF, PSTP, AOSC, CP, PP |                            |
| s 50A(1)                          | Power to make amendment to application                    | SO, SP, STP, SPAO, TSODF, SSP, MSTP, CSTP, DDG,                |                            |



| Planning and Environment Act 1987 |                                                                                              |                                                                                                      |                            |
|-----------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                | Delegate                                                                                             | Conditions and Limitations |
|                                   |                                                                                              | PSP, EMDF,<br>PSTP, SSTP,<br>CP, PP                                                                  |                            |
| s 50A(3)                          | Power to require applicant to notify owner and make a declaration that notice has been given | SO, SP, STP,<br>SPAO, TSODF,<br>SSP, MSTP,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, SSTP,<br>MSP, CP, PP |                            |
| s 50A(4)                          | Duty to note amendment to application in register                                            | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                                |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                               |                                                           |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                 | Delegate                                                  | Conditions and Limitations |
| s 51                              | Duty to make copy of application available for inspection in accordance with the public availability requirements                                                             | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| 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 | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO       |                            |
| s 52(1)(b)                        | Duty to give notice of the application to other municipal council where appropriate                                                                                           | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO       |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                        |                                                                |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                          | Delegate                                                       | Conditions and Limitations |
| s 52(1)(c)                        | Duty to give notice of the application to all persons required by the planning scheme                                                                                  | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO            |                            |
| 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              | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| 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 | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |



| Planning and Environment Act 1987 |                                                                                           |                                                                |                            |
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| Provision                         | Power and Functions Delegated                                                             | Delegate                                                       | Conditions and Limitations |
| s 52(1)(d)                        | Duty to give notice of the application to other persons who may be detrimentally effected | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO            |                            |
| s.52(1AA)                         | Duty to give notice of an application to remove or vary a registered restrictive covenant | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 52(3)                           | Power to give any further notice of an application where appropriate                      | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |



| Planning and Environment Act 1987 |                                                                                        |                                                                               |                            |
|-----------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                          | Delegate                                                                      | Conditions and Limitations |
| s 53(1)                           | Power to require the applicant to give notice under s 52(1) to persons specified by it | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 53(1A)                          | Power to require the applicant to give the notice under s 52(1AA)                      | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 54(1)                           | Power to require the applicant to provide more information                             | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,                         |                            |





| Planning and Environment Act 1987 |                                                                                      |                                                                |                            |
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| Provision                         | Power and Functions Delegated                                                        | Delegate                                                       | Conditions and Limitations |
|                                   |                                                                                      | SSTP, CP, PP, PSO                                              |                            |
| s 54(1A)                          | Duty to give notice in writing of information required under s 54(1)                 | SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP |                            |
| s 54(1B)                          | Duty to specify the lapse date for an application                                    | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 54A(3)                          | Power to decide to extend time or refuse to extend time to give required information | SO, STP, TSODF, MSTP,                                          |                            |



| Planning and Environment Act 1987 |                                                                                                                                       |                                                                               |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                         | Delegate                                                                      | Conditions and Limitations |
|                                   |                                                                                                                                       | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                                     |                            |
| s 54A(4)                          | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)                                             | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 55(1)                           | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO               |                            |
| s 57(2A)                          | Power to reject objections considered made primarily for commercial advantage for the objector                                        | SO, TSODF,<br>MSTP, CSTP,                                                     |                            |



| Planning and Environment Act 1987 |                                                                                                         |                                                                |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                           | Delegate                                                       | Conditions and Limitations |
|                                   |                                                                                                         | DDG, EMDF, PSTP, PP                                            |                            |
| s 57(3)                           | Function of receiving name and address of persons to whom notice of decision is to go                   | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 57(5)                           | Duty to make a copy of all objections available in accordance with the public availability requirements | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 57A(4)                          | Duty to amend application in accordance with applicant's request, subject to s 57A(5)                   | SO, STP, TSODF, MSTP,                                          |                            |



| Planning and Environment Act 1987 |                                                              |                                                                               |                            |
|-----------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                | Delegate                                                                      | Conditions and Limitations |
|                                   |                                                              | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                                     |                            |
| s 57A(5)                          | Power to refuse to amend application                         | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP         |                            |
| s 57A(6)                          | Duty to note amendments to application in register           | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 57B(1)                          | Duty to determine whether and to whom notice should be given | SO, STP,<br>TSODF, MSTP,                                                      |                            |



| Planning and Environment Act 1987 |                                                                                |                                                                               |                            |
|-----------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                  | Delegate                                                                      | Conditions and Limitations |
|                                   |                                                                                | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                                     |                            |
| s 57B(2)                          | Duty to consider certain matters in determining whether notice should be given | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP         |                            |
| s 57C(1)                          | Duty to give copy of amended application to referral authority                 | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 58                              | Duty to consider every application for a permit                                | SO, STP,<br>TSODF, MSTP,                                                      |                            |



| Planning and Environment Act 1987 |                                                                 |                                                         |                            |
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| Provision                         | Power and Functions Delegated                                   | Delegate                                                | Conditions and Limitations |
|                                   |                                                                 | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO       |                            |
| s 58A                             | Power to request advice from the Planning Application Committee | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                   |                            |
| s 60                              | Duty to consider certain matters                                | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |
| s 60(1A)                          | Duty to consider certain matters                                | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                                                          |                                                           |                                                                                                                     |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                            | Delegate                                                  | Conditions and Limitations                                                                                          |
| s 60(1B)                          | Duty to consider number of objectors in considering whether use or development may have significant social effect                                        | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                                                                                                                     |
| 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 | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP | The permit must not be inconsistent with a cultural heritage management plan 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                                       | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                                                                                                                     |

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| Planning and Environment Act 1987 |                                                                                                                          |                                                           |                            |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                            | Delegate                                                  | Conditions and Limitations |
| s 61(2A)                          | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP            |                            |
| s 61(3)(a)                        | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent                                | Not Delegated                                             |                            |
| s 61(3)(b)                        | Duty to refuse to grant the permit without the Minister's consent                                                        | Not Delegated                                             |                            |
| s 61(4)                           | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant                | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 62(1)                           | Duty to include certain conditions in deciding to grant a permit                                                         | SO, STP, TSODF, MSTP,                                     |                            |





| Planning and Environment Act 1987 |                                                                          |                                                                               |                            |
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| Provision                         | Power and Functions Delegated                                            | Delegate                                                                      | Conditions and Limitations |
|                                   |                                                                          | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                                     |                            |
| s 62(2)                           | Power to include other conditions                                        | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP         |                            |
| s 62(4)                           | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c) | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |



| Planning and Environment Act 1987 |                                                                                                                                                       |                                            |                            |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                         | Delegate                                   | Conditions and Limitations |
| s 62(5)(a)                        | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan          | SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| 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                 | SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 62(5)(c)                        | Power to include a permit condition that specified works be provided or paid for by the applicant                                                     | SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| 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) | SO, TSODF, MSTP, CSTP,                     |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                |                                                                |                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                                                  | Delegate                                                       | Conditions and Limitations                                                             |
|                                   |                                                                                                                                                                                                | DDG, EMDF, PSTP, PP                                            |                                                                                        |
| 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) | SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP                     |                                                                                        |
| s 63                              | Duty to issue the permit where made a decision in favour of the application (if no one has objected)                                                                                           | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                                                                                        |
| s 64(1)                           | Duty to give notice of decision to grant a permit to applicant and objectors                                                                                                                   | STP, MSTP, CSTP, DDG, EMDF, PSTP,                              | This provision applies also to a decision to grant an amendment to a permit - see s 75 |



| Planning and Environment Act 1987 |                                                                                                                         |                                                                |                                                                                         |
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| Provision                         | Power and Functions Delegated                                                                                           | Delegate                                                       | Conditions and Limitations                                                              |
|                                   |                                                                                                                         | SSTP, CP, PP, PSO                                              |                                                                                         |
| s 64(3)                           | Duty not to issue a permit until after the specified period                                                             | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO            | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64(5)                           | Duty to give each objector a copy of an exempt decision                                                                 | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64A                             | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT | SO, STP, TSODF, MSTP, CSTP, DDG,                               | This provision applies also to a decision to grant an amendment to a permit - see s 75A |



| Planning and Environment Act 1987 |                                                                                                                     |                                                                |                            |
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| Provision                         | Power and Functions Delegated                                                                                       | Delegate                                                       | Conditions and Limitations |
|                                   | has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | EMDF, PSTP, SSTP, CP, PP, PSO                                  |                            |
| s 65(1)                           | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57                      | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 66(1)                           | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities                 | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |



| Planning and Environment Act 1987 |                                                                                                                                                    |                                                     |                                                                                                                                                                                                             |
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| Provision                         | Power and Functions Delegated                                                                                                                      | Delegate                                            | Conditions and Limitations                                                                                                                                                                                  |
| s 66(2)                           | Duty to give a recommending referral authority notice of its decision to grant a permit                                                            | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4)                           | Duty to give a recommending referral authority notice of its decision to refuse a permit                                                           | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit                             |
| s 66(6)                           | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO | 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                             |



| Planning and Environment Act 1987 |                                                                                 |                                                                |                            |
|-----------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                   | Delegate                                                       | Conditions and Limitations |
| s 69(1)                           | Function of receiving application for extension of time of permit               | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 69(1A)                          | Function of receiving application for extension of time to complete development | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 69(2)                           | Power to extend time                                                            | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP,                   |                            |



| Planning and Environment Act 1987 |                                                                                                           |                                                                |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                             | Delegate                                                       | Conditions and Limitations |
|                                   |                                                                                                           | SSTP, CP, PP, PSO                                              |                            |
| s 70                              | Duty to make copy permit available for inspection in accordance with the public availability requirements | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 71(1)                           | Power to correct certain mistakes                                                                         | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                            |
| s 71(2)                           | Duty to note corrections in register                                                                      | SO, STP, TSODF, MSTP,                                          |                            |



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| Planning and Environment Act 1987 |                                                           |                                                                               |                            |
|-----------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                             | Delegate                                                                      | Conditions and Limitations |
|                                   |                                                           | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO                             |                            |
| s 73                              | Power to decide to grant amendment subject to conditions  | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |
| s 74                              | Duty to issue amended permit to applicant if no objectors | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                            |



| Planning and Environment Act 1987 |                                                                                                         |                                                                               |                                                                                                                                                                                                                         |
|-----------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                           | Delegate                                                                      | Conditions and Limitations                                                                                                                                                                                              |
| s 76                              | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit          | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                                                                                                                                                                                                                         |
| s 76A(1)                          | Duty to give relevant determining referral authorities copy of amended permit and copy of notice        | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO |                                                                                                                                                                                                                         |
| s 76A(2)                          | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP,<br>PSO               | 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 |



| Planning and Environment Act 1987 |                                                                                                                                                            |                                                                |                                                                                                                                                                                             |
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| Provision                         | Power and Functions Delegated                                                                                                                              | Delegate                                                       | Conditions and Limitations                                                                                                                                                                  |
| s 76A(4)                          | Duty to give a recommending referral authority notice of its decision to refuse a permit                                                                   | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO            | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit |
| s 76A(6)                          | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO            | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit |
| s 76D                             | Duty to comply with direction of Minister to issue amended permit                                                                                          | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO |                                                                                                                                                                                             |



| Planning and Environment Act 1987 |                                                                                                                                    |                                                                       |                            |
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| Provision                         | Power and Functions Delegated                                                                                                      | Delegate                                                              | Conditions and Limitations |
| s 83                              | Function of being respondent to an appeal                                                                                          | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |
| s 83B                             | Duty to give or publish notice of application for review                                                                           | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |
| s 84(1)                           | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit                          | SO, TSODF,<br>MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                   |                            |
| 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 | SO, TSODF,<br>MSTP, CSTP,                                             |                            |



| Planning and Environment Act 1987 |                                                                                                                                       |                                                           |                            |
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| Provision                         | Power and Functions Delegated                                                                                                         | Delegate                                                  | Conditions and Limitations |
|                                   |                                                                                                                                       | DDG, EMDF, PSTP, PP                                       |                            |
| 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 | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 84(6)                           | Duty to issue permit on receipt of advice within 3 working days                                                                       | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 84AB                            | Power to agree to confining a review by the Tribunal                                                                                  | SO, MSG, SGO, TSODF, DCA, DCS, DDG, EMDF                  |                            |



| Planning and Environment Act 1987 |                                                                                         |                                                           |                            |
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| Provision                         | Power and Functions Delegated                                                           | Delegate                                                  | Conditions and Limitations |
| s 86                              | Duty to issue a permit at order of Tribunal within 3 working days                       | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 87(3)                           | Power to apply to VCAT for the cancellation or amendment of a permit                    | SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |
| s 90(1)                           | Function of being heard at hearing of request for cancellation or amendment of a permit | SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 91(2)                           | Duty to comply with the directions of VCAT                                              | SO, STP, TSODF, MSTP,                                     |                            |

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| Planning and Environment Act 1987 |                                                                                                            |                                                                       |                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                              | Delegate                                                              | Conditions and Limitations |
|                                   |                                                                                                            | CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP                             |                            |
| s 91(2A)                          | Duty to issue amended permit to owner if Tribunal so directs                                               | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |
| s 92                              | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | SO, STP,<br>TSODF, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP |                            |
| s 93(2)                           | Duty to give notice of VCAT order to stop development                                                      | SO, STP, TLC,<br>TSODF, MSTP,<br>CSTP, DDG,                           |                            |



| Planning and Environment Act 1987 |                                                                       |                                                |                            |
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| Provision                         | Power and Functions Delegated                                         | Delegate                                       | Conditions and Limitations |
|                                   |                                                                       | EMDF, PSTP, SSTP, EMRS, CP, PP                 |                            |
| s 95(3)                           | Function of referring certain applications to the Minister            | MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |
| s 95(4)                           | Duty to comply with an order or direction                             | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 96(1)                           | Duty to obtain a permit from the Minister to use and develop its land | MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |





| Planning and Environment Act 1987 |                                                                                                                   |                                      |                            |
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| Provision                         | Power and Functions Delegated                                                                                     | Delegate                             | Conditions and Limitations |
| s 96(2)                           | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | MSTP, CSTP, DDG, EMDF, PSTP, PP      |                            |
| s 96A(2)                          | Power to agree to consider an application for permit concurrently with preparation of proposed amendment          | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |
| s 96C                             | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | MSTP, CSTP, DDG, EMDF, PSTP, PP      |                            |
| s 96F                             | Duty to consider the panel's report under s 96E                                                                   | Not Delegated                        |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                                        |                                 |                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                          | Delegate                        | Conditions and Limitations |
| s 96G(1)                          | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996) | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 96H(3)                          | Power to give notice in compliance with Minister's direction                                                                                                                                                                                                           | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 96J                             | Power to issue permit as directed by the Minister                                                                                                                                                                                                                      | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 96K                             | Duty to comply with direction of the Minister to give notice of refusal                                                                                                                                                                                                | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                             |                                          |                            |
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| Provision                         | Power and Functions Delegated                                                                                               | Delegate                                 | Conditions and Limitations |
| 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      | CO, POC, MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 97C                             | Power to request Minister to decide the application                                                                         | DDG, EMDF                                |                            |
| s 97D(1)                          | Duty to comply with directions of Minister to supply any document or assistance relating to application                     | MSTP, CSTP, DDG, EMDF, PSTP, PP          |                            |
| 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 | MSTP, CSTP, DDG, EMDF, PSTP, PP          |                            |
| s 97G(6)                          | Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements         | STP, MSTP, CSTP, DDG,                    |                            |



| Planning and Environment Act 1987 |                                                                                       |                                                |                            |
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| Provision                         | Power and Functions Delegated                                                         | Delegate                                       | Conditions and Limitations |
|                                   |                                                                                       | EMDF, PSTP, SSTP, CP, PP                       |                            |
| s 97L                             | Duty to include Ministerial decisions in a register kept under s 49                   | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 97MH                            | Duty to provide information or assistance to the Planning Application Committee       | MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |
| s 97MI                            | Duty to contribute to the costs of the Planning Application Committee or subcommittee | MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |
| s 97O                             | Duty to consider application and issue or refuse to issue certificate of compliance   | MSTP, CSTP, DDG, EMDF, PSTP, PP                |                            |



| Planning and Environment Act 1987 |                                                                                                                           |                                                |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                             | Delegate                                       | Conditions and Limitations |
| s 97P(3)                          | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, PP     |                            |
| s 97Q(2)                          | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                        | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 97Q(4)                          | Duty to comply with directions of VCAT                                                                                    | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |
| s 97R                             | Duty to keep register of all applications for certificate of compliance and related decisions                             | STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP |                            |



| Planning and Environment Act 1987 |                                                                                           |                                 |                            |
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| Provision                         | Power and Functions Delegated                                                             | Delegate                        | Conditions and Limitations |
| s 98(1)&(2)                       | Function of receiving claim for compensation in certain circumstances                     | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 98(4)                           | Duty to inform any person of the name of the person from whom compensation can be claimed | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 101                             | Function of receiving claim for expenses in conjunction with claim                        | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
| s 103                             | Power to reject a claim for compensation in certain circumstances                         | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |

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| Planning and Environment Act 1987 |                                                                                           |                                                     |                            |
|-----------------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                             | Delegate                                            | Conditions and Limitations |
| s.107(1)                          | function of receiving claim for compensation                                              | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP               |                            |
| s 107(3)                          | Power to agree to extend time for making claim                                            | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP               |                            |
| s 113(2)                          | Power to request a declaration for land to be proposed to be reserved for public purposes | SO, STP,<br>MSTP, EMDF                              |                            |
| s 114(1)                          | Power to apply to the VCAT for an enforcement order                                       | TLC, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>EMRS, PP |                            |
| s 117(1)(a)                       | Function of making a submission to the VCAT where objections are received                 | TLC, MSTP,<br>CSTP, DDG,                            |                            |



| Planning and Environment Act 1987 |                                                                                       |                                                     |                            |
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| Provision                         | Power and Functions Delegated                                                         | Delegate                                            | Conditions and Limitations |
|                                   |                                                                                       | EMDF, PSTP,<br>EMRS, PP                             |                            |
| s 120(1)                          | Power to apply for an interim enforcement order where s 114 application has been made | TLC, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>EMRS, PP |                            |
| s 123(1)                          | Power to carry out work required by enforcement order and recover costs               | TLC, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>EMRS, PP |                            |
| s 123(2)                          | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)  | MSTP, DCS,<br>CSTP, DDG,<br>EMDF, PSTP,<br>PP       | Except Crown Land          |





| Planning and Environment Act 1987 |                                                                                                              |                                                 |                            |
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| Provision                         | Power and Functions Delegated                                                                                | Delegate                                        | Conditions and Limitations |
| s 129                             | Function of recovering penalties                                                                             | MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP            |                            |
| s 130(5)                          | Power to allow person served with an infringement notice further time                                        | TLC, MSTP, DCS, CSTP, DDG, EMDF, PSTP, EMRS, PP |                            |
| s 149A(1)                         | Power to refer a matter to the VCAT for determination                                                        | MSTP, CSTP, DDG, EMDF, PSTP, PP                 |                            |
| s 149A(1A)                        | power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement | TLC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP      |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                                                                                                                                                      |                                          |                                                                                                  |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                                                                                                                                                                                                                        | Delegate                                 | Conditions and Limitations                                                                       |
| s 156                             | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | MSTP, CSTP, DDG, EMDF, PSTP, PP          | Where Council is the relevant planning authority                                                 |
| s 171(2)(f)                       | Power to carry out studies and commission reports                                                                                                                                                                                                                                                                                                                    | MSTP, CSTP, DDG, EMDF, PSTP, PP          |                                                                                                  |
| s 171(2)(g)                       | Power to grant and reserve easements                                                                                                                                                                                                                                                                                                                                 | STP, MSTP, CSTP, DDG, EMDF, PSTP, CP, PP |                                                                                                  |
| s 172C                            | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan                                                                                                                                                                                                                                      | DCS, DDG, EMDF                           | Where Council is a development agency specified in an approved infrastructure contributions plan |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                               |                                      |                                                                                                    |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                 | Delegate                             | Conditions and Limitations                                                                         |
| 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)                                                 | DCS, DDG, EMDF                       | Where Council is a collecting agency specified in an approved infrastructure contributions plan    |
| s 172D(2)                         | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | DCS, DDG, EMDF                       | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s 173(1)                          | Power to enter into agreement covering matters set out in s 174                                                                                                                                                               | MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP |                                                                                                    |
| 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                                                                                             | DCS, DDG, TLEG                       | Where Council is the relevant responsible authority                                                |



| Planning and Environment Act 1987 |                                                                                                                                                                                                                                    |                                           |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                                                                                                      | Delegate                                  | Conditions and Limitations |
|                                   | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority | MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP      |                            |
|                                   | 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           | MSTP, DCS, CSTP, DDG, EMDF, PSTP, MSP, PP |                            |
| 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                                                                         | MSTP, CSTP, DDG, EMDF, PSTP, PP           |                            |
| 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                                                                       | MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP      |                            |



| Planning and Environment Act 1987 |                                                                                                        |                                                                         |                            |
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| Provision                         | Power and Functions Delegated                                                                          | Delegate                                                                | Conditions and Limitations |
| s 178A(1)                         | Function of receiving application to amend or end an agreement                                         | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 178A(3)                         | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)   | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 178A(4)                         | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP,                               |                            |



| Planning and Environment Act 1987 |                                                                                  |                                                                                  |                            |
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| Provision                         | Power and Functions Delegated                                                    | Delegate                                                                         | Conditions and Limitations |
|                                   |                                                                                  | EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP                                              |                            |
| s 178A(5)                         | Power to propose to amend or end an agreement                                    | SP, STP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |
| s 178B(1)                         | Duty to consider certain matters when considering proposal to amend an agreement | SP, STP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                                                     |                                                                         |                            |
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| Provision                         | Power and Functions Delegated                                                                                                                       | Delegate                                                                | Conditions and Limitations |
| s 178B(2)                         | Duty to consider certain matters when considering proposal to end an agreement                                                                      | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP       |                            |
| 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 | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 178C(4)                         | Function of determining how to give notice under s 178C(2)                                                                                          | MSTP, CSTP, DDG, EMDF, PSTP, PP                                         |                            |



| Planning and Environment Act 1987 |                                                                                                       |                                                                   |                                                                               |
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| Provision                         | Power and Functions Delegated                                                                         | Delegate                                                          | Conditions and Limitations                                                    |
| s 178E(1)                         | Duty not to make decision until after 14 days after notice has been given                             | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                                                                               |
| s.178E(2)(a)                      | Power to amend or end the agreement in accordance with the proposal                                   | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP | If no objections are made under s 178D<br><br>Must consider matters in s 178B |
| s 178E(2)(b)                      | Power to amend or end the agreement in a manner that is not substantively different from the proposal | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP,                   | If no objections are made under s 178D<br><br>Must consider matters in s 178B |





| Planning and Environment Act 1987 |                                                                                                       |                                                                                  |                                                                               |
|-----------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                         | Delegate                                                                         | Conditions and Limitations                                                    |
|                                   |                                                                                                       | SSTP, MSP,<br>CP, PP                                                             |                                                                               |
| s 178E(2)(c)                      | Power to refuse to amend or end the agreement                                                         | SP, STP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP | If no objections are made under s 178D<br><br>Must consider matters in s 178B |
| s 178E(3)(a)                      | Power to amend or end the agreement in accordance with the proposal                                   | SP, STP, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP | After considering objections, submissions and matters in s 178B               |
| s 178E(3)(b)                      | Power to amend or end the agreement in a manner that is not substantively different from the proposal | SP, STP, SSP,<br>MSTP, CSTP,                                                     | After considering objections, submissions and matters in s 178B               |



| Planning and Environment Act 1987 |                                                                                                   |                                                                   |                                                                 |
|-----------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------|
| Provision                         | Power and Functions Delegated                                                                     | Delegate                                                          | Conditions and Limitations                                      |
|                                   |                                                                                                   | DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP                           |                                                                 |
| s.178E(3)(c)                      | power to amend or end the agreement in a manner that is substantively different from the proposal | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP | After considering objections, submissions and matters in s.178B |
| s 178E(3)(d)                      | Power to refuse to amend or end the agreement                                                     | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP | After considering objections, submissions and matters in s 178B |



| Planning and Environment Act 1987 |                                                                                                                           |                                                                                           |                            |
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| Provision                         | Power and Functions Delegated                                                                                             | Delegate                                                                                  | Conditions and Limitations |
| s 178F(1)                         | Duty to give notice of its decision under s 178E(3)(a) or (b)                                                             | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |
| s 178F(2)                         | Duty to give notice of its decision under s 178E(2)(c) or (3)(d)                                                          | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |
| 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 | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,                                        |                            |

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| Planning and Environment Act 1987 |                                                                                                                                           |                                                                         |                            |
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| Provision                         | Power and Functions Delegated                                                                                                             | Delegate                                                                | Conditions and Limitations |
|                                   | an application for review to the Tribunal has been determined or withdrawn                                                                | EMDF, PSTP, SSTP, MSP, CP, PP                                           |                            |
| s 178G                            | Duty to sign amended agreement and give copy to each other party to the agreement                                                         | MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP                                    |                            |
| 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 | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 178I(3)                         | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land                             | SP, STP, SPAO, SSP, MSTP,                                               |                            |



| Planning and Environment Act 1987 |                                                                                                                 |                                                                   |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                   | Delegate                                                          | Conditions and Limitations |
|                                   |                                                                                                                 | EMPSFM,<br>CSTP, DDG,<br>PSP, EMDF,<br>PSTP, SSTP,<br>MSP, CP, PP |                            |
| s 179(2)                          | Duty to make copy of each agreement available in accordance with the public availability requirements           | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                             |                            |
| s 181                             | Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                             |                            |
| s 181(1A)(a)                      | Power to apply to the Registrar of Titles to record the agreement                                               | MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, PP                             |                            |



| Planning and Environment Act 1987 |                                                                                                                                       |                                                 |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                         | Delegate                                        | Conditions and Limitations |
| s 181(1A)(b)                      | Duty to apply to the Registrar of Titles, without delay, to record the agreement                                                      | MSTP, CSTP, DDG, EMDF, PSTP, PP                 |                            |
| s 182                             | Power to enforce an agreement                                                                                                         | MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP           |                            |
| s 183                             | Duty to tell Registrar of Titles of ending/amendment of agreement                                                                     | MSTP, CSTP, DDG, EMDF, PSTP, PP                 |                            |
| 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 | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, |                            |



| Planning and Environment Act 1987 |                                                                                                                                                                                                   |                                                                                           |                            |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                                                                     | Delegate                                                                                  | Conditions and Limitations |
|                                   |                                                                                                                                                                                                   | SSTP, MSP,<br>CP, PP                                                                      |                            |
| 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                                   | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |
| 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 | SP, STP,<br>SPAO, SSP,<br>MSTP, CSTP,<br>DDG, PSP,<br>EMDF, PSTP,<br>SSTP, MSP,<br>CP, PP |                            |



| Planning and Environment Act 1987 |                                                                                                                                            |                                                                         |                            |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                              | Delegate                                                                | Conditions and Limitations |
| s 184F(5)                         | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP       |                            |
| s 184G(2)                         | Duty to comply with a direction of the Tribunal                                                                                            | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
| s 184G(3)                         | Duty to give notice as directed by the Tribunal                                                                                            | SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP,                   |                            |





| Planning and Environment Act 1987 |                                                                        |                                                                  |                            |
|-----------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                          | Delegate                                                         | Conditions and Limitations |
|                                   |                                                                        | SSTP, MSP,<br>CP, PP                                             |                            |
| s 198(1)                          | Function to receive application for planning certificate               | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP          |                            |
| s 199(1)                          | Duty to give planning certificate to applicant                         | STP, SPAO,<br>MSTP, CSTP,<br>DDG, EMDF,<br>PSTP, SSTP,<br>CP, PP |                            |
| s 201(1)                          | Function of receiving application for declaration of underlying zoning | STP, MSTP,<br>CSTP, DDG,<br>EMDF, PSTP,<br>SSTP, CP, PP          |                            |



| Planning and Environment Act 1987 |                                                                                                                                                      |                                                                   |                            |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                        | Delegate                                                          | Conditions and Limitations |
| s 201(3)                          | Duty to make declaration                                                                                                                             | MSTP, CSTP, DDG, EMDF, PSTP, PP                                   |                            |
|                                   | 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        | SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP |                            |
|                                   | 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 | MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP                         |                            |



| Planning and Environment Act 1987 |                                                                                                                                                     |                                 |                            |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------|
| Provision                         | Power and Functions Delegated                                                                                                                       | Delegate                        | Conditions and Limitations |
|                                   | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | MSTP, CSTP, DDG, EMDF, PSTP, PP |                            |
|                                   | Power to give written authorisation in accordance with a provision of a planning scheme                                                             | MSTP, CSTP, DDG, PSTP, PP       |                            |
| s 201UAB(1)                       | Function of providing the Victoria Planning Authority with information relating to any land within municipal district                               | DDG, PSP, MSP                   |                            |
| s 201UAB(2)                       | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible                                    | DDG, PSP, MSP                   |                            |



| Residential Tenancies Act 1997 |                                                                                                                                             |                                                       |                            |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------|
| Provision                      | Power and Functions Delegated                                                                                                               | Delegate                                              | Conditions and Limitations |
| s 518F                         | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | TLEH, TOEH,<br>EHO, CEH,<br>EMPSFM, EMRS              |                            |
| s 522(1)                       | Power to give a compliance notice to a person                                                                                               | TLEH, TOEH,<br>EHO, MBS, CEH,<br>CBS, EMRS            |                            |
| s 525(2)                       | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)                                        | DIE                                                   |                            |
| s 525(4)                       | Duty to issue identity card to authorised officers                                                                                          | EMGR, SCO,<br>AOSC, CRC                               |                            |
| s 526(5)                       | Duty to keep record of entry by authorised officer under s 526                                                                              | TLEH, TOEH,<br>EHO, MBS, CEH,<br>EMPSFM, CBS,<br>EMRS |                            |



| Residential Tenancies Act 1997 |                                                                                                 |                                                            |                            |
|--------------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------|
| Provision                      | Power and Functions Delegated                                                                   | Delegate                                                   | Conditions and Limitations |
| s 526A(3)                      | Function of receiving report of inspection                                                      | TLEH, TOEH,<br>EHO, AOEH,<br>CEH, TLRATS,<br>HSO, AORS     |                            |
| s 527                          | Power to authorise a person to institute proceedings (either generally or in a particular case) | TLEH, TOEH,<br>EHO, MBS, CEH,<br>EMPSFM, DDG,<br>CBS, EMRS |                            |

| Road Management Act 2004 |                                                                          |                             |                                                      |
|--------------------------|--------------------------------------------------------------------------|-----------------------------|------------------------------------------------------|
| Provision                | Power and Functions Delegated                                            | Delegate                    | Conditions and Limitations                           |
| s 11(1)                  | Power to declare a road by publishing a notice in the Government Gazette | EMO, DDG, DIE,<br>EMDF, EMI | Obtain consent in circumstances specified in s 11(2) |

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| Road Management Act 2004 |                                                                                                     |                          |                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                       | Delegate                 | Conditions and Limitations                                              |
| s 11(8)                  | Power to name a road or change the name of a road by publishing notice in Government Gazette        | EMO, DDG, DIE, EMDF, EMI |                                                                         |
| s 11(9)(b)               | Duty to advise Registrar                                                                            | EMO, DDG, DIE, EMDF, EMI |                                                                         |
| s 11(10)                 | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | EMO, DDG, DIE, EMDF, EMI | Subject to s 11(10A)                                                    |
| s 11(10A)                | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | EMO, DDG, DIE, EMDF, EMI | Where Council is the coordinating road authority                        |
| s 12(2)                  | Power to discontinue road or part of a road                                                         | EMO, DDG, DIE, EMDF, EMI | Where Council is the coordinating road authority                        |
| s 12(4)                  | Duty to publish, and provide copy, notice of proposed discontinuance                                | EMO, DDG, DIE, EMDF, EMI | Power of coordinating road authority where it is the discontinuing body |



| Road Management Act 2004 |                                                                             |                          |                                                                                                       |
|--------------------------|-----------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                               | Delegate                 | Conditions and Limitations                                                                            |
|                          |                                                                             |                          | Unless s 12(11) applies                                                                               |
| s 12(5)                  | Duty to consider written submissions received within 28 days of notice      | EMO, DDG, DIE, EMDF, EMI | Duty of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies     |
| s 12(6)                  | Function of hearing a person in support of their written submission         | EMO, DDG, DIE, EMDF, EMI | Function of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies |
| s 12(7)                  | Duty to fix day, time and place of meeting under s 12(6) and to give notice | EMO, DDG, DIE, EMDF, EMI | Duty of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies     |
| s 12(10)                 | Duty to notify of decision made                                             | EMO, DDG, DIE, EMDF, EMI | Duty of coordinating road authority where it is the discontinuing body                                |



| Road Management Act 2004 |                                                                                                                                                                                                                                          |                                    |                                                                                                  |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                                                                                                                            | Delegate                           | Conditions and Limitations                                                                       |
|                          |                                                                                                                                                                                                                                          |                                    | 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                                                                                                                                                             | EMO, DDG, DIE, EMDF, EMI           | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s 14(4)                  | Function of receiving notice from the Head, Transport for Victoria                                                                                                                                                                       | EMO, DDG, DIE, EMDF, EMI, CIT      |                                                                                                  |
| s 14(7)                  | Power to appeal against decision of the Head, Transport for Victoria                                                                                                                                                                     | EMO, DDG, DIE, CAM, EMDF, EMI, CIT |                                                                                                  |
| 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 | EMO, DDG, DIE, CAM, EMDF, EMI      |                                                                                                  |



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| Road Management Act 2004 |                                                                                                                            |                          |                                                  |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                              | Delegate                 | Conditions and Limitations                       |
| s 15(1A)                 | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority | DDG, DIE, CAM, EMDF, EMI |                                                  |
| s 15(2)                  | Duty to include details of arrangement in public roads register                                                            | DDG, DIE, CAM, EMDF, EMI |                                                  |
| s 16(7)                  | Power to enter into an arrangement under s 15                                                                              | DDG, DIE, CAM, EMDF, EMI |                                                  |
| s 16(8)                  | Duty to enter details of determination in public roads register                                                            | DDG, DIE, CAM, EMDF, EMI |                                                  |
| s 17(2)                  | Duty to register public road in public roads register                                                                      | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority |
| s 17(3)                  | Power to decide that a road is reasonably required for general public use                                                  | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority |

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| Road Management Act 2004 |                                                                                                     |                          |                                                                                                            |
|--------------------------|-----------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                       | Delegate                 | Conditions and Limitations                                                                                 |
| s 17(3)                  | Duty to register a road reasonably required for general public use in public roads register         | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                           |
| s 17(4)                  | Power to decide that a road is no longer reasonably required for general public use                 | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                           |
| s 17(4)                  | Duty to remove road no longer reasonably required for general public use from public roads register | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                           |
| s 18(1)                  | Power to designate ancillary area                                                                   | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3)                  | Duty to record designation in public roads register                                                 | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                           |
| s 19(1)                  | Duty to keep register of public roads in respect of which it is the coordinating road authority     | DDG, DIE, CAM, EMDF, EMI |                                                                                                            |

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



| Road Management Act 2004 |                                                                                     |                                                                          |                            |
|--------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                                       | Delegate                                                                 | Conditions and Limitations |
| s 40(1)                  | Duty to inspect, maintain and repair a public road.                                 | SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM            |                            |
| s 40(5)                  | Power to inspect, maintain and repair a road which is not a public road             | SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM            |                            |
| s 41(1)                  | Power to determine the standard of construction, inspection, maintenance and repair | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM |                            |



| Road Management Act 2004 |                                                                                                                                                                                        |                               |                                                                                                                                                  |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                                                                          | Delegate                      | Conditions and Limitations                                                                                                                       |
| s 42(1)                  | Power to declare a public road as a controlled access road                                                                                                                             | DDG, DIE, CAM, EMDF, EMI      | Power of coordinating road authority and sch 2 also applies                                                                                      |
| s 42(2)                  | Power to amend or revoke declaration by notice published in Government Gazette                                                                                                         | DDG, DIE, CAM, EMDF, EMI      | Power of coordinating road authority and sch 2 also applies                                                                                      |
| s 42A(3)                 | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified                                                                           | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority<br>If road is a municipal road or part thereof                                                  |
| s 42A(4)                 | Power to approve Minister's decision to specify a road as a specified freight road                                                                                                     | EMO, DDG, DIE, EMDF, EMI, CIT | Where Council is the coordinating road authority<br>If road is a municipal road or part thereof and where road is to be specified a freight road |
| s 48EA                   | Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport) | EMO, DDG, DIE, EMDF, EMI      | Where Council is the responsible road authority, infrastructure manager or works manager                                                         |

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| Road Management Act 2004 |                                                                                                                  |                                          |                            |
|--------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                                                                    | Delegate                                 | Conditions and Limitations |
| s 48M(3)                 | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M             | EMO, DDG, DIE, EMDF, EMI                 |                            |
| s 49                     | Power to develop and publish a road management plan                                                              | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |
| s 51                     | Power to determine standards by incorporating the standards in a road management plan                            | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |
| s 53(2)                  | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |



| Road Management Act 2004 |                                                                          |                                          |                            |
|--------------------------|--------------------------------------------------------------------------|------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                            | Delegate                                 | Conditions and Limitations |
| s 54(2)                  | Duty to give notice of proposal to make a road management plan           | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |
| s 54(5)                  | Duty to conduct a review of road management plan at prescribed intervals | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |
| s 54(6)                  | Power to amend road management plan                                      | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |
| s 54(7)                  | Duty to incorporate the amendments into the road management plan         | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                            |



| Road Management Act 2004 |                                                                                                    |                                                          |                                                              |
|--------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                      | Delegate                                                 | Conditions and Limitations                                   |
| s 55(1)                  | Duty to cause notice of road management plan to be published in Government Gazette and newspaper   | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC                 |                                                              |
| s 63(1)                  | Power to consent to conduct of works on road                                                       | SPD, SRS, RMS, EMO, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM | Where Council is the coordinating road authority             |
| s 63(2)(e)               | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | SPD, SRS, RMS, CEH, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM | Where Council is the infrastructure manager                  |
| s 64(1)                  | Duty to comply with cl 13 of sch 7                                                                 | DDG, DIE, CAM, EMDF, EMI                                 | Where Council is the infrastructure manager or works manager |



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| Road Management Act 2004 |                                                                                                      |                                                                  |                                                  |
|--------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                        | Delegate                                                         | Conditions and Limitations                       |
| s 66(1)                  | Power to consent to structure etc                                                                    | DDG, DIE, CAM, EMDF, EMI                                         | Where Council is the coordinating road authority |
| s 67(2)                  | Function of receiving the name & address of the person responsible for distributing the sign or bill | DDG, DIE, CAM, EMDF, EMI                                         | Where Council is the coordinating road authority |
| s 67(3)                  | Power to request information                                                                         | DDG, DIE, CAM, EMDF, EMI                                         | Where Council is the coordinating road authority |
| s 68(2)                  | Power to request information                                                                         | DDG, DIE, CAM, EMDF, EMI                                         | Where Council is the coordinating road authority |
| s 71(3)                  | Power to appoint an authorised officer                                                               | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, TLPSE, EMDF, |                                                  |



| Road Management Act 2004 |                                                           |                                                               |                            |
|--------------------------|-----------------------------------------------------------|---------------------------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                             | Delegate                                                      | Conditions and Limitations |
|                          |                                                           | EMI, SASU, CID, CRM, CIT                                      |                            |
| s 72                     | Duty to issue an identity card to each authorised officer | DCS, EMGR, SCO, AOSC, CRC                                     |                            |
| s 85                     | Function of receiving report from authorised officer      | DDG, DIE, EMDF, EMI                                           |                            |
| s 86                     | Duty to keep register re s 85 matters                     | DDG, DIE, EMDF, EMI                                           |                            |
| s 87(1)                  | Function of receiving complaints                          | SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM |                            |



| Road Management Act 2004 |                                                                              |                                                                    |                            |
|--------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                                | Delegate                                                           | Conditions and Limitations |
| s 87(2)                  | Duty to investigate complaint and provide report                             | SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM |                            |
| s 96                     | Power to authorise a person for the purpose of instituting legal proceedings | DIE, EMI                                                           |                            |
| s 112(2)                 | Power to recover damages in court                                            | EMO, DDG, DIE, EMDF, EMI                                           |                            |
| s 116                    | Power to cause or carry out inspection                                       | SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM      |                            |



| Road Management Act 2004 |                                                                                                                                    |                                                                          |                            |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                                                                                      | Delegate                                                                 | Conditions and Limitations |
| s 119(2)                 | Function of consulting with the Head, Transport for Victoria                                                                       | EMO, DDG, DIE, EMDF, EMI                                                 |                            |
| s 120(1)                 | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)             | EMO, DDG, DIE, CAM, EMDF, EMI, SASU                                      |                            |
| s 120(2)                 | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM |                            |
| s 121(1)                 | Power to enter into an agreement in respect of works                                                                               | EMO, DDG, DIE, CAM, EMDF, EMI                                            |                            |



| Road Management Act 2004 |                                                                           |                                                                    |                            |
|--------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------|
| Provision                | Power and Functions Delegated                                             | Delegate                                                           | Conditions and Limitations |
| s 122(1)                 | Power to charge and recover fees                                          | EMO, DDG, DIE, CAM, EMDF, EMI                                      |                            |
| s 123(1)                 | Power to charge for any service                                           | SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM |                            |
| sch 2 cl 2(1)            | Power to make a decision in respect of controlled access roads            | DDG, DIE, CAM, EMDF, EMI                                           |                            |
| sch 2 cl 3(1)            | Duty to make policy about controlled access roads                         | Not Delegated                                                      |                            |
| sch 2 cl 3(2)            | Power to amend, revoke or substitute policy about controlled access roads | Not Delegated                                                      |                            |

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| Road Management Act 2004 |                                                                                                                                                                                                                                                                |                                          |                                                                                                      |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                                                                                                                                                  | Delegate                                 | Conditions and Limitations                                                                           |
| sch 2 cl 4               | Function of receiving details of proposal from the Head, Transport for Victoria                                                                                                                                                                                | DDG, DIE, CAM, EMDF, EMI                 |                                                                                                      |
| sch 2 cl 5               | Duty to publish notice of declaration                                                                                                                                                                                                                          | DDG, DIE, CAM, EMDF, EMI                 |                                                                                                      |
| 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                                                                                                             | DDG, DIE, CAM, EMDF, EMI                 | Where Council is the infrastructure manager or works manager                                         |
| sch 7 cl 8(1)            | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | DDG, DIE, CAM, EMDF, EMI                 | Where Council is the infrastructure manager or works manager                                         |
| sch 7 cl 9(1)            | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to                                                                | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |



| Road Management Act 2004 |                                                                                                                                                                                                                                         |                                |                                                              |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                                                                                                                           | Delegate                       | Conditions and Limitations                                   |
|                          | the location of any non-road infrastructure and technical advice or assistance in conduct of works                                                                                                                                      | SUR, SUSR, EMDF, EMI, CRM      |                                                              |
| 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 | DDG, DIE, CAM, EMDF, EMI       | Where Council is the infrastructure manager or works manager |
| sch 7 cl 10(2)           | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected                                                                                                | DDG, DIE, CAM, EMDF, EMI       | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2)           | Power to direct infrastructure manager or works manager to conduct reinstatement works                                                                                                                                                  | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority             |
| sch 7 cl 12(3)           | Power to take measures to ensure reinstatement works are completed                                                                                                                                                                      | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority             |



| Road Management Act 2004 |                                                                                                                             |                                                                          |                                                  |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                               | Delegate                                                                 | Conditions and Limitations                       |
| sch 7 cl 12(4)           | Duty to ensure that works are conducted by an appropriately qualified person                                                | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM | Where Council is the coordinating road authority |
| sch 7 cl 12(5)           | Power to recover costs                                                                                                      | DDG, DIE, CAM, EMDF, EMI, SASU                                           | Where Council is the coordinating road authority |
| sch 7 cl 13(1)           | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | DDG, DIE, CAM, EMDF, EMI                                                 | Where Council is the works manager               |
| sch 7 cl 13(2)           | Power to vary notice period                                                                                                 | DDG, DIE, CAM, EMDF, EMI                                                 | Where Council is the coordinating road authority |



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| Road Management Act 2004 |                                                                                               |                               |                                                                                                   |
|--------------------------|-----------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                 | Delegate                      | Conditions and Limitations                                                                        |
| sch 7 cl 13(3)           | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1) | DDG, DIE, CAM, EMDF, EMI      | Where Council is the infrastructure manager                                                       |
| sch 7 cl 16(1)           | Power to consent to proposed works                                                            | DDG, DIE, CAM, EMDF, EMI      | Where Council is the coordinating road authority                                                  |
| sch 7 cl 16(4)           | Duty to consult                                                                               | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5)           | Power to consent to proposed works                                                            | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                  |
| sch 7 cl 16(6)           | Power to set reasonable conditions on consent                                                 | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority                                                  |



| Road Management Act 2004 |                                                                                                                                    |                                |                                                  |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                      | Delegate                       | Conditions and Limitations                       |
| sch 7 cl 16(8)           | Power to include consents and conditions                                                                                           | EMO, DDG, DIE, CAM, EMDF, EMI  | Where Council is the coordinating road authority |
| sch 7 cl 17(2)           | Power to refuse to give consent and duty to give reasons for refusal                                                               | DDG, DIE, CAM, EMDF, EMI       | Where Council is the coordinating road authority |
| sch 7 cl 18(1)           | Power to enter into an agreement                                                                                                   | DDG, DIE, CAM, EMDF, EMI       | Where Council is the coordinating road authority |
| sch 7 cl 19(1)           | Power to give notice requiring rectification of works                                                                              | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3)     | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |

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| Road Management Act 2004 |                                                                                                                                       |                                |                                                                                                                                                                       |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                | Power and Functions Delegated                                                                                                         | Delegate                       | Conditions and Limitations                                                                                                                                            |
| sch 7 cl 20(1)           | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                      | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority                                                                                                                      |
| sch 7A cl 2              | Power to cause street lights to be installed on roads                                                                                 | DDG, DIE, EMDF, EMI            | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
| sch 7 cl 3(1)(d)         | Duty to pay installation and operation costs of street lighting - where road is not an arterial road                                  | DDG, DIE, EMDF, EMI            | Where Council is the responsible road authority                                                                                                                       |
| sch 7A cl 3(1)(e)        | Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas | DDG, DIE, EMDF, EMI            | Where Council is the responsible road authority                                                                                                                       |
| sch 7A cl (3)(1)(f)      | Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4  | DDG, DIE, EMDF, EMI            | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |



| Cemeteries and Crematoria Regulations 2015 |                                                                                                                                                   |             |                            |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------|
| Provision                                  | Power and Functions Delegated                                                                                                                     | Delegate    | Conditions and Limitations |
| r 24                                       | Duty to ensure that cemetery complies with depth of burial requirements                                                                           | EMPSFM, DIE |                            |
| r 25                                       | Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves                                            | EMPSFM, DIE |                            |
| r 27                                       | Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)                                  | EMPSFM, DIE |                            |
| 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 | EMPSFM, DIE |                            |
| r 28(2)                                    | Duty to ensure any fittings removed of are disposed in an appropriate manner                                                                      | EMPSFM, DIE |                            |

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| <b>Cemeteries and Crematoria Regulations 2015</b> |                                                                                                                      |                 |                                   |
|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                                                                 | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 29                                              | Power to dispose of any metal substance or non-human substance recovered from a cremator                             | EMPSFM, DIE     |                                   |
| r 30(2)                                           | Power to release cremated human remains to certain persons                                                           | EMPSFM, DIE     | Subject to any order of a court   |
| r 31(1)                                           | Duty to make cremated human remains available for collection within 2 working days after the cremation               | EMPSFM, DIE     |                                   |
| r 31(2)                                           | Duty to hold cremated human remains for at least 12 months from the date of cremation                                | EMPSFM, DIE     |                                   |
| r 31(3)                                           | Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation  | EMPSFM, DIE     |                                   |
| r 31(4)                                           | Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period | EMPSFM, DIE     |                                   |



| Cemeteries and Crematoria Regulations 2015 |                                                                                                                     |             |                            |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------|----------------------------|
| Provision                                  | Power and Functions Delegated                                                                                       | Delegate    | Conditions and Limitations |
| r 32                                       | Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)                                     | EMPSFM, DIE |                            |
| r 33(1)                                    | Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c) | EMPSFM, DIE |                            |
| r 33(2)                                    | Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)                                      | EMPSFM, DIE |                            |
| r 34                                       | Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)                     | EMPSFM, DIE |                            |
| r 36                                       | Duty to provide statement that alternative vendors or supplier of monuments exist                                   | EMPSFM, DIE |                            |
| r 40                                       | Power to approve a person to play sport within a public cemetery                                                    | EMPSFM, DIE |                            |

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| <b>Cemeteries and Crematoria Regulations 2015</b> |                                                                                                                   |                       |                                   |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                                                              | <b>Delegate</b>       | <b>Conditions and Limitations</b> |
| r 41(1)                                           | Power to approve fishing and bathing within a public cemetery                                                     | EMPSFM, DIE           |                                   |
| r 42(1)                                           | Power to approve hunting within a public cemetery                                                                 | EMPSFM, DIE           |                                   |
| r 43                                              | Power to approve camping within a public cemetery                                                                 | EMPSFM, DIE           |                                   |
| r 45(1)                                           | Power to approve the removal of plants within a public cemetery                                                   | CPG, EMPSFM, DIE      |                                   |
| r 46                                              | Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)                   | CPG, EMO, EMPSFM, DIE |                                   |
| r 47(3)                                           | Power to approve the use of fire in a public cemetery                                                             | EMPSFM, DIE           |                                   |
| 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 | CPG, EMO, EMPSFM, DIE |                                   |

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| <b>Cemeteries and Crematoria Regulations 2015</b> |                                                                                                                                                |                       |                                      |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                                                                                           | <b>Delegate</b>       | <b>Conditions and Limitations</b>    |
|                                                   | Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules                        | CPG, EMO, EMPSFM, DIE |                                      |
| 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                                                | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 5(1)                                     | Duty to display the hours during which pedestrian access is available to the cemetery                                                          | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 5(2)                                     | Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 6(1)                                     | Power to give directions regarding the manner in which a funeral is to be conducted                                                            | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 7(1)                                     | Power to give directions regarding the dressing of places of interment and memorials                                                           | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |





| <b>Cemeteries and Crematoria Regulations 2015</b> |                                                                                                            |                       |                                      |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                                                       | <b>Delegate</b>       | <b>Conditions and Limitations</b>    |
| sch 2 cl 8                                        | Power to approve certain mementos on a memorial                                                            | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 11(1)                                    | Power to remove objects from a memorial or place of interment                                              | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 11(2)                                    | Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner                 | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 12                                       | Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 14                                       | Power to approve an animal to enter into or remain in a cemetery                                           | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 16(1)                                    | Power to approve construction and building within a cemetery                                               | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |



| <b>Cemeteries and Crematoria Regulations 2015</b> |                                                                               |                       |                                      |
|---------------------------------------------------|-------------------------------------------------------------------------------|-----------------------|--------------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                          | <b>Delegate</b>       | <b>Conditions and Limitations</b>    |
| sch 2 cl 17(1)                                    | Power to approve action to disturb or demolish property of the cemetery trust | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |
| sch 2 cl 18(1)                                    | Power to approve digging or planting within a cemetery                        | CPG, EMO, EMPSFM, DIE | See note above regarding model rules |

| <b>Planning and Environment Regulations 2015</b> |                                                                                                                                                    |                      |                                                                                                                                                                                                                             |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Provision</b>                                 | <b>Power and Functions Delegated</b>                                                                                                               | <b>Delegate</b>      | <b>Conditions and Limitations</b>                                                                                                                                                                                           |
| 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 | MSTP, DDG, EMDF, MSP | where Council is not the planning authority and the amendment affects land within Council's municipal district;<br>or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

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| Planning and Environment Regulations 2015 |                                                                                                                                                                                                                                                                                                   |                                                              |                                                                                                             |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Provision                                 | Power and Functions Delegated                                                                                                                                                                                                                                                                     | Delegate                                                     | Conditions and Limitations                                                                                  |
| 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 | SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP |                                                                                                             |
| r.25(a)                                   | duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge                                                                                                                                                                                            | SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP | where Council is the responsible authority                                                                  |
| r.25(b)                                   | function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge                                                                                                                | SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP | where Council is not the responsible authority but the relevant land is within Council's municipal district |



| Planning and Environment Regulations 2015 |                                                                                                                                                                                                                 |                      |                                                                                                                                                                                                                          |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision                                 | Power and Functions Delegated                                                                                                                                                                                   | Delegate             | Conditions and Limitations                                                                                                                                                                                               |
| 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 | MSTP, DDG, EMDF, MSP | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| Planning and Environment (Fees) Regulations 2016 |                                                                                               |                 |                            |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------|----------------------------|
| Provision                                        | Power and Functions Delegated                                                                 | Delegate        | Conditions and Limitations |
| r 19                                             | Power to waive or rebate a fee relating to an amendment of a planning scheme                  | DDG, MSP        |                            |
| r 20                                             | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme | MSTP, DDG, EMDF |                            |



| Planning and Environment (Fees) Regulations 2016 |                                                                                                                              |                      |                            |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------|
| Provision                                        | Power and Functions Delegated                                                                                                | Delegate             | Conditions and Limitations |
| 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 | MSTP, DDG, EMDF, MSP |                            |

| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                         |                                                        |                            |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                           | Delegate                                               | Conditions and Limitations |
| r 7                                                                                                     | Function of entering into a written agreement with a caravan park owner | TLEH, TOEH, EHO, CEH, EMPSFM                           |                            |
| r 10                                                                                                    | Function of receiving application for registration                      | TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRATS, |                            |



| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                                                                  |                      |                            |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                                                                    | Delegate             | Conditions and Limitations |
|                                                                                                         |                                                                                                                  | EMRS, HSO, AORS      |                            |
| r 11                                                                                                    | Function of receiving application for renewal of registration                                                    | EMPSFM, DIE          |                            |
| r 12(1)                                                                                                 | Duty to grant the registration if satisfied that the caravan park complies with these regulations                | TLEH, TOEH, EHO, CEH |                            |
| r 12(1)                                                                                                 | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | TLEH, EHO, CEH       |                            |
| r 12(2)                                                                                                 | Duty to renew the registration if satisfied that the caravan park complies with these regulations                | TLEH, TOEH, EHO, CEH |                            |
| r 12(2)                                                                                                 | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | EMPSFM, DIE          |                            |



| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                                                                             |                                                                        |                            |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                                                                               | Delegate                                                               | Conditions and Limitations |
| r 12(3)                                                                                                 | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | EMPSFM, DIE                                                            |                            |
| r 12(4) & (5)                                                                                           | Duty to issue certificate of registration                                                                                   | TLEH, TOEH, EHO, CEH                                                   |                            |
| r 14(1)                                                                                                 | Function of receiving notice of transfer of ownership                                                                       | TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRATS, EMRS, HSO, AORS |                            |
| r 14(3)                                                                                                 | Power to determine where notice of transfer is displayed                                                                    | TLEH, TOEH, EHO, CEH                                                   |                            |

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| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |                                                                                                                   |                           |                                   |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------|
| <b>Provision</b>                                                                                               | <b>Power and Functions Delegated</b>                                                                              | <b>Delegate</b>           | <b>Conditions and Limitations</b> |
| r 15(1)                                                                                                        | Duty to transfer registration to new caravan park owner                                                           | TLEH, TOEH,<br>EHO, CEH   |                                   |
| r 15(2)                                                                                                        | Duty to issue a certificate of transfer of registration                                                           | TLEH, TOEH,<br>EHO, CEH   |                                   |
| r 16(1)                                                                                                        | Power to determine the fee to accompany applications for registration or applications for renewal of registration | TLEH, EHO,<br>CEH, EMPSFM |                                   |
| r 17                                                                                                           | Duty to keep register of caravan parks                                                                            | TLEH, CEH                 |                                   |
| r 18(4)                                                                                                        | Power to determine where the emergency contact person's details are displayed                                     | TLEH, TOEH,<br>EHO, CEH   |                                   |
| r 18(6)                                                                                                        | Power to determine where certain information is displayed                                                         | TLEH, TOEH,<br>EHO, CEH   |                                   |





| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                                                                                                |                      |                            |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                                                                                                  | Delegate             | Conditions and Limitations |
| r 22(1)                                                                                                 | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | TLEH, TOEH, EHO, CEH |                            |
| r 22(2)                                                                                                 | Duty to consult with relevant emergency services agencies                                                                                      | TLEH, TOEH, EHO, CEH |                            |
| r 23                                                                                                    | Power to determine places in which caravan park owner must display a copy of emergency procedures                                              | TLEH, TOEH, EHO, CEH |                            |
| r 24                                                                                                    | Power to determine places in which caravan park owner must display copy of public emergency warnings                                           | TLEH, TOEH, EHO, CEH |                            |
| r 25(3)                                                                                                 | Duty to consult with relevant floodplain management authority                                                                                  | TLEH, TOEH, EHO, CEH |                            |



| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                                                                    |                                                                                                               |                            |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                                                                      | Delegate                                                                                                      | Conditions and Limitations |
| r 26                                                                                                    | Duty to have regard to any report of the relevant fire authority                                                   | TLEH, TOEH,<br>EHO, CEH                                                                                       |                            |
| r 28(c)                                                                                                 | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | TLEH, TOEH,<br>EHO, CEH                                                                                       |                            |
| r 40                                                                                                    | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe            | TLEH, TOEH,<br>EHO, AOBS,<br>AOEH, AOLLT,<br>TOBS, MBS,<br>CEH, EMPSFM,<br>CBS, TLRATS,<br>EMRS, HSO,<br>AORS |                            |
| r 40(b)                                                                                                 | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe                      | MBS, EMPSFM,<br>DDG, DIE, CBS,<br>EMRS                                                                        |                            |

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| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 |                                                                                       |                                  |                            |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------|----------------------------|
| Provision                                                                                               | Power and Functions Delegated                                                         | Delegate                         | Conditions and Limitations |
| r 41(4)                                                                                                 | Function of receiving installation certificate                                        | MBS, EMPSFM, DDG, DIE, CBS, EMRS |                            |
| r 43                                                                                                    | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling | MBS, EMPSFM, DDG, DIE, CBS, EMRS |                            |
| sch 3 cl 4(3)                                                                                           | Power to approve the removal of wheels and axles from unregistrable movable dwelling  | DDG, DIE, EMRS                   |                            |



| Road Management (General) Regulations 2016 |                                                                                                                                              |                                          |                                                  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------|
| Provision                                  | Power and Functions Delegated                                                                                                                | Delegate                                 | Conditions and Limitations                       |
| r 8(1)                                     | Duty to conduct reviews of road management plan                                                                                              | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                                                  |
| r 9(2)                                     | Duty to produce written report of review of road management plan and make report available                                                   | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                                                  |
| 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) | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC | Where Council is the coordinating road authority |
| r.10                                       | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act          | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                                                  |



| Road Management (General) Regulations 2016 |                                                                                      |                                          |                                                  |
|--------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------|
| Provision                                  | Power and Functions Delegated                                                        | Delegate                                 | Conditions and Limitations                       |
| r 13(1)                                    | Duty to publish notice of amendments to road management plan                         | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC | where Council is the coordinating road authority |
| r 13(3)                                    | Duty to record on road management plan the substance and date of effect of amendment | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC |                                                  |
| r 16(3)                                    | Power to issue permit                                                                | EMO, DDG, DIE, CAM, EMDF, EMI            | Where Council is the coordinating road authority |
| r 18(1)                                    | Power to give written consent re damage to road                                      | EMO, DDG, DIE, CAM, EMDF, EMI            | Where Council is the coordinating road authority |
| r 23(2)                                    | Power to make submission to Tribunal                                                 | EMO, DDG, DIE, CAM, EMDF, EMI            | Where Council is the coordinating road authority |

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| <b>Road Management (General) Regulations 2016</b> |                                                                                                                    |                                     |                                                  |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>                                                                               | <b>Delegate</b>                     | <b>Conditions and Limitations</b>                |
| r 23(4)                                           | Power to charge a fee for application under s 66(1) Road Management Act                                            | EMO, DDG, DIE, CAM, EMDF, EMI       | Where Council is the coordinating road authority |
| r 25(1)                                           | Power to remove objects, refuse, rubbish or other material deposited or left on road                               | EMO, DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the responsible road authority  |
| r 25(2)                                           | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | EMO, DDG, DIE, CAM, EMDF, EMI       | Where Council is the responsible road authority  |
| r 25(5)                                           | Power to recover in the Magistrates' Court, expenses from person responsible                                       | EMO, DDG, DIE, CAM, EMDF, EMI       |                                                  |



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

## 8.9. COUNCILLOR REPRESENTATIONS

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Cameron Montgomery – Executive Manager Governance and Risk

### PURPOSE

1. The report is for Council to amend the Councillor Representations for 2022.

### BACKGROUND

2. A request has been made for a change in Councillor representation on the Audit and Risk Committee.
3. At the 23 February 2022 Council Meeting, Council resolved to create and adopt the Arch of Victory / Avenue of Honour Stakeholder Reference Group. This report will request Council to appoint representative Councillors to the new committee.
4. In accordance with rule 8.1.2 Governance Rules, appointment of Councillors to Committees, Council may, by resolution, allocate Councillors to, and remove Councillors from, nominated committees.

### KEY MATTERS

5. Cr Taylor has identified that he can no longer undertake his role on the Committee due to other commitments; and has requested for another Councillor to take his place. To comply with the Audit and Risk Committee Charter, three Councillors are required to be appointed.
6. Due to the recent transition of the Arch of Victory Avenue of Honour Advisory Committee to a Stakeholder Reference Group, Council is required to re-endorse the Councillor representation for this group as it forms a new entity.
7. Following a preliminary discussion with Councillors, it is recommended that previously appointed, Cr McIntosh and Cr Moloney are to be appointed as Councillor representatives for the recently transitioned Arch of Victory Avenue of Honour Stakeholder Reference Group and that Councillor Harris be appointed to the Audit and Risk Committee.

### OFFICER RECOMMENDATION

#### 8. That Council:

##### 8.1 Endorse the appointments of:

- Cr Harris to replace Cr Taylor as the appointed Councillor representative for Audit and Risk Committee
- Cr McIntosh and Cr Moloney appointed to Arch of Victory Avenue of Honour Stakeholder Reference Group



**8.2 Ensure that all the Committees, Board, Organisations and Groups are notified of Council's revised representatives.**

**ATTACHMENTS**

1. Governance Review [**8.9.1** - 2 pages]
2. 2022 Boards and Committees [**8.9.2** - 6 pages]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. Appointing Councillors to delegated committees is a statutory requirement of Council

**COMMUNITY IMPACT**

2. A Committee is likely to have greater influence on Council if a Councillor is an active observer of its business and if the Councillor appointed has an interest in influencing understandings in the Chamber of the Committee's strategic intentions.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are financial implications of servicing Committees; these costs have been incorporated into Business Plans and the Budget.

**LEGAL AND RISK CONSIDERATIONS**

6. Section 63(1)(a) of the *Local Government Act 2020*, stipulates that a delegated committee must have at least two Councillors appointed.
7. There is no requirement to have Councillors appointed to Council's Advisory Committees.

**HUMAN RIGHTS CONSIDERATIONS**

8. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

9. There has been no community consultation and engagement identified for the subject of this report.

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

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**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

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

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## City of Ballarat – Councillor Representatives

## Committees and Boards 2021 to 2022

| No  | Title                                                  | Description                                                                             | Membership                                                                 | 2021 Councillor Representative/s        | 2022 Councillor Representative/s        | Details relating to Chairperson                                     | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|--------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|---------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
| 1.0 | Community Impact Grant Allocations Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>             | Total 10<br>3 Councillors<br>3 External<br>4 Council Officers (non voting) | Cr Hudson<br>Cr Moloney<br>Cr Harris    | Cr Hudson<br>Cr Moloney<br>Cr Harris    | Councillor appointed by Council                                     | Cr Hudson                                  | Cr Hudson                                  |                                     |
| 1.1 | Tourism Events Grant Allocations Delegated Committee   | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>             | Total 7<br>3 Councillors<br>4 Council Officers (non voting)                | Cr Hargreaves<br>Cr Eddy<br>Cr Moloney  | Cr Hargreaves<br>Cr Eddy<br>Cr Moloney  | Councillor appointed by Council                                     | Cr Hargreaves                              | Cr Hargreaves                              |                                     |
| 1.2 | Contracts Approval Delegated Committee                 | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>             | Total 3<br>3 Councillors                                                   | Cr Taylor<br>Cr Harris<br>Cr Hargreaves | Cr Taylor<br>Cr Harris<br>Cr Hargreaves | Councillor appointed by Council                                     | Cr Taylor                                  | Cr Taylor                                  |                                     |
| 1.3 | Her Majesty's Theatre Board Committee                  | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>             | Total 12<br>3 Councillors (only 1 voting)<br>9 External                    | Cr McIntosh<br>Cr Moloney               | Cr McIntosh<br>Cr Moloney               | Councillor appointed by Council                                     | Cr McIntosh                                | Cr McIntosh                                |                                     |
| 1.4 | Planning Delegated Committee                           | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>             | All 9 Councillors                                                          | All 9 Councillors                       | All 9 Councillors                       | Councillor appointed by Council                                     | Cr Moloney                                 | Cr Moloney                                 |                                     |
| 2.0 | Audit and Risk Committee                               | Audit and Risk Committee in accordance with section 53 <i>Local Government Act 2020</i> | Total 7<br>3 Councillors<br>4 External                                     | Cr Johnson<br>Cr Taylor<br>Cr Moloney   | Cr Johnson<br>Cr Harris<br>Cr Moloney   | Chairperson is appointed from the external members of the Committee | Independent                                | Independent                                |                                     |

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## City of Ballarat – Councillor Representatives

## Committees and Boards 2021 to 2022

| No  | Title                                                   | Description                                                                                 | Membership                                    | 2021 Councillor Representative/s | 2022 Councillor Representative/s | Details relating to Chairperson                                      | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|---------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------|----------------------------------|----------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
| 3.0 | Sebastopol RSL Hall Community Asset Committee           | Community Asset Delegated Committee in accordance with s65 <i>Local Government Act 2020</i> | Total 5 members<br>1 Councillor<br>4 External | Cr Hudson                        | Cr Hudson                        | Chairperson is appointed from the members of the Committee           |                                            |                                            |                                     |
| 4.0 | Coghill's Creek / Glendaruel Cemetery                   | Other Committees Established Under Acts                                                     | All Councillors                               | All Councillors                  | All Councillors                  | Mayor Cr Moloney                                                     | Cr Moloney                                 | Cr Moloney                                 | All Councillors (as Trustees)       |
| 4.1 | Learmonth Cemetery                                      | Other Committees Established Under Acts                                                     | All Councillors                               | All Councillors                  | All Councillors                  | Mayor Cr Moloney                                                     | Cr Moloney                                 | Cr Moloney                                 | All Councillors (as Trustees)       |
| 5.0 | Ballarat Airport/ Aerodrome Stakeholder Reference Group | Stakeholder Reference Group                                                                 | Total 10<br>Up to 3 Councillors<br>7 External | Cr McIntosh<br>Cr Moloney        | Cr McIntosh<br>Cr Moloney        | Councillor appointed by Council                                      | Cr McIntosh                                | Cr McIntosh                                |                                     |
| 5.1 | Lake Learmonth Stakeholder Reference Group              | Stakeholder Reference Group                                                                 | Minimum 10<br>1 Councillor                    | Cr Eddy                          | Cr Eddy                          | Council to appoint or Committee to appoint if Council fails to do so | Cr Eddy                                    | Cr Eddy                                    |                                     |
| 5.2 | Lake Wendouree & Gardens Stakeholder Reference Group    | Stakeholder Reference Group                                                                 | Total b/w 8 & 14<br>Up to 3 Councillors       | Cr Moloney<br>Cr McIntosh        | Cr Moloney<br>Cr McIntosh        | Council to appoint or Committee to appoint if Council fails to do so | Cr McIntosh                                | Cr McIntosh                                |                                     |
| 5.3 | Tourism Events Stakeholder                              | Stakeholder Reference Group                                                                 | Total 8<br>2 Councillors<br>6 External        | Cr Eddy<br>Cr Moloney            | Cr Eddy<br>Cr Moloney            | Chairperson elected by the Committee                                 |                                            |                                            |                                     |

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City of Ballarat – Councillor Representatives

Committees and Boards 2021 to 2022

| No  | Title                                                        | Description                 | Membership                                         | 2021 Councillor Representative/s | 2022 Councillor Representative/s | Details relating to Chairperson                                      | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|--------------------------------------------------------------|-----------------------------|----------------------------------------------------|----------------------------------|----------------------------------|----------------------------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
|     | Reference Group                                              |                             |                                                    |                                  |                                  |                                                                      |                                            |                                            |                                     |
| 5.4 | Ballarat Major Events Precinct Stakeholder Reference Group   | Stakeholder Reference Group | Total 12<br>2 Councillors<br>10 External           | Cr Eddy<br>Cr Moloney            | Cr Eddy<br>Cr Moloney            | Chairperson elected by the Committee                                 |                                            |                                            |                                     |
| 6.0 | Arch of Victory/Avenue of Honour Stakeholder Reference Group | Stakeholder Reference Group | Total 16<br>Mayor ex officio<br>2 Ward Councillors | Cr Moloney<br>Cr McIntosh        | Cr Moloney<br>Cr McIntosh        | Chairperson elected by the Committee                                 |                                            |                                            |                                     |
| 6.1 | Ballarat Friends of Ainaro Community Advisory Committee      | Advisory Committee          | Total 4<br>1 Councillor<br>3 External              | Cr Eddy<br>Cr Hudson             | Cr Eddy<br>Cr Hudson             | Chairperson elected by the Committee                                 | Cr Eddy                                    | Cr Eddy                                    |                                     |
| 6.2 | Ballarat Heritage Advisory Committee                         | Advisory Committee          | Total 18<br>2 Councillors<br>16 External           | Cr McIntosh                      | Cr McIntosh<br>Cr Johnson        | Council to appoint or Committee to appoint if Council fails to do so | Cr McIntosh                                | Cr McIntosh                                | Cr Moloney                          |
| 6.3 | Ballarat Regional Soccer Facility Advisory Committee         | Advisory Committee          | Total 8<br>2 Councillors<br>6 External             | Cr Hudson                        | Cr Hudson                        | Council to appoint or Committee to appoint if Council fails to do so | Cr Hudson                                  | Cr Hudson                                  |                                     |
| 6.4 | Disability Advisory Committee                                | Advisory Committee          | Total 13<br>1 Councillor<br>12 External            | Cr Johnson                       | Cr Johnson                       | Council to appoint or Committee to appoint if                        | Cr Johnson                                 | Cr Johnson                                 |                                     |

City of Ballarat – Councillor Representatives

Committees and Boards 2021 to 2022

| No  | Title                                                   | Description              | Membership                             | 2021 Councillor Representative/s                        | 2022 Councillor Representative/s                        | Details relating to Chairperson                | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|---------------------------------------------------------|--------------------------|----------------------------------------|---------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
|     |                                                         |                          |                                        |                                                         |                                                         | Council fails to do so                         |                                            |                                            |                                     |
| 6.5 | Intercultural Advisory Committee                        | Advisory Committee       | Total 13<br>At least 1 Councillor      | Cr Coates<br>Cr Johnson                                 | Cr Coates<br>Cr Johnson                                 | Council to select chairperson from Councillors | Cr Coates                                  | Cr Coates                                  |                                     |
| 6.6 | Koorie Engagement Action Group Advisory Committee       | Advisory Committee       | Total 10<br>1 Councillor<br>9 External | Cr Coates<br>Cr Hargreaves<br>Cr Moloney                | Cr Coates<br>Cr Hargreaves<br>Cr Moloney                | Councillor is co-chair of Committee            | Cr Coates                                  | Cr Coates                                  |                                     |
| 6.7 | LGBTIQA+ Advisory Committee                             | Advisory Committee       | Total 12<br>Up to 3 Councillors        | Cr Moloney<br>Cr Coates                                 | Cr Moloney<br>Cr Coates<br>Cr Hargreaves                | Councillor appointed by Council                | Cr Moloney                                 | Cr Moloney                                 |                                     |
| 7.0 | Integrated Transport Internal Working Group             | Internal Working Group   |                                        | Cr Coates<br>Cr Taylor<br>Cr McIntosh                   | Cr Coates<br>Cr Taylor<br>Cr McIntosh                   |                                                |                                            |                                            |                                     |
| 7.1 | Community Safety Internal Working Groups                | Internal Working Groups  | Total 1<br>1 Councillor                | Cr Hudson<br>Cr Coates                                  | Cr Hudson<br>Cr Coates                                  | Chairperson elected by the Committee           |                                            |                                            |                                     |
| 8.0 | Art Gallery of Ballarat Board                           | Groups and Organisations |                                        | Cr Harris                                               | Cr Harris                                               |                                                |                                            |                                            |                                     |
| 8.1 | Australian Local Government Women's Association (ALGWA) | Groups and Organisations | Membership organisation                | Cr Coates<br>Cr Hargreaves<br>Cr Johnson<br>Cr McIntosh | Cr Coates<br>Cr Hargreaves<br>Cr Johnson<br>Cr McIntosh |                                                |                                            |                                            |                                     |
| 8.2 | Central Highlands Councils Victoria                     | Groups and Organisations | Total 16<br>Mayors and CEOs of the     | Cr Moloney                                              | Cr Moloney                                              | CHCV to appoint Chair from Mayors of           |                                            |                                            |                                     |

City of Ballarat – Councillor Representatives

Committees and Boards 2021 to 2022

| No   | Title                                                  | Description              | Membership                                         | 2021 Councillor Representative/s | 2022 Councillor Representative/s | Details relating to Chairperson                         | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|------|--------------------------------------------------------|--------------------------|----------------------------------------------------|----------------------------------|----------------------------------|---------------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
|      |                                                        |                          | 8 members Councils                                 |                                  |                                  | the 8 member Councils                                   |                                            |                                            |                                     |
| 8.3  | Central Victorian Greenhouse Alliance                  | Groups and Organisations |                                                    | Cr Coates                        | Cr Coates                        |                                                         |                                            |                                            |                                     |
| 8.4  | Commerce Ballarat                                      | Groups and Organisations |                                                    | Cr Hargreaves                    | Cr Eddy                          |                                                         |                                            |                                            |                                     |
| 8.5  | Committee for Ballarat                                 | Groups and Organisations |                                                    | Cr Moloney                       | 'Mayor of the Day' for 2022      |                                                         |                                            |                                            |                                     |
| 8.6  | Grampians Central West Waste & Resource Recovery Group | Groups and Organisations |                                                    | Cr Taylor                        | Cr Taylor                        |                                                         |                                            |                                            |                                     |
| 8.7  | Local Learning Education Network                       | Groups and Organisations |                                                    | Cr Eddy                          | Cr Eddy                          |                                                         |                                            |                                            |                                     |
| 8.8  | Municipal Association of Victoria (MAV)                | Groups and Organisations |                                                    | Cr Johnson                       | Cr Johnson                       |                                                         |                                            |                                            | Cr Coates                           |
| 8.9  | MAV Rural South-Central Region Group                   | Groups and Organisations |                                                    | Cr Johnson                       | Cr Johnson                       |                                                         |                                            |                                            | Cr Coates                           |
| 8.10 | Regional Cities Victoria                               | Groups and Organisations | Total 20 Mayors and CEOs of the 10 member Councils | Cr Moloney                       | Cr Moloney                       | Chair elected from the Mayors of the 10 member Councils |                                            |                                            |                                     |
| 8.11 | Regional Capitals                                      | Groups and Organisations | Total 16                                           | Cr Moloney                       |                                  | Chair and Deputy Chair                                  |                                            |                                            |                                     |



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## City of Ballarat – Councillor Representatives

## Committees and Boards 2021 to 2022

| No       | Title                                        | Description                             | Membership                                                                 | 2021 Councillor Representative/s | 2022 Councillor Representative/s | Details relating to Chairperson                    | 2021 Councillor Representative Chairperson | 2022 Councillor Representative Chairperson | Alternate Councillor Representative |
|----------|----------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------|----------------------------------|----------------------------------|----------------------------------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------|
|          | Australia (Board)                            |                                         | Mayors and CEOs of 8 Regional Capitals representing states and territories |                                  | Cr Moloney                       | elected from the Mayors of the 8 Regional Capitals |                                            |                                            |                                     |
| 8.1<br>2 | Regional Sustainability Alliance             | Groups and Organisations                | 1 Councillor                                                               | Cr Coates                        | Cr Coates                        |                                                    |                                            |                                            |                                     |
| 9.0      | World League of Historical Cities (Board)    | International Organisation              | Total 8<br>1 City of Ballarat representative                               | Cr Moloney                       | Cr Moloney                       | Chair is Mayor of Kyoto Daisaku Kadokawa           | Cr Moloney                                 | Cr Moloney                                 |                                     |
| 10.0     | Municipal Fire Management Planning Committee | Other Committees Established Under Acts | 1 Councillor                                                               | Cr Taylor                        | Cr Harris                        |                                                    |                                            |                                            |                                     |

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## 8.10. OUTSTANDING QUESTION TIME ITEMS

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position** Sophie Constable – Administration Officer Statutory Compliance

### PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

### BACKGROUND

2. The City of Ballarat Governance Rules, section 3.7.1 calls for a standard agenda item at each Council Meeting that reflects unanswered questions from question time

### KEY MATTERS

3. Nil

### OFFICER RECOMMENDATION

4. **That Council:**

- 4.1 **Endorse the Outstanding Question Time report.**

### ATTACHMENTS

1. 2021 Outstanding Question Time Items (Questions from the public) [8.10.1 - 1 page]
2. 2022 Outstanding Question Time Items (Questions from the public) [8.10.2 - 1 page]
3. QT54/21 Response Letter to Jay Morrison [8.10.3 - 3 pages]
4. QT1/22 Response Letter to Mr & Mrs Baker [8.10.4 - 1 page]
5. QT2/22 Response Letter to Heath Baker [8.10.5 - 1 page]
6. QT6/22 Response Letter to Lachlan MacDonald [8.10.6 - 1 page]
7. QT9/22 Response Letter to Pauline Gleeson [8.10.7 - 2 pages]
8. QT10/22 Response Letter to Allen Harvie [8.10.8 - 2 pages]
9. QT13/22 Response Letter to Merle Hathaway [8.10.9 - 1 page]

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| Outstanding Question Time Items |        |              |                                                                                                                                                                                                                                  |                                           |                                                                 |
|---------------------------------|--------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------|
| Meeting                         | Status | Requested    | Question                                                                                                                                                                                                                         | Officer Responsible                       | Response                                                        |
| 24/11/2021<br>QT54/21           | Closed | Jay Morrison | 1. Will Ballarat Council make publicly available a list of businesses that have received direct financial support (or other assistance) under the Community and Business Support Program, or provide that information on notice? | John Hausler, Director Corporate Services | Cameron Montgomery provided a written response on 17 March 2022 |

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| Outstanding Question Time Items |        |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                            |                                                                                                       |
|---------------------------------|--------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Meeting                         | Status | Requested           | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Officer Responsible                                        | Response                                                                                              |
| 23/02/2022<br>QT13/22           | Closed | Merle Hathaway      | In Buninyong, the Council has removed 6 ash trees that were over 40 year old trees from the post office block. Why do plans show only two oaks replacing these trees, despite statements that there would be 8 oak trees replacing them? 2. Why isn't Council following their own replanting policy? 12 plants were taken out botanic gardens and replaced with 2 oak trees. Why are you not planting more than what was removed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Bridget Wetherall, Director Infrastructure and Environment | Bridget Wetherall, Director Infrastructure and Environment provided a written response (see attached) |
| 23/02/2022<br>QT9/22            | Closed | Pauline Gleeson     | Has there been a tender submitted for an alternate form of lighting around Lake Wendouree including cross path illumination? 2. What is the comparative cost of cross path illumination compared with the proposed pole lighting?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Bridget Wetherall, Director Infrastructure and Environment | Bridget Wetherall, Director Infrastructure and Environment to provide a written response              |
| 23/02/2022<br>QT10/22           | Closed | Eric and Judy Baker | 1. Dear Cr. Daniel Moloney (Mayor), I'm writing to you in hope that the City of Ballarat will join communities throughout the Western Victoria Region by passing a resolution calling for the Andrews Government to:<br>•Retract approval for gas within Port Campbell National Park & Twelve Apostles Marine Park<br>•Reintroduce the ban on new offshore oil and gas drilling, fracking, and other activities in waters off the Victorian Coast.<br>New gas extraction and increased consumption will only deepen our climate crisis laying waste to any effort Ballarat is making to address the Climate Emergency. Methane leaks from extraction and transportation of natural gas further exacerbate global climate change. Whilst Natural gas emits 50 percent less carbon dioxide (CO2) than regular oil or coal-fired power plants, methane[3] warms the atmosphere 86 times as much as carbon dioxide. Please support our effort to protect our future from devastation at the hands of the fossil fuel industry. Thank you for considering this request. | Bridget Wetherall, Director Infrastructure and Environment | Bridget Wetherall, Director Infrastructure and Environment to provide a written response              |
| 23/02/2022<br>QT1/22            | Closed | Eric and Judy Baker | 1. What impact would the Urban Growth Boundary move have on landowner's rates, and when would these changes be expected?<br>2. What is the planned timing for the Urban Growth Boundary move and when does the Council expect the subsequent PSP to be completed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Natalie Robertson, Director Development and Growth         | Natalie Robertson, Director Development and Growth to provided a written response on 17 March 2022    |
| 23/02/2022<br>QT2/22            | Closed | Heath Baker         | What mitigation and management measures are planned to manage the impact to surrounding land from higher volumes of stormwater runoff caused by the significant increase in impervious surfaces? Are works planned within the UGB via integrated water management or similar, or will it be managed off site within surrounding land areas?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Natalie Robertson, Director Development and Growth         | Natalie Robertson, Director Development and Growth to provided a written response on 17 March 2022    |
| 23/02/2022<br>QT6/22            | Closed | Lachlan MacDonald   | 1. Could Council please advise how many objections were received for the proposed development at 846 Eureka St. and how many objectors were sent an email and letter on or about October 2020 advising of the amended planning application for this development. All the objectors I know did not receive the email or letter.<br>2. Did Council consider the actual flood levels for the land between Long and Fussell St particularly the floods of approx 1957, late 80's and early 90's, or only the Rain Consultants report, that they advise was NOT to be used for flood assessment, for the development at 846 Eureka St. before approving the development?                                                                                                                                                                                                                                                                                                                                                                                                | Natalie Robertson, Director Development and Growth         | Natalie Robertson, Director Development and Growth to provided a written response on 17 March 2022    |

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA  
Telephone: 03 5320 5500



Jay Morrison  
Emailed: [REDACTED]

Date: 17 March 2022  
Our Ref: CS/cm  
Enquiries: 03 5320 5500  
Email: info@ballarat.vic.gov.au

Dear Mr Morrison,

**RE: OUTSTANDING QUESTION TIME ITEM - QT54/21**

Apologies again for the lateness of Council's initial reply. Council's goal is to respond to all enquiries in a timely manner.

Council's Chief Executive Officer did respond to your question at the Council Meeting held on 24 November 2022 and a written response should have been sent to you soon afterward. Regrettably this did not occur.

The Chief Executive Officer explained during the Council meeting that Council had not sought consent from applicants for their information to be disclosed and as such would not be making the specifics of applications available publicly. You may view the recording of the Council meeting and the response to your question on Council's website: <https://webcast.ballarat.vic.gov.au/archive.php>

In this instance we have not responded in writing in a timely manner as we would like and again, I apologise for the oversight. I can confirm that the grant applications do contain personal information, and additionally Council is of the view that applicants would have reasonably believed that their application for financial support would remain confidential.

On this basis Council will not be providing this information proactively in response to your request.

In the interest of transparency, whilst maintaining the confidentiality of applicants, I can provide you with the below breakdown by industry for the 413 applications received.

32 Community Organisations - \$8000  
16 Accommodation – \$8000  
71 Health and Beauty – \$35,500  
97 Trades – \$48,500  
30 Administrative Services - \$15,000  
66 Hospitality/ Food industry – \$33,000  
1 Children's Services - \$500  
14 Cleaning services – \$7000  
12 Fitness – \$6000  
3 Gardening - \$1500  
2 Manufacturing - \$1000  
46 Retail – \$23,000  
28 Other - \$14,000

If you are not satisfied with the above information, you may wish to lodge a request under the *Freedom of Information Act 1982*.

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I have included a copy of the FOI application form to this email, and advise that an application fee of \$30.10 is required and can be paid in person or over the phone by contacting Customer Service on 5320 5500.

Please be aware that the *Freedom of Information Act 1982* contains a number of exemptions that may apply to your request. Some of these exemptions apply to: personal information, material obtained in confidence, and information that is commercial in confidence. For further information, you may wish to contact Councils FOI Officer on 5320 5659.

Apologies that we are unable to assist you with the information you are seeking, however, Council must maintain the community's trust that confidentiality is maintained when information is provided to Council for a specific purpose.

Kind regards,



Cameron Montgomery  
Executive Manager Governance and Risk

Enc

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |            |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|-------|
| Freedom of Information Officer<br>City of Ballarat PO<br>Box 655<br>BALLARAT VIC 3353                                                                                                                                                                                                                                                                                                                                                                                                                                        |           | Date:      |       |
| Dear Freedom of Information Officer,<br>Under the Freedom of Information Act 1982, I wish to gain access to the following document(s):                                                                                                                                                                                                                                                                                                                                                                                       |           |            |       |
| <p style="text-align: center;">(Use reverse side of form or attach additional sheets if insufficient space above)</p>                                                                                                                                                                                                                                                                                                                                                                                                        |           |            |       |
| <b>Forms of Access: (Tick one only)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |            |       |
| I request copies of the document(s) <input type="checkbox"/> , or wish to inspect the document(s) <input type="checkbox"/> .                                                                                                                                                                                                                                                                                                                                                                                                 |           |            |       |
| <b>Section 25: Deletion of exempt matter or irrelevant material</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |            |       |
| Where part of a document is exempt from release or is irrelevant to the request, I agree to receive access to redacted documents where section 25 of the <i>Freedom of Information Act 1982</i> applies. In order to receive the part of the document that can be released.                                                                                                                                                                                                                                                  |           |            |       |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |            |       |
| I enclose the statutory application non-refundable fee of <b>\$30.10</b> payable in respect of this request. I further understand and acknowledge that in accordance with Section 22 of the Act, Council may elect to impose additional charges to cover the costs associated with providing documents for search time and where extensive photocopying or similar costs are incurred in meeting a request.                                                                                                                  |           |            |       |
| Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |           |            |       |
| Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           | Post Code: |       |
| Contact Details:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Email:    |            |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Mobile:   |            |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Business: |            | Home: |
| Signature:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           | Date:      |       |
| <b>Privacy Statement:</b> Your personal information is being collected by City of Ballarat for the purpose of processing your Freedom of Information application. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, refer to Council's Privacy Policy at <a href="http://www.ballarat.vic.gov.au">www.ballarat.vic.gov.au</a> . |           |            |       |
| <b>Office Use Only</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |            |       |
| Application fee received:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |            |       |
| Receipt Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |            |       |
| <b>(Cashier, please attach receipt and forward to Records for registration)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |            |       |

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 17 March 2022

Our Ref: NR:kr

Your Ref: QT1/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Mr & Mrs Baker

Email: [REDACTED]

Dear Mr & Mrs Baker,

**RE: OUTSTANDING QUESTION TIME ITEM – QT1/22**

Thank you for your questions.

- 1. What impact would the Urban Growth Boundary move have on landowner's rates, and when would these changes be expected?*

If the Minister for Planning approves an amendment to zone the land to Urban Growth Zone or UGZ, the land will be rated accordingly as soon as the amendment is gazetted. We anticipate that this will be within the next two years.

- 2. What is the planned timing for the Urban Growth Boundary move and when does the Council expect the subsequent PSP to be completed?*

Whilst much of the next process sits with the Minister for Planning, we can anticipate the UGZ and PSP for the North area will be applied in the next 12 months and two years respectively. The UGZ and subsequent PSP's for the Western areas within the next two years and three to four years respectively.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson  
Director Development and Growth

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OFFICIAL

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 17 March 2022

Our Ref: NR:kr

Your Ref: QT2/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Mr Baker

Email: [REDACTED]

Dear Mr Baker,

**RE: OUTSTANDING QUESTION TIME ITEM – QT2/22**

Thank you for your question.

*What mitigation and management measures are planned to manage the impacts to surrounding land from higher volumes of stormwater runoff caused by the significant increase in impervious surfaces? Are works planned within the UGB via integrated water management or similar, or will it be managed off site within surrounding land areas?*

Any development must be supported by extensive drainage investigation reports including an integrated water management plan. We work closely on these matters with our referral authorities including CHW and the plans are developed even further just prior to works and are reviewed and must be approved in most cases by both City of Ballarat and the water authority.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson  
Director Development and Growth

OFFICIAL

OFFICIAL

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 17 March 2022

Our Ref: NR:kr

Your Ref: QT6/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Mr Lachlan MacDonald

Email: [REDACTED]

Dear Mr MacDonald,

**RE: OUTSTANDING QUESTION TIME ITEM – QT6/22**

Thank you for your questions.

- 1. Could Council please advise how many objections were received for the proposed development at 846 Eureka St, and how many objectors were sent an email and letter on or about October 2020 advising of the amended planning application for this development. All the objectors I know did not receive the email or letter.*

Our records show that 7 objections were received during the public notice period for the original application. Objectors were provided with a revised application to include a public reserve in the south-east of the site that retains native vegetation and allows for the establishment of a playground which resulting in 5 objections being withdrawn.

The October amendment you refer to was to correct a CFA condition where they had referred to the plans as Version G, when in fact it should have been Version F. A clerical error can be amended under Section 72 to the P and E Act without notice to all parties.

- 2. Did Council consider the actual flood levels for the land between Long and Fussell St particularly the floods of approx. 1957, late 80's and early 90's, or only the Rain Consultants report, that they advise was NOT to be used for flood assessment, for the development at 846 Eureka St. before approving the development?*

As you have been advised on numerous occasions, the application was referred to Council's drainage engineering unit and externally to the appropriate Catchment Management Authority (CMA) who are the experts on these matters. The CMA requested that alteration to the waterway would be supported if as much existing native vegetation as possible was retained and further planting was undertaken.

The CMA in February 2020 met with the applicants' consultants seeking additional information and subsequently the CMA approved the application subject to conditions.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson  
Director Development and Growth

OFFICIAL

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 16 March 2022

Our Ref: BW:pb:bk

Your Ref: Public Question QT9/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Pauline Gleeson

Email: [REDACTED]

Dear Pauline

**RE: PUBLIC QUESTION ASKED AT THE COUNCIL MEETING  
HELD ON 23 FEBRUARY 2022**

I refer to your questions asked at the Council meeting held on Wednesday 23 February 2022 as follows:

1. Has there been a tender submitted for an alternate form of lighting around Lake Wendouree including cross path illumination?

The specifics of what tender submissions were made through a City of Ballarat procurement process are commercial in confidence. The tender process for the Lake Wendouree and Victoria Park Link Lighting project has been conducted in accordance with the City of Ballarat Procurement Policy.

2. What is the comparative cost of cross path illumination compared with the proposed pole lighting?

The design process for the Lake Wendouree and Victoria Park Link Lighting project has included a comparative analysis between different lighting solutions including a preliminary cost analysis. The electrical engineers advised that the in-ground cross path illumination lighting would not meet the requirements under the Australian Standard 1158.3.1:2020 Category PP3 for Public Lighting. The design process has been guided by the Council endorsed Lake Wendouree Master Plan (2017) which states the following on page 14:

*"Lighting be pole mounted, low energy consumption and spaced at regular intervals to provide consistent level of energy efficient lighting to standards that address public safety."*

To try and meet a consistent level of lighting for the entirety of the six kilometre Steve Moneghetti path with cross path illumination lighting would require an exponential increase in the number of light fittings required and would not meet the relevant standards. The full cost of an in-ground cross path illumination option would be subject to a full detailed design process.

2.

Please feel free to contact [REDACTED], Council's Project Officer, on [REDACTED] or at [REDACTED] if you wish to discuss this matter further.

Yours sincerely



Bridget Wetherall  
Director Infrastructure & Environment

CC: Mayor and Councillors  
Civic Support  
Governance  
[REDACTED], Project Officer

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 18 March 2022  
Our Ref: BW:fs:bk  
Your Ref: Public Question QT10/22  
Enquiries: (61) 03 5320 5500  
Direct Email: info@ballarat.vic.gov.au

Allen Harvie

Email: [REDACTED]

Dear Allen

**RE: PUBLIC QUESTION ASKED AT THE COUNCIL MEETING  
HELD ON 23 FEBRUARY 2022**

I refer to your questions asked at the Council meeting held on Wednesday 23 February 2022 as follows:

*Dear Cr Daniel Moloney (Mayor), I'm writing to you in hope that the City of Ballarat will join communities throughout the Western Victoria Region by passing a resolution calling for the Andrews Government to:*

- *Retract approval for gas within Port Campbell National Park & Twelve Apostles Marine Park*
- *Reintroduce the ban on new offshore oil and gas drilling, fracking, and other activities in waters off the Victorian Coast. New gas extraction and increased consumption will only deepen our climate crisis laying waste to any effort Ballarat is making to address the Climate Emergency. Methane leaks from extraction and transportation of natural gas further exacerbate global climate change. Whilst Natural gas emits 50 percent less carbon dioxide (CO<sub>2</sub>) than regular oil or coal-fired power plants, methane<sup>[3]</sup> warms the atmosphere 86 times as much as carbon dioxide. Please support our effort to protect our future from devastation at the hands of the fossil fuel industry. Thank you for considering this request.*

In November 2018, Ballarat Council acknowledged the Climate Emergency and the need for urgent action by all levels of government to reduce carbon emissions. The City of Ballarat's Carbon Neutrality and 100% Renewables Action Plan (the Action Plan) was subsequently developed and adopted by Council in 2019. The Action Plan commits Council to investigate alternatives to gas derived from fossil fuel sources and 'get off gas'.

Key actions that are currently underway relating to gas transition include:

- Purchase of 100% renewable energy from Victorian sources, enabling electrification of facilities from renewable energy
- Work with our landfill management partners to double the capacity of the methane capture Renewable Energy Facility (REF)
- A suite of energy audits at Council facilities, inclusive of recommendations to transition away from inefficient gas appliances
- Waste reduction initiatives to reduce carbon emissions from landfill

2.

Projects planned for 22/23 relating to gas transition include:

- The development and adoption of an ESD Framework to be applied to all new council building projects, extensions, renewals and maintenance works - with the aim of new council buildings being 'gas free'.
- A Ballarat Aquatic & Lifestyle Centre (BALC) energy efficiency and alternative energy options assessment.

Please feel free to contact [REDACTED], Council's Coordinator Sustainable Environment, on 5320 5500 if you wish to discuss this matter further.

Yours sincerely



Bridget Wetherall  
Director Infrastructure & Environment

CC: Mayor and Councillors  
Civic Support  
Governance  
Fiona Stevenson, Council's Coordinator Sustainable Environment

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 9 March 2022  
Our Ref: BW:bk  
Your Ref: Public Question QT13/22  
Enquiries: (61) 03 5320 5500  
Direct Email: info@ballarat.vic.gov.au

Merle Hathaway

Email: [REDACTED]

Dear Merle

**RE: PUBLIC QUESTION ASKED AT THE COUNCIL MEETING  
HELD ON 23 FEBRUARY 2022**

I refer to your questions asked at the Council meeting held on Wednesday 23 February 2022 as follows:

*"In Buninyong, the Council has removed 6 ash trees that were over 40 year old trees from the post office block. Why do plans show only two oaks replacing these trees, despite statements that there would be 8 oak trees replacing them? 2. Why isn't Council following their own replanting policy? 12 plants were taken out botanic gardens and replaced with 2 oak trees. Why are you not planting more than what was removed?"*

The 6 trees that will be removed as part of the project have been assessed by both the City of Ballarat and independent arboriculturists and identified as having poor structural form due to being heavily pruned over many years for power line clearance. The trees are also lifting the footpath in several areas creating trip hazards and are generally approaching the end of their lifecycle.

As a result, these 6 trees are to be removed and replaced with 5 English oaks and 2 maples. Additionally, there is a poor performing silver birch which is to be replaced with an English Oak.

Please feel free to contact [REDACTED], Council's Project Manager, on [REDACTED] if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

**Bridget Wetherall**  
**Director Infrastructure & Environment**

CC: Mayor and Councillors  
Civic Support  
Governance  
[REDACTED], Project Manager

## 9. NOTICE OF MOTION

### 9.1. RESCISSION MOTION - CONTRACT # 2021/22 – 364 FOR THE PROVISION OF LAKE WENDOUREE AND VICTORIA PARK LINK LIGHTING

1. A Notice of Motion was lodged by Cr McIntosh on 9 March 2022.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer then approved to proceed to the 23 March 2022 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 9 March 2022 which was then recorded in the Notice of Motion Register by the Governance team.
4. Cr McIntosh proposes the following motion:
5. **That Council:**
  - 5.1. **Rescind resolution (9/22) made at the 23 February 2022 Council meeting appointing DeAreago & Lea Electrical Contractors as the successful tender for contract number 2021/22 – 364 for the provision of Lake Wendouree and Victoria Park Link Lighting; and**
  - 5.2. **Request the Chief Executive Officer review alternative options for lake lighting and bring a detailed report to a future Council Briefing.**





**COUNCILLORS NOTICE OF MOTION FORM**

(In accordance with Chapter 3, Rules 3.8.1 and 3.8.2)

**TO:** Chief Executive Officer – City of Ballarat

**FROM:** Cr McIntosh

**DATE:** 9 March 2022

In response to the strong community angst regarding the current plan for Lake Wendouree Lighting project; I hereby give notice that at the Ordinary Meeting of Council on 23 March 2022 I will propose the following motion:

**That Council:**

- Rescind resolution (R9/22) made at the 23 February 2022 Council meeting appointing DeAreago & Lea Electrical Contractors as the successful tender for contract Number 2021/22 – 364 for the provision of Lake Wendouree and Victoria Park Link Lighting; and
- Request the Chief Executive Officer review alternative options for lake lighting and bring a detailed report to a future Council Briefing.

Signed:.....  
(Signature of Councillor)

Dated: wed 9<sup>th</sup> March

## Extracts from Governance Rules

### 3.8.1 Councillors may propose Notices of Motion

Councillors may propose an issue to be listed on the agenda by lodging a Notice of Motion in accordance with the rules outlined in this Chapter.

### 3.8.2 Notices of Motion

- a) Prior to a Council meeting, Councillors wanting to include a matter on the agenda, must complete a notice of motion form.
- b) A notice of motion form must be signed by the Councillor; and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 4pm the Thursday before the Council meeting agenda is due to be published. So as to allow sufficient time for him or her to give each other Councillor notice of such notice of motion; and to allow sufficient time for the notice of motion to be put in the agenda for the next Council meeting. If a notice of motion form is received after that time, it must, unless withdrawn, be included in the agenda for the following Council meeting
- c) The Chief Executive Officer must reject any notice of motion which:
  - i) is too vague;
  - ii) is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six (6) months;
  - iii) is defamatory;
  - iv) may be prejudicial to any person or Council;
  - v) is objectionable in language or nature;
  - vi) is outside the powers of Council;
  - vii) is a notice of motion submitted during the Caretaker Period; or
  - viii) is a matter subject to a Council decision making process which has commenced but is not yet complete.
- d) If the Chief Executive Officer rejects a notice of motion under sub-rule 3.8.2 c), he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with 24 hours to lodge a revised notice of motion provided that the meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- e) The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that he or she determines is more appropriately addressed that way.
- f) Subject to sub- rules 3.8.2 g) and h) a notice of motion must call for a Council report if the notice of motion:
  - i) substantially affects the level of Council services;
  - ii) commits the Council to expenditure in excess of \$20,000 and that has not been included in the adopted budget;
  - iii) establishes or amends a Council policy; or
  - iv) commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.

- g) Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must call for a report for Council's consideration and public submission process if applicable.
- h) The Chief Executive Officer may direct a notice of motion to be confidential in accordance with Section 66(2)(a) of the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- i) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- j) The Chief Executive Officer must arrange for a formal report to be prepared and presented to the Council for the purposes of sub-rule f). Where practicable the report should be presented to the next Council meeting.
- k) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- l) Except by leave of Council, each notice of motion must be considered in the order in which they were received by the Chief Executive Officer.
- m) If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- n) If a Councillor proposing the motion wishes to amend the notice of motion, he or she may do so by seeking leave of the Council to amend the notice of motion prior to it being seconded.
- o) The Chairperson, having lodged a notice of motion in accordance with this sub-rule, must vacate the Chair of the Council meeting to move the notice of motion; and the Deputy Mayor or, in the absence of the Deputy Mayor, temporary Chairperson appointed by the Council, will take the Chair for the duration of consideration of the item.
- p) If a notice of motion is not moved at the Council Meeting at which it is listed, it lapses.

**Office Use Only**

|                                                                 |                                                      |
|-----------------------------------------------------------------|------------------------------------------------------|
| <b>Notice Received</b>                                          | Date: 09 March 2022                                  |
| <b>Notice <u>accepted</u> / rejected by CEO (please circle)</b> | Date: 09 March 2022<br>Signature: <i>Evan King</i>   |
| <b>Notice given to Councillors</b>                              | Date: 09 March 2022<br>Signature: <i>[Signature]</i> |
| <b>Date of Meeting</b>                                          | Date: 23 March 2022                                  |
| <b>Notice Number</b>                                            | 2022/2                                               |

**10. REPORTS FROM COMMITTEES/COUNCILLORS**

**11. URGENT BUSINESS**

**12. SECTION 66 (IN CAMERA)**

**Nil**

**13. CLOSE**