



Ordinary Council Meeting

14 March 2018

Council Chamber, Town Hall, Sturt Street, Ballarat

AGENDA

Public Copy

NOTICE IS HEREBY GIVEN THAT A MEETING OF BALLARAT CITY COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 14 MARCH 2018 AT 7:00PM.

AGENDA

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The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 4 April 2018.

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. CONFIRMATION OF MINUTES

5. MATTERS ARISING FROM THE MINUTES

6. PUBLIC QUESTION TIME

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

QUESTION TIME

- Question Time will be for a period of 30 minutes;
- Questions submitted must begin with the submitters name and suburb;
- No person may submit more than two questions at any one meeting;
- If two questions are submitted, the second question may be deferred until all other questions have been asked, or may not be asked if the time allotted for public question time has expired.
- A question may be disallowed if the chair determines that it:
 - Relates to a matter outside of Councils responsibility;
 - Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - Deals with a subject matter already answered;
 - Is aimed at embarrassing a Councillor or a member of Council Staff;
 - Relates to personnel matters;
 - Relates to the personal hardship of any resident or rate payer;
 - Relates to industrial matters;
 - Relates to contractual matters;
 - Relates to proposed developments;
 - Relates to legal advice;
 - Relates to matters affecting the security of Council property: and/or
 - Relates to any other matter which Council considers would prejudice Council or any other person.
- A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is taken on notice, the answer to it must be incorporated in the minutes of Council and a written copy of the answer sent to the person who asked the question: and
- A Councillor or the Chief Executive Officer may advise Council that an answer should be given in a meeting closed to members of the public and why.

PUBLIC SUBMISSIONS

1. Representatives must register by 4:30pm on the day of a Council meeting by contacting the City of Ballarat on (03) 5320 5875. No unregistered public representative will be allowed to speak.
2. The Representative will be given three to five minutes to address the meeting, with extension of time at the discretion of the Chair.
3. Any Councillor can ask questions of the Representative.
4. The Chair may limit the number of representatives on any particular Agenda item.
5. All representations must relate to items on the Agenda and will be heard prior to each respective Agenda item.

7. REPORTS FROM COMMITTEES/COUNCILLORS**8. ASSEMBLIES OF COUNCILLORS****8.1. ASSEMBLIES OF COUNCILLORS**

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Governance Administration Officer

OFFICER RECOMMENDATION

Council resolves to approve the report on Assemblies of Councillors as listed:

- 7 February 2018 Council Agenda Review Briefing
- 9 February 2018 Community Development Councillor Portfolio Meeting
- 14 February 2018 Community Safety Advisory Committee
- 14 February 2018 Strategic Briefing
- 23 February 2018 Community Development Councillor Portfolio Meeting
- 23 February 2018 Disability Advisory Committee Meeting
- 23 February 2018 Western Highway Action Committee
- 28 February 2018 Council Agenda Review Briefing

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of Assembly of Councillor Records as required under section 80A(2) of the *Local Government Act 1989*.

RATIONALE

Section 80A(2) of the *Local Government Act 1989* requires the record of an Assembly of Councillors to be reported at an Ordinary Council meeting. Assembly of Councillors Records are attached to this report.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*; and
- City of Ballarat Council Plan 2017-2021.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Social/Cultural - The inclusion of the attached Assembly of Councillor Records in the Council Agenda and the availability to the community increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

Risk Management - There are implications with regards to Council's compliance with the *Local Government Act 1989* of Assembly of Councillor Records are not reported to Council.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. 7 February 2018 Council Agenda Review Briefing **[8.1.1]**
2. 9 February 2018 Community Development Councillor Portfolio Meeting **[8.1.2]**
3. 14 February 2018 Community Safety Advisory Committee **[8.1.3]**
4. 14 February 2018 Strategic Briefing **[8.1.4]**
5. 23 February 2018 Community Development Councillor Portfolio Meeting **[8.1.5]**
6. 23 February 2018 Disability Advisory Committee **[8.1.6]**
7. 23 February 2018 Western Highway Action Committee **[8.1.7]**
8. 28 February 2018 Council Agenda Review Briefing **[8.1.8]**

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Council Agenda Review Briefing
Date of meeting:	7 February 2018
Start time:	6:14pm
Finish time:	10.37pm

Councillors present:
Cr Samantha McIntosh Cr Mark Harris Cr Des Hudson Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Belinda Coates
Apologies:
Cr Amy Johnson Cr Ben Taylor
Council staff present:
Justine Linley – Chief Executive Officer Terry Demeo – Director Infrastructure and Environment Angelique Lush – Director Development and Planning Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Cameron Gray – Director Innovation and Organisational Improvement Jeff Johnson – Executive Manager Events and the Arts John Ciavarella – Acting Manager Statutory Planning
Other attendees present:
Nil

Conflict of Interests:				
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned
Nli	Nil	Nil	Nil	Nil

Matters Considered: **Provide dots points of matters discussed.*

Section A - Updates for Councillors

- Budget – Session 1 – Strategic Overview
- Solar Savers Program
- Swingers Road in Invermay
- Community Flagpole Policy
- Gate Keepers Cottage Updates

Section B – Review of Draft Council Agenda – 21 February 2018

- Assemblies of Councillors
- Grant Policy Review
- PLP/2017/503 – Use of the Land for a Helicopter Landing Site – Rear of 900 Humffray Street South, Mount Pleasant
- Quarterly Financial Report
- Council Plan Progress Report
- Submissions Regarding Local Government Act Review
- Cycling Connections Project and CBD Traffic Modification
- CBD Car Parking Action Plan
- Outstanding Questions

Items in Camera

- MADE Feasibility Study Report

Record completed by:

Signed: 

Position: Director Business Services

Name: Glenn Kallio

Date: 8 February 2018

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08 FEB 2018

BY: governance...

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Community Development Councillor Portfolio Meeting
Date of meeting:	Friday, 9 February 2018
Start time:	7.00am
Finish time:	9.00am

Councillors present:
Cr Belinda Coates
Cr Des Hudson
Apologies:
Cr Amy Johnson
Council staff present:
Neville Ivey – Director Community Development
Helen McIntosh, Executive Assistant Director Community Development
Other attendees present:
Nil

Conflict of Interests:				
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> • Minutes of Meeting 25 January 2018 • Sports & Recreation Projects – Strategy & Future Priorities • Upcoming Strategic Briefings <ul style="list-style-type: none"> ○ Sport & Recreation Projects – Strategy & Future Priorities ○ Future Provision of Home & Community Care Services PYP ○ Intercultural Strategic Plan ○ Western Bulldogs Sponsorship ○ Homelessness Protocol • Upcomng Reports <ul style="list-style-type: none"> ○ Community Flag Pole ○ Future Provision of Home & Community Care Services PYP ○ Active Women & Girls Strategy ○ Intercultural Strategic Plan ○ Lisbon ICC Conference

- Council's Future Direction in Aged & Disability
 - North Ballarat Football Club
 - 2018/19 Budget
 - City Oval Drainage
 - Mars Stadium Development Options
 - Family & Children Services
 - Sebastopol Child Care Centre, Vickers Street
 - Youth Services Update

Record completed by:	
Signed: 	Position: Executive Assistant Director Community Development
Name: Helen McIntosh	Date: 9 February 2018

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12 FEB 2018
BY: governance

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

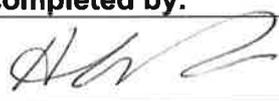
Description of meeting:	Community Safety Advisory Committee
Date of meeting:	Wednesday, 14 February 2018
Start time:	9.00am
Finish time:	10.11am

<p>Councillors present:</p> <p>Cr Des Hudson</p> <p>Cr Belinda Coates</p> <p>Cr Ben Taylor</p>
<p>Apologies:</p> <p>Cr Amy Johnson</p>
<p>Council staff present:</p> <p>Amanda Collins – Community Safety & Wellbeing Officer</p> <p>Breanna Doody – Coordinator Health & Social Planning</p> <p>Pete Appleton – Executive Manager Engaged Communities</p> <p>James Guy – Executive Manager Economic Partnerships</p> <p>Helen McIntosh – Executive Assistant Director Community Development</p> <p>Mary Spencer – Places Officer</p>
<p>Other attendees present:</p> <p>Alistair Nisbett – Acting Inspector, Victoria Police</p> <p>Ashley Sims – Community Representative</p> <p>Darren Newell – Ballarat Taxi Cooperative</p> <p>Stacey Gibbs – Victoria Police</p> <p>Marianne Hendron – Women's Health Grampians</p> <p>Alison Demuth – Neighbourhood Centres</p> <p>Wendy Lockhart – Victoria Police</p> <p>Shaun Stevens – Department of Justice</p>

<p>Conflict of Interests:</p> <p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>

Cr Hudson declared a perceived conflict of interest in relation to the Victoria Police Engagement Project Results as he is employed by Victoria Police and also handed out questionnaires.

- Matters Considered:** **Provide dots points of matters discussed.*
- Confirmation of Minutes 5 December 2017
 - Correspondence In
 - Correspondence Out
 - Ballarat Cycling Action Plan 2017-2015
 - Victoria Police Engagement Project Results
 - Emerging Police Trends & Issues (incl Liquor Accord)
 - Right to the Night Project Update
 - Taxi Rank - Rockabilly

Record completed by:	
Signed: 	Position: Executive Assistant Director Community & Development
Name: Helen McIntosh	Date: 14/2/2018

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DATE 22.02.18 BY statutory compliance.

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Strategic Briefing
Date of meeting:	14 February 2018
Start time:	6:11pm
Finish time:	10.05pm

Councillors present: Cr Samantha McIntosh Cr Mark Harris Cr Des Hudson Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Belinda Coates Cr Ben Taylor (arrived at 7.00pm)
Apologies: Cr Amy Johnson
Council staff present: Terry Demeo – Director Infrastructure and Environment Angelique Lush – Director Development and Planning Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Cameron Gray – Director Innovation and Organisational Improvement Cameron Montgomery
Other attendees present: Rebecca Macfarling - CEO of MADE

Conflict of Interests:				
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned

Matters Considered: <i>*Provide dots points of matters discussed.</i>
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Section A – External Presentations

- MADE

Section B – Strategic Briefing Reports

- Review of Procurement Policy and Processes
- Committees for Review - CEO Performance and Contracts
- Future Provision of the Home and Community Care - Program for Younger Persons
- Civic Hall / Gov Hub Updates
- Sport and Recreation Projects - Strategy and Future Priorities
- Rail Project Update (Metro)

Record completed by:

Signed: 	Position: Director Business Services
Name: Glenn Kallio	Date: 1 March 2018

RECEIVED
01 MAR 2018
BY: glenn.kallio



ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Community Development Councillor Portfolio Meeting
Date of meeting:	Friday, 23 February 2018
Start time:	7.00am
Finish time:	8.40am

Councillors present:
Cr Belinda Coates Cr Des Hudson Cr Amy Johnson
Apologies:
Nil
Council staff present:
Neville Ivey – Director Community Development Helen McIntosh, Executive Assistant Director Community Development
Other attendees present:
Nil

Conflict of Interests:				
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> • Minutes of Meeting 9 February 2018 • Homelessness Protocol • Upcoming Strategic Briefings <ul style="list-style-type: none"> ○ Western Bulldogs Sponsorship ○ Homelessness Protocol ○ Active Women & Girls Strategy ○ Intercultural Strategic Plan ○ Council's Future Direction in Aged & Disability • Upcoming Reports <ul style="list-style-type: none"> ○ Future Provision of Home & Community Care Services PYP ○ Active Women & Girls Strategy ○ Intercultural Strategic Plan ○ Lisbon ICC Conference

- North Ballarat Football Club
- HACC PYP Funding Letter to Minister Foley
- Wendouree Children's Services
- Lucas Community Centre
- Girrabanya Children's Centre
- Bonshaw Kindergarten / M&CH Update
- Relocation of Toy Library
- White Night Accessibility
- Compassionate Cities Forum
- Victoria Bowls Club
- BALC Advisory Committee
- Gym and Training Centre

Record completed by:

Signed: 	Position: Executive Assistant Director Community Development
Name: Helen McIntosh	Date: 23 February 2018

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Disability Advisory Committee
Date of meeting:	23 February 2018
Start time:	12.30pm
Finish time:	2.12pm

Councillors present:
Cr Belinda Coates

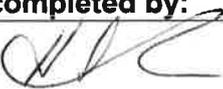
Apologies:
Narelle Maxon, Faye Baxter, Andrew Gray

Council staff present:
Pete Appleton, Executive Manager Engaged Communities
Helen McIntosh, Executive Assistant Director Community Development
Rose Young, Coordinator Community Inclusion
Phil Cutts, Rural Access Officer
Mary Spencer, Places Officer

Other attendees present:
Robyn Hall, Ange Elson, Vincent McDonald, Ken Gunning, Rebecca Paton, Sean Duffy, Cathryn Ryan, Jan McIver, Ben Anderson

Conflict of Interests:
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>
Nil

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> • Confirmation of Minutes 8 December 2017 • Skipton Street Median Strip • Mars Stadium Update • Social Script for the Inclusive Play Space • Disability Access & Inclusion Plan • Safer Cycling Connections & Road Safety Improvements • Marveloo • Ballarat Train Station Development • Marty Busch Reserve • Showbiz Cinema

Record completed by:	
Signed: 	Position: Executive Assistant Director Community Development
Name: Helen McIntosh	Date: 23 February 2018

ASSEMBLY OF COUNCILLORS RECORD

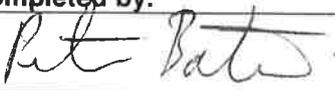
This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Western Highway Action Committee
Date of meeting:	23 February 2018
Start time:	10.00 am
Finish time:	12.15 pm

Councillors present:	Cr Grant Tillett
Apologies:	Cr Amy Johnson
Council staff present:	Peter Bate - Acting Executive Manager Infrastructure and Assets
Other attendees present:	Sam Brown (VicRoads), Cr Kevin Erwin & Chris Adams (Northern Grampians Shire), Cr Michael O'Conner & Doug Gowans (Pyrenees Shire), Cr Jo Armstrong & Tim Day (Ararat Rural City), John Martin (Horsham Rural City Council), Shane Power (Hindmarsh Shire), Cr John Keogh, Phil Jeffrey (Moorabool Shire). Maree McNeilly (TFV), Charles Cornish (Melton Council)

Conflict of Interests:					
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.					
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.					
Name of person(s) declaring the conflict	Type & details declared	Left meeting Yes/No	Time left	Time returned	
No Conflicts Declared					

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Welcome
Apologies
Minutes of Previous Meeting
Business from Minutes
Correspondence
Financial Statement
Reports
General Business
Next Meeting

Record completed by:	
Signed: 	Position: Actg. Executive Manager Infrastructure & Assets
Name: Peter Bate	Date: 23/02/18

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Council Agenda Review Briefing
Date of meeting:	28 February 2018
Start time:	6:00pm Break – 6.57pm Return – 7.19pm
Finish time:	8.49

Councillors present: Cr Samantha McIntosh Cr Mark Harris Cr Des Hudson Cr Jim Rinaldi Cr Grant Tillett Cr Belinda Coates Cr Amy Johnson Cr Ben Taylor
Apologies: Cr Daniel Moloney
Council staff present: Justine Linley – Chief Executive Officer Terry Demeo – Director Infrastructure and Environment Angelique Lush – Director Development and Planning Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Cameron Gray – Director Innovation and Organisational Improvement Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services
Other attendees present: Nil

Conflict of Interests:				
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned
Cr McIntosh	Item 9.3	No		

Matters Considered: **Provide dots points of matters discussed.*

Section A - Updates for Councillors

- Sale Yard
- Update Regarding BBQ

Section B – Review of Draft Council Agenda – 14 March 2018

- Assemblies of Councillors
- PLP/2018/014 331 Mair Street, Ballarat Central
- PLP/2017/665 413 Sturt Street Ballarat Central – Use of the Land for the Sale and Consumption of Liquor (General Licence)
- Name an Unnamed Road – Barry’s Lane
- Recommendation of Poetry Installation for Little Bridge Street Pocket Park
- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)
- Outstanding Question Time Items
- Adoption of the S6 Instrument of Delegation - Members of Staff

Items in Camera

- Recommendation of Poetry Installation for Little Bridge Street Pocket Park
- Future Provision of Home and Community Care – PYP Program

Record completed by:

Signed: 	Position: Director Business Services
Name: Glenn Kallio	Date: 1 March 2018

RECEIVED
01 MAR 2018
BY: governance

9. OFFICER REPORTS

9.1. PLP/2018/014 331 MAIR STREET, BALLARAT CENTRAL

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jade Erwin - Statutory Planner

OFFICER RECOMMENDATION

Council resolves to:

1. Issue Planning Permit PLP/2018/014 for the land located at 331 Mair Street, Ballarat Central for the use of the land for a general liquor licence subject to the following Conditions:

1. Layout not altered

The layout of the uses on the endorsed plans must not be altered without the further written consent of the Responsible Authority

2. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than 120 patrons may be present on the premises at any one time.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply

3. Sale and Consumption of Liquor – Hours

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

- 7am to 11pm – Monday to Sunday.

4. Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) transport of materials, goods or commodities to or from the land;
- (b) appearance of any building, works or materials;
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- (d) presence of vermin or otherwise;

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

5. Sale and Consumption of Liquor - Food Premises

The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on the premises.

6. Patron Management Plan

Before the use starts, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:

- (a) Staffing and security arrangements for the premises designed to ensure the orderly arrival and departure of patrons;
- (b) Signage to be used to encourage responsible off-site patron behaviour;
- (c) The training of staff in the management of patron behaviour;
- (d) Measures to control noise emissions from the premises;
- (e) Measures to manage patrons queuing to enter the premises;
- (f) Collection of rubbish from roads, car parks and public reserves in the vicinity of the premise and external areas used by premise patrons.
- (g) A documented complaint response procedure to the satisfaction of the responsible authority including the provision of a:
 - i. Contact point during hours of operation
 - ii. Investigation and assessment process
 - iii. Record management of complaints and corrective action taken to resolve the concern.

The Patron Management Plan must be implemented to the satisfaction of the Responsible Authority. The patron management plan must not be modified unless with the further written consent of the Responsible Authority

7. Management / Supervision of Premises

At all times during the operation of the use, there must be present on the premises a person over the age of eighteen (18) years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as "the manager").

The manager must be authorised by the operator under this permit to make statements at any time on his / her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

8. Noise from Premises

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of music noise from public premises) No. N-2. Any works required to ensure and maintain the noise levels from the premises in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

9. Background Music Only

The provision of music on the premises must be limited to background music only unless with the further written consent of the Responsible Authority. No music is to be played or amplified externally of the building without the further written consent of the Responsible Authority.

10. Security Measures

- a) On-site security lighting, appropriately baffled to prevent light glare, shall be provided to the satisfaction of the Responsible Authority;
- b) Video surveillance cameras and recorders to monitor and record the front of the premises must be installed and maintained whilst the premises is open for business and ½ hour after closure. These tapes must be retained for thirty (30) days and made available for viewing and / or removal at all times by an authorised police officer or an authorised officer of Liquor Licensing.

All security measures must be installed prior to the occupation of the site and maintained to the satisfaction of the Responsible Authority.

11. Management of Waste – Bottle Crusher

Prior to the commencement of the use, plans detailing the location of an internal bottle crusher must be submitted to the Responsible Authority. Once approved, the bottle crusher must be used to dispose of all empty bottles to the satisfaction of the Responsible Authority.

12. Permit Expiry

This Permit will expire if:

- a) The use does not start within two (2) years of the date of the permit; or
- b) Once commenced, if the use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the use).

Notes***Tobacco Act 1987***

An application for, and assessment of, outdoor drinking and dining compliance under the Victorian *Tobacco Act 1987* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to food or liquor licensed premises for the purpose of facilitating the consumption of tobacco products must be designed in accordance with requirements of the Smoke Free Guide: Licensed Premises and Outdoor Dining or Drinking Areas.

Building Act 1993

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the *Building Act 1993, Building Regulations 2006 and Building Code of Australia 2014*.

Food Act 1984

An application for, and assessment of, food premises construction compliance under the Victorian *Food Act 1984* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to a food premises must be designed in accordance with requirements of the FSANZ Food Standards Code and Australian Standard 4674.

EXECUTIVE SUMMARY

On 4 January 2018 an Application was lodged for a General Liquor Licence at 331 Mair Street, Ballarat Central. The Application was advertised and Council has received no objections. It is recommended that Council issue a Planning Permit subject to Conditions.

APPLICATION DETAILS

Applicant:	The Pub with Two Names Pty Ltd
Owner:	D Bromley and G Bromley
Date Lodged:	4 January 2018
Subject Site:	331 Mair Street Ballarat Central
Current use:	Hotel/Pub
Zone:	Commercial 1 Zone (C1Z)
Overlays:	Heritage Overlay (HO171)
Permit triggers:	Clause 52.27 – licensed premises
Ward:	Central
Number of Objections:	None
Mediation Meeting:	No
Council Referral Trigger:	Liquor Licence
Covenant or S173	No
CHMP Required:	No

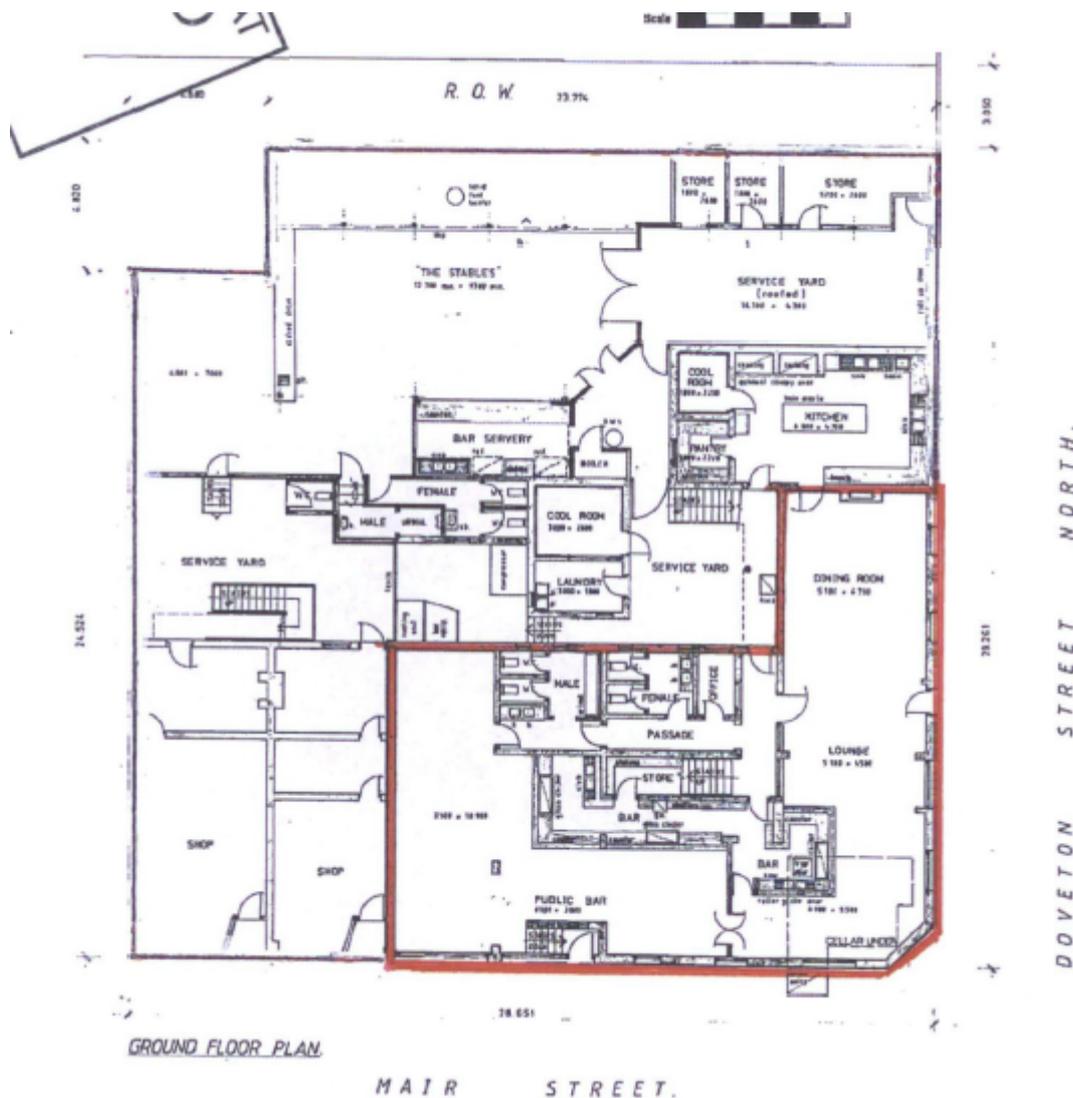
PROPOSAL

The application proposes a General Liquor Licence associated with the Pub with Two Names (commonly known as the Peter Lalor or the Highlander hence its official name) for the existing hotel at 331 Mair Street, Ballarat Central. The Pub has previously had a liquor licence but this liquor licence expired in 2017 prompting the need for a new planning permit. Key features of the proposal are as follows:

- Licensed area proposed includes the front portion of the building, comprising the dining room, lounge and public bar. This area is currently set up as a restaurant with tables/chairs to accommodate 120 people.

- Only background music will be provided – no live music or heavily amplified music is proposed.
- Estimated number of employees:
 - Full Time – 8
 - Part Time – 2
 - Casual – 15
- Under the General Liquor Licence, alcohol can be consumed on and off the licensed premises, including the footpath trading area
- Proposed licensed hours:
 - Monday to Sunday: 7:00am to 11pm

The site plan showing the proposed licensed area on the land is provided below.



SITE AND SURROUNDS

The subject site is located on the corner of Mair Street and Doveton Street North. The rectangular shaped site measures approximately 700 square metres and currently contains a double storey hotel which has previously been used as the Peter Lalor Hotel, but has recently been renovated and rebranded as the Pub with Two Names.

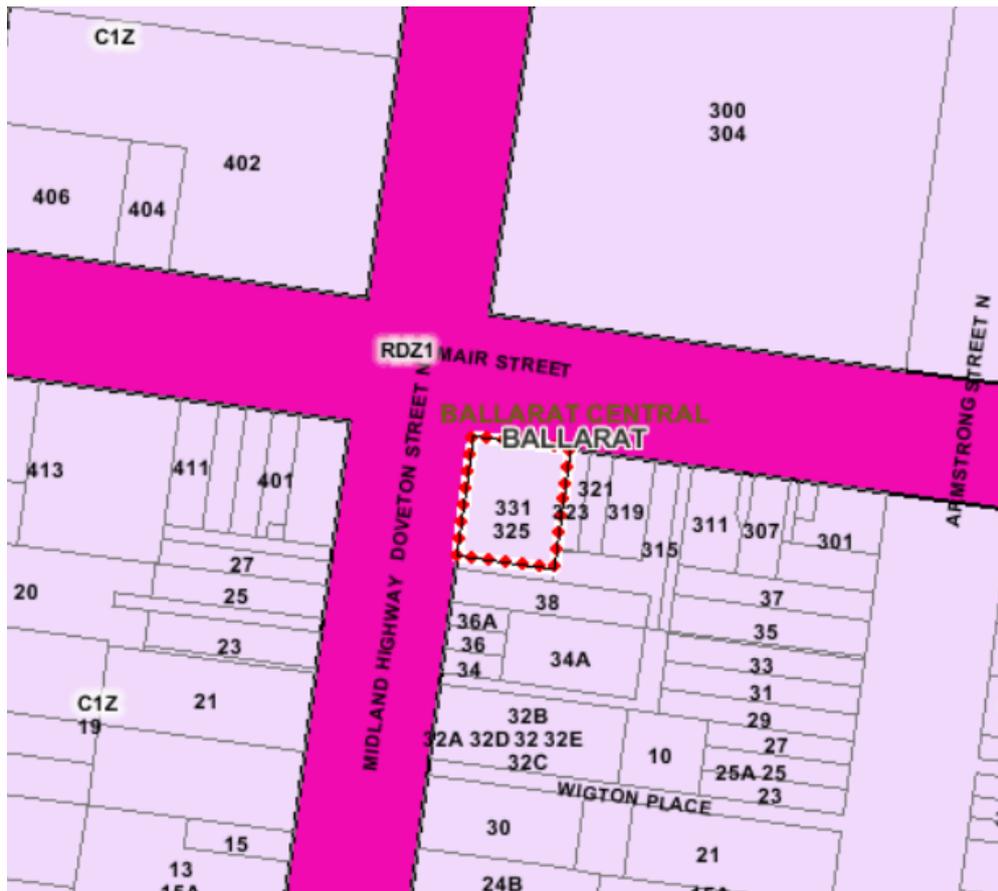
The site is situated in the Commercial 1 Zone and is affected by the Heritage Overlay (HO171) - the Lydiard Street Heritage Precinct. The existing building is listed as being contributory to the heritage precinct.

A taxi rank is located approximately 330 metres east of the site at Camp Street and 380 metres southeast of the site on Lydiard Street. A bus station is located approximately 320 metres south of the site on Sturt Street and the Ballarat Railway Station is located 330 metres northeast of the site.

Both Mair Street and Doveton Street North are fully constructed roads with kerb, channel and footpaths on both sides. These roads are both arterial roads under the management of VicRoads. Formalised car parking spaces are provided along both roads.

An aerial map, zoning map and site photo is provided below. The subject site is outlined in red.





North

To the north of the subject site is Mair Street, an arterial road. On the northern side of Mair Street is the Civic Hall, the future site of the Gov-Hub, a commercial premises.

South

To the south of the subject site is a rear laneway. On the southern side of the laneway is a double storey premises occupied by Mitchell Harris Wines.

West

To the west of the subject site is Doveton Street, an arterial road. On the western side of Doveton Street is a retail premises and café known as Inexterior.

East

To the east of the subject site are a number of smaller commercial premises containing retail shops, cafes, and hair salons.

RESPONSE TO NOTICE OF APPLICATION

No objections have been received to the public notification of the application.

REFERRAL OF APPLICATIONExternal Referrals**VicPolice**

No objection and no conditions required.

Internal Referrals**Environmental Health**

No objection subject to conditions.

Local Laws

No objection and no conditions required.

Social Planning

No objection and no conditions required.

KEY ISSUES

The principal issues relevant to the application are as follows:

Commercial 1 Zone

The proposed development is consistent with the commercial zoning of the land. The subject site is a significant historic hotel located within the heart of the Ballarat CBD and the proposed licensing of the existing hotel will assist in the prosperity of the business, contributing to Ballarat's thriving dining and nightlife scene. The proposal will provide variety and increase consumer choice for the Ballarat community. The premises is appropriately located with access via two arterial roads and within close proximity to public transport and taxi ranks. The proposal will help realise the site's commercial potential and in so doing further the key economic and commercial policy objectives contained in the Ballarat Planning Scheme.

Ballarat CBD Strategy

The Ballarat CBD Strategy is a long-term plan to guide growth and change in the CBD over the next 20 to 25 years. This CBD strategy identifies the subject site as being within the Mair Street precinct which is designated as a core office and commercial area. The CBD strategy specifies that the western end of Mair Street there are a number of significant heritage buildings, some of which have been successfully adapted to new uses. New development in this part of Mair Street must respect this heritage context while providing contemporary design solutions for new development.

The proposal will facilitate the retention and re-opening of the historic pub and is generally in accordance with the CBD Strategy. It is noted that no changes to the building façade are proposed as part of this application.

Clause 52.27 Licensed Premises

Pursuant to Clause 52.27 a planning permit is required for the sale and consumption of liquor. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following:

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;*
- *The impact of the hours of operation on the amenity of the surrounding area;*
- *The impact of the number of patrons on the amenity of the surrounding area;*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

As detailed above, the site is located in an established commercial zone within the Ballarat CBD, not a high amenity area, such as a residential zone. The nearest residentially zoned land is approximately 270 metres northwest of the site on Lyons Street North. The hours proposed for the liquor licence are from 7am to 11pm. These hours are consistent and compatible with existing restaurants and dining venues located in the surrounding area. Permit conditions regulating off-site amenity impacts will ensure the premises is managed so as to minimise impacts on adjoining properties. Conditions will be placed on any permit to issue which ensures the permit holder must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Furthermore, a condition will prevent live music or any music being amplified from the building.

Given the nature of surrounding non-sensitive commercial uses occurring in surrounding buildings, no adverse impacts are anticipated to occur to these surrounding commercial businesses as a result of this application. On the contrary, the hotel may bring additional through traffic and customers to this section of Mair and Doveton Street which may, in a small way, stimulate these surrounding businesses.

The proposal seeks approval for 120 patrons. Whilst the numbers proposed are significant, the building will be set out to provide tables and chairs inside the venue to reinforce the predominant use of the building for dining. The maximum patron numbers and provision of tables will be enforced by way of a permit condition.

Cumulative impact is not a major issue in this case, as the proposal is to licence an existing hotel which has previously had a liquor licence which only expired in 2017. The existing historic building is purpose-built as a hotel and facilitating this existing use through a new liquor licence will enable the retention of this significant heritage building which is protected under Heritage Overlay HO171 (Lydiard Street Heritage Overlay).

Whilst there are a significant number of licensed premises in the surrounding area, this is expected and anticipated within the Ballarat CBD which is the preferred dining and entertainment area within Ballarat. The proposed close of licensed trading hours at 11pm will limit the impact of alcohol consumption and is not considered to be 'late night' trading. The site has excellent access to the arterial road network, as well as public transport and taxi ranks, which will enable easy patron dispersal.

The application has been widely advertised with no objections. The application was referred to Victoria Police as well as Council's Social Planning Unit and Local Laws Unit, none of whom raised any objection to the proposal. Permit conditions will require the provision of security lighting as well as a CCTV camera to enhance security for patrons and the surrounding area.

The extent to which town planning can consider the wider community impacts of alcohol consumption is clearly set out in the VCAT determination *Hunt Club Commercial Pty Ltd v Casey CC (Red Dot) [2013] VCAT* where it was held:

"Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. Whilst town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment, it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and well being of a society.

It follows, for example, that it is not the role of a planning decision-maker to consider the broader impacts on society of obesity, when making a decision about the development of land for a particular fast food outlet... Similarly, therefore, it is not the role of a planning decision-maker to consider the broader impacts of the abuse or misuse of alcohol in a society, or to pioneer its own standards about the accessibility of alcohol generally in the community, when making a decision about the use or development of land for a liquor outlet. These are all relevant societal concerns, but they are not necessarily relevant planning considerations to a particular statutory planning decision at a local level."

Issues such as anti-social behaviour, vandalism, trespass and property damage from intoxicated persons and crime resulting from intoxicated persons are very legitimate concerns of the community. Behavioural matters are a regulatory issue, to be addressed through relevant regulations and regulators, such as Victoria Police. If there are behavioural issues in this location then they must be addressed on a precinct wide basis, an approach embraced further in another VCAT case - *Athina Windsor Nominees Pty Ltd v Stonnington CC [2011] VCAT 121*. In summary, any illegal activity associated with alcohol misuse is an enforcement matter for Victoria Police.

Advertising Signs

Planning approval has already been granted to erect the new 'Pub with Two Names' business identification signage on the building under PLP/2017/072. No changes to the signage is required as part of this application.

Waste Collection

A permit condition will require the details of the proposed bottle crushing facility to manage waste.

LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

Clauses relevant to the application include the following:

State Planning Policy Framework (SPPF)

The State Planning Policy Framework contained in the Ballarat Planning Scheme generally seeks to, amongst other matters, ensure that any new use or development is respectful of existing neighbourhood character and the amenity of the surrounding area. The subject proposal generally accords with the State Planning Policy Framework.

Municipal Strategic Statement

Clause 21.07-1 - Economic growth

Clause 21.07-3 - Activity Centres

Clause 21.09 - Local Areas (CBD)

Clause 52.27

Licensed Premises

Pursuant to this clause, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*.

In addition:

- *Charter of Human Rights and Responsibilities Act 2006;*
- *Planning and Environment Act 1987;*
- *Subdivision Act 1988;*
- City of Ballarat Council Plan 2017-2021; and
- Ballarat Planning Scheme.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial /Resources	No	No
Risk Management	No	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights and Social/Cultural- The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The assessment is considered to accord with the *Charter of Human Rights and Responsibilities Act 2006*. Specifically:

- Freedom of Expression (part 2 section 15);
- A fair hearing (part 2 section 24);
- Entitlement to participate to public life (part 2 section 18); and

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- *Planning and Environment Act 1987*;
- Ballarat Planning Scheme.

ATTACHMENTS

Nil

9.2. PLP/2017/665 413 STURT STREET BALLARAT CENTRAL - USE OF THE LAND FOR THE SALE AND CONSUMPTION OF LIQUOR (GENERAL LICENCE)

Division: Development and Planning
Director: Angelique Lush
Author/Position: Rachel Blackwell - Statutory Planner

OFFICER RECOMMENDATION

Council resolves to:

1. Issue Planning Permit PLP/2017/665 for land at 413 Sturt Street Ballarat Central for use of the land for the sale and consumption of liquor (Café/Restaurant Liquor Licence) subject to the following conditions:

1. Approved Plans

- The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.

2. Sale and Consumption of Liquor - Hours

- Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

- a) Monday - Sunday 8.00am - 11.00pm
 - b) Good Friday/Anzac Day 12.00pm - 11.00pm

3. Limit on Number of Patrons

- Without the prior written consent of the Responsible Authority, not more than 66 patrons may be present within that part of the licensed area confined to the building and footpath.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

4. Sale and Consumption of Liquor - Food & Drink

- The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on the premises.

5. Management of Waste

- No emptying of bottles into external waste bins is permitted after 10pm on any night or before 7.00am on any day.

6. Noise from Premises SEPP N1 and N2

- The licensee shall ensure that the level of noise emitted from the premises shall not exceed, to the satisfaction of the Responsible Authority:

- a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 (Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area); and

- b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

7. Background Music Only

The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the further written consent of the Responsible Authority.

8. Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin or otherwise;

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

9. Permit Expiry

The permit will expire if:

- a) The use does not start within two (2) years of the date of this permit; or
- b) Once commenced, if the use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Notes:

Food Act 1984

An application for, and assessment of, food premises construction compliance under the Victorian *Food Act 1984* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures, fittings and materials used for the fit out is also required.

Any proposed alteration to a food premises must be designed in accordance with requirements of the FSANZ Food Standards Code and Australian Standard 4674.

Tobacco Act 1987

An application for, and assessment of, outdoor drinking and dining compliance under the Victorian *Tobacco Act 1987* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures, fittings and materials used for the fit out is also required.

Any proposed alteration to food or liquor licensed premises for the purpose of facilitating the consumption of tobacco products must be designed in accordance with requirements of the Smoke Free Guide: Licensed Premises and Outdoor Dining or Drinking Areas.

EXECUTIVE SUMMARY

On 5 October 2017 an application was lodged for the use of land at 413 Sturt Street, Ballarat Central for the sale and consumption of liquor (restaurant and café liquor licence). It is recommended that Council issue a planning permit subject to conditions.

APPLICATION DETAILS

Applicant:	Wintki Pty Ltd
Owner:	Merden Investments Pty Ltd
Date lodged:	5 October 2017
Subject site:	413 Sturt Street, Ballarat Central
Current use:	Food and Drink Premises (Ballarat Wholefoods Café)
Zone:	Commercial 1 Zone (C1Z)
Overlays:	Heritage Overlay, Schedule 171 (HO171) – Lydiard Street Heritage Precinct
Permit triggers:	Pursuant to Clause 52.27 (Licensed Premises) a planning permit is required to use the land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998.
Ward:	Central
Number of objections:	No objections
Mediation Meeting:	No
Council referral trigger:	Liquor Licence
Covenant or s173	No
CHMP Required:	No

PROPOSAL

The application proposes to allow for use of the building on the land at 413 Sturt Street, Ballarat Central as a licensed premises (restaurant and cafe licence) in association with the use of the land as a food and drink premises (Ballarat Wholefoods Cafe).

The restaurant and cafe licence would allow for consumption of liquor both on and off the premises and allow the sale of alcohol with food. The licence is proposed for up to 66 patrons within the premises (both internally and externally). The red line which is the subject of the liquor licence will cover the entire ground floor area of the food and drink premises and would include the footpath to the frontage of Sturt Street.

The licensed premises is proposed to operate during the following hours:

- Monday - Sunday 8.00am -11.00pm.
- Good Friday/Anzac Day 12.00pm - 11.00pm.

It is expected that background music would be played within the premises and this would be kept to acceptable levels. No live music/entertainment is proposed.

No buildings and works are proposed as part of the application nor is there any intended increase in permitted patrons.

The site plan showing the location of the proposed licensed area on the land is included as **Attachment 1**.

SITE AND SURROUNDS

The subject site is located on the southern side of Sturt Street, Ballarat Central, within the Ballarat Central Business District. The site comprises 'Ballarat Wholefoods Café'. The café has an internal floor space of 240 square metres. The site does not have any car parking. Sturt Street provides angled parking on both sides of the street and there is car parking available throughout the wider Ballarat CBD.

There is existing signage to the premises.

The subject site and surrounding land is developed for commercial purposes and is included in the Commercial 1 Zone (C1Z). The Heritage Overlay also affects the site.

The subject site and surrounding land is located within the Ballarat Central Business District, which is Ballarat's Principal Activity Centre as identified in the Activity Centres Strategy and noted at Clause 21.07 (Economic Development) of the Ballarat Planning Scheme. The proposed licensed 'red line area' encompasses the seating area of the café which extends onto the footpath.

An aerial map, a photo of the site, zoning map and street view is provided below. The subject site is outlined in red.





North

The Pompey Elliot Memorial exists to the north of the site within the Sturt Street Gardens and commercial development including restaurants and retail premises about the length of the northern side of Sturt Street.

East

To the east of the site is the Europa Café and other commercial development including real estate offices, cafes and retail premises.

South

Leechs Lane extends along the southern boundary of the site.

West

A range of travel agents, cafes, a gallery and the Golden City Hotel exist to the west of the site.

There is a range of shop-top housing present in this section of Sturt Street with residents accustomed to a different standard of residential amenity living in a commercial centre.

NOTICE OF APPLICATION

The application was not advertised due to the following:

- The proposal involves the serving of liquor with meals and this is highly unlikely to lead to excessive patron noise above and beyond what already exists in this area of Sturt Street.

REFERRAL OF APPLICATION

External Referrals

There were no external referrals required.

Internal Referrals

Traffic and Transport

Consent is given with no conditions imposed.

Environmental Health

Consent is given with no conditions imposed.

Local Laws

Consent is given with no conditions imposed.

DISCUSSION

Strategic Justification

The site is located within the Commercial 1 Zone and forms part of the Ballarat Central Business District, Ballarat's Principal Activity Centre. It is the purpose of commercial areas to create "*vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*" The proposal is supported by the State and Local Planning Policy Framework. The Central Highlands Regional Growth Plan (Clause 11.08) is relevant as the proposal will "*maintain Ballarat's Central Business District as the primary focus for commercial, retail and service activity in the city and region*". Clause 17 (Economic Development) is also relevant to the application as the proposed licensing of the existing food and drink premises will allow the existing use to widen its trade offer, which will provide a licensed venue to meet the needs of the local population within an existing activity centre in accordance with the strategies identified at Clause 17.01-1 (Business).

Local policy at Clause 21.07 (Economic Development) sets out economic growth and activity centre strategies and objectives, including the identification of the Ballarat Central Business District as a Regional Activity Centre, where the strategic direction is to "*encourage significant new mixed-use development which supports the knowledge sector and retail employment opportunities, more inner city living and street level and out-of-hours activation.*"

The proposal will directly implement Strategy 5.1 of Clause 21.07 as it will seek to activate the mixed-use precinct by widening the offering of entertainment uses within the Ballarat CBD. The proposed licensed premises will allow for the sale and consumption of liquor on the premises, which will complement the function of the existing food and drink premises while also providing for a new food and drink experience, which is located within the Ballarat CBD.

The granting of a planning permit for this licence will directly implement the objectives and strategies for activity centres as outlined at Clause 21.04-4.3 of the Ballarat Planning Scheme as demonstrated above and it will also contribute to the economic strength of the Ballarat CBD and provide additional employment opportunities.

Licensed Premises

Clause 52.27 (Licensed Premises) is relevant to this application. The purpose of this clause is:

- *To ensure that licensed premises are situated in appropriate locations;*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Pursuant to Clause 52.27 (Licensed Premises), a planning permit is required to use the land to sell or consume liquor where a licence is required under the *Liquor Control Reform Act 1998*.

As noted above, the site is located within an established commercial area, which is a designated Principal Activity Centre in the Ballarat Planning Scheme. Given the layout of the existing building and the nature of the uses in the immediate surrounding context, including retail, food and drink premises and other commercial enterprises, it is unlikely that any adverse amenity impacts would occur as a result of the proposed liquor licence.

Noise impacts associated with the licence are also not likely to be an issue. The licence applied for as part of this application is a restaurant and café licence to allow for consumption of liquor on the premises. As the focus of the use will be the serving of meals it is unlikely that there will be any unreasonable noise impacts. In addition, music would be restricted to background music, which would be played indoors only to an acceptable level.

The proposed hours of operation of the site are consistent with the general operating hours of the café which will allow for day trade on Monday-Sunday (8.00am - 11.00pm) and on Public Holidays (10.00am – 11.00pm). The general operating hours of the café are listed as of being 8am until 11pm from Monday to Sunday. As demonstrated in the assessment of cumulative impact, surrounding land comprises a variety of uses, some with liquor licences (of varying types) with varying hours. Shop-top housing currently exists along Sturt Street including above the subject site, however dwellings within commercial zones are subject to different amenity considerations. The nearest residential zoned land is currently located approximately 170 metres to the south of the site on Dawson Street South. These properties are buffered from the site by existing commercial buildings and land uses. Issues such as anti-social behaviour and crime are legitimate concerns with applications of this nature. Behavioural matters are not a planning consideration and are a regulatory issue, which are to be addressed through relevant regulations including through Victoria Police. If there are behavioural issues as a result of the proposed use, then this is a matter for Victoria Police and is not a planning issue.

Cumulative Amenity Impacts

The Department of Environment, Land, Water and Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact June 2015 sets out guidelines to be used by Councils when assessing licensed premises including a food and drink premises.

Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol.

Cumulative impact is a product of the number and type of venues present, the way they are managed and the capacity of the local area to accommodate those venues.

As the site is located in the Ballarat CBD there are a number of licensed premises located within a 500-metre radius of the site. A majority of these premises generally close at 12.00am or earlier as a majority of the premises are licensed restaurants and hotels with several late-night licences within the surrounding context.

As noted in the previous sections of this report, the proposal is consistent with the planning outcomes sought by both state and local planning policy and the planning controls for the area.

The following provides an adequate analysis of the potential for negative cumulative amenity impact:

- The hours of operation are generally similar to the hours of existing premises (restaurant and café licences) within the Ballarat CBD;
- The site is located in a commercial zone where the predominant use is for retail/offices and restaurant premises. The site is located on a main road (Sturt Street) and where a variety of uses exist;
- The proposal does not meet the definition of a 'late night premises' as it will not operate after 11pm;
- The supply of liquor within the space would remain as ancillary to the service of meals;
- Music and entertainment would be restricted to background music, which would be played indoors only;
- The site is located in the Ballarat CBD where a variety of transport options are available. Bus services are available along the length of Sturt Street and Doveton Street. Taxi services are available in the surrounding area. There is also adequate on-street car parking available.

The above indicates that the proposal will not increase or create a cumulative amenity impact in the area immediately surrounding the subject site.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

State Planning Policy Framework (SPPF)

- Clause 17 Economic Development
- Municipal Strategic Statement

Municipal Strategic Statement

- Clause 21.01 Municipal Overview
- Clause 21.07 Economic Development

Particular Provisions

- Clause 52.27 Licensed Premises

In addition:

- *Planning and Environment Act 1987*;
- Ballarat Planning Scheme;
- *Charter of Human Rights Act 2006*;
- *Local Government Act 1989*; and
- City of Ballarat Council Plan 2017-2021

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	Yes	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	No	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Social/Cultural- The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme.

OFFICERS DECLARATIONS OF INTEREST

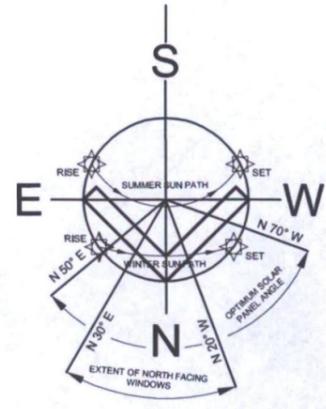
Council officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- *Planning and Environment Act 1987*;
- Ballarat Planning Scheme;
- Ballarat Activity Centres Strategy, 2012; Hill PDA & Hansen.
- Making Ballarat Central – The CBD Strategy, 2011.
- Department of Transport Planning and Local Infrastructure Practice Note 61:

ATTACHMENTS

1. PLP 2017 665 413 Sturt Street Ballarat Central Plans **[9.2.1]**



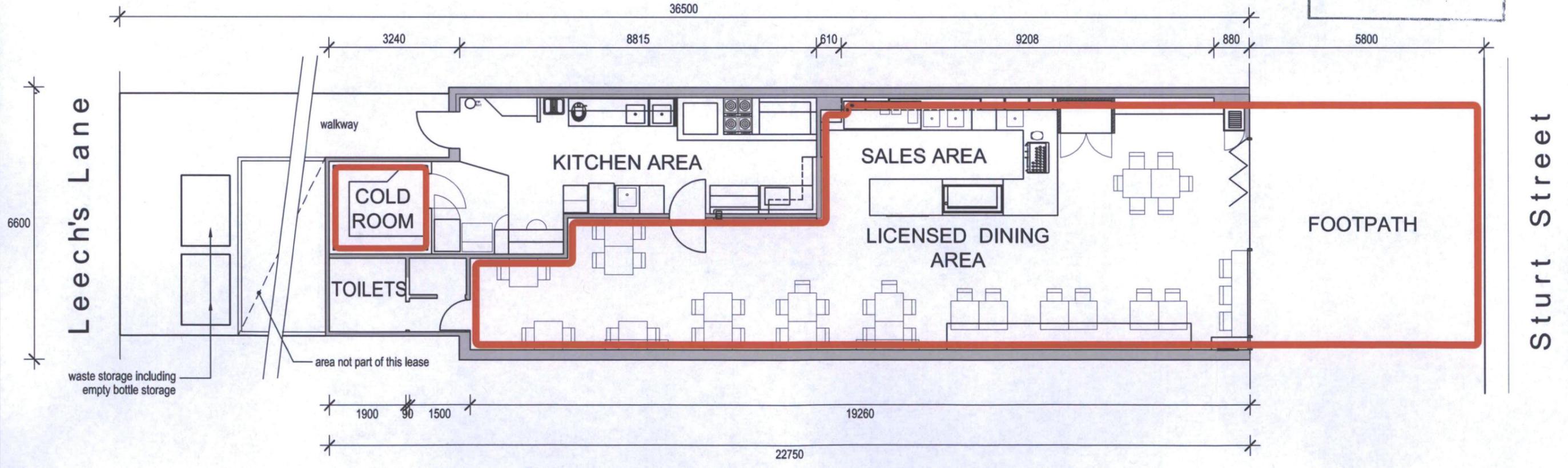
Doveton Street Sth

Dawson Street Sth

Sturt Street

locality plan 1:500

CITY OF BALLARAT
 RECEIVED
 14 DEC 2017



site plan 1:100

NOTE: BUILDER TO CONFIRM ALL DIMENSIONS ON SITE

1821 Sturt Street, Alfredton Vic. 3350
 Telephone (03) 5339 3845
 Facsimile (03) 5338 1393
 Mobile 0400 19 10 10
 Email: david@bondhomes.com.au
 Reg No: DP-AD 1451, DB-U 28572, CB-L 40959

INIT	AMENDMENTS	DATE



Proposed	LIQUOR LICENCE		
Client	WINTKI PTY LTD (BALLARAT WHOLEFOODS)		
Job Address	413 STURT STREET, BALLARAT		
Scale	various	Date	08.12.17
Dwg. No.	17-175	Sht. No.	1 of 1

9.3. NAME AN UNNAMED ROAD - BARRY'S LANE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Lani Smith - Place Names Officer

OFFICER RECOMMENDATION

Council resolves to:

Adopt the name Barry's Lane for an unnamed road in Ballarat East.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the outcome of a recent naming proposal and seek the adoption of a new name for an unnamed road. This naming proposal has been conducted in accordance with the current *Naming Rules for Places in Victoria 2016 (The Rules)*, these are the statutory requirements for naming roads, features and localities and as a naming authority Council must adhere to these rules.

RATIONALE

A request was received to name an unnamed road as a new residence that is accessed off the road requires an address. Collaboration with those directly affected occurred with a view to assigning an historically appropriate name to the road. The name *Barry's Lane* was proposed after the late Barry Cosson who originally acquired some of the land abutting the road. During the proposal evidence emerged that Sir Redmond Barry was also associated with Ballarat East and was one of the Eureka judges who supported the Miners involved in the Eureka uprising, accordingly the name of Barry is deemed very appropriate as there are obvious links to the place with this name. The directly affected resident was supportive of the name and the name is compliant with the *Rules*. The naming *Rules* do allow for the use of a possessive noun in a road name however for purposes of signage, the name will read Barrys Lane without the use of an apostrophe. This is in accordance with Australian signage standards which advise that apostrophes not be added to signage. As the name was deemed compliant a formal naming proposal was undertaken. A public engagement process was conducted in accordance with legislation and a public notice calling for submissions for or against the proposal advertised in the *Courier* from Saturday, 18 September 2017 with submissions closing on Monday, 17 October 2017. Additionally, all abutting residents and ratepayers were provided with details of the proposal and offered an opportunity to make a submission for or against it.

Three submissions were received regarding this proposal. Two submissions were in support and one objected and suggested a new name. All submissions were given due consideration. The objecting submission suggested the alternative name of *Mytton* after the former Melbourne based business that had a subsidiary factory at the site. Research revealed that the name Mytton did not originate in Ballarat and that the Cosson family had a 35-year history and association with the road and land accessed from it. Likewise, there was the close Ballarat association with Sir Redmond Barry. Additionally, the directly affected resident was more supportive of the name Barry's Lane; when considering objections to naming proposals Council policy is to assign more weight to the opinions of those directly affected i.e. those

whose address will change as a result of a naming proposal. On balance it is considered that the name of *Barry's Lane* is appropriate in this instance.

All submissions have been responded to and addressed, de-identified copies of submissions and the response to the objection are attached.

CONSULTATION

In accordance with naming legislation all directly affected residents/ratepayers and local stakeholders were written to, provided full details of the proposal and invited to make comment. A public notice appeared in the *Courier* over a 30-day period from Saturday 18 September 2017 until 5pm Monday 17 October 2017. Details of the proposals were also available on the City of Ballarat website via the "Have your say" module.

INTERNAL CONSULTATION

Internal consultation occurred with the Executive Manager, Infrastructure and Assets, Traffic Management and Rates Officers. There were no concerns raised.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*;
- City of Ballarat Council Plan 2017-2021;
- *The Geographic Place Names Act 1998*;
- Naming Rules for Places in Victoria 2016;
- City of Ballarat Place Names Policy 2013-2018

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	Yes	Yes
Environmental/Sustainability	Yes	No
Economic	Yes	Yes
Financial/Resources	Yes	No
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	No

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

Social/Cultural- The naming of a road or other feature has social implications in that it enables residents to clearly identify the feature. This in turn enables trades and delivery people and other visitors to more easily find a particular location.

The naming of a road or other feature also has cultural implications in that the choice of an appropriate name offers the opportunity to recognise a person, feature or event that has some significant cultural or historical association with the area. The name proposed has an established historical association with the area.

Economic- The naming of a road or other feature contributes to economic growth in that naming is part of the growth process with housing and infrastructure development encouraging new residents.

Risk Management - The proper naming of a road enables it to be clearly identified so that a more precise location can be given to emergency services, should an emergency arise. This reduces the likelihood of an emergency vehicle being seriously delayed due to inadequate location details, resulting in potentially life-threatening implications. It is essential for community safety that addresses be easily identified and not confusing.

Implementation/Marketing - When new names are approved, all directly affected residents and ratepayers are notified. Additionally, all relevant stakeholders are notified. Government and Emergency services are notified electronically. Note that this will not occur until the Registrar of Geographic Names confirms approval of the name and a name/names are gazetted in the Victorian Government Gazette.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Extract, *The Star* 1869 – Sir Redmond Barry, opening address Ballarat Free Public Library January 1, 1869;
- *Australiana*, Vol No 4, November 1986.

ATTACHMENTS

1. De-identified Subs and Response. **[9.3.1]**

- Council did not address valid objections during their deliberations, or
- The proposal does not conform to the principles of the current *Naming Rules*.

email response

Attention: Place Names Officer

NAMING PROPOSAL SUBMISSION



CITY OF BALLARAT

Please see over for guidance on making a submission

Naming Proposal (as shown on the document describing the proposal):

Council Reference No: NP -

Please ensure your name and postal address are clearly shown and your submission is signed and dated. A submission is a public document, but this section will be blanked out and not available to other parties.

CONFIDENTIAL

Organisation:

(only if this submission is on behalf of a community group, eg: historical society, progress association, etc.)

Name:

Postal Address:

Postcode:

Telephone:

Signature:

Date:

Your comments may include any relevant points but should say whether you consider the name is suitable and/or you support it. In order to be valid, submissions of objection should demonstrate how the name is not compliant with the current naming rules.

Comments:

- I have lived + worked at [redacted] St for the past 30 years.
- The street name Barry's Lane reflects current + past occupiers of this area.
- Sir Redmond Barry was the judge at the Eureka stockade trials in 1855 where 13 miners accused of treason were all acquitted.
- Many of them lived + worked along this gold rich gully.
- Sir Redmond Barry gave the opening speech at the Ballarat East Free Public Library on Jan 1st 1869. This is close by.
- Please see attached.
- I fully support this naming proposal for Barry's Lane.

Thanks [redacted]

- Council did not address valid objections during their deliberations, or
- The proposal does not conform to the principles of the current *Naming Rules*.

Attention: Place Names Officer

NAMING PROPOSAL SUBMISSION



CITY OF
BALLARAT

Please see over for guidance on making a submission

Naming Proposal (as shown on the document describing the proposal):

Name an unnamed road - Barry's Lane

Council Reference No: NP - 225

Please ensure your name and postal address are clearly shown and your submission is signed and dated. A submission is a public document, but this section will be blanked out and not available to other parties.

CONFIDENTIAL

Organisation:

(only if this submission is on behalf of a community group, eg: historical society, progress association, etc.)

Name:

Postal Address:

Postcode:

Telephone:

Signature:

Date: 16-10-17

Your comments may include any relevant points but should say whether you consider the name is suitable and/or you support it. In order to be valid, submissions of objection should demonstrate how the name is not compliant with the current naming rules.

Comments:

I and my family & friends would appreciate the name "Barry's Lane" for the previously unnamed rd in Fussell St. as for 35 years we have cleaned & cared for this laneway at our own expense.

Barry was a well-known & respected community member & was very active in our region for many years.

Our family remains strongly associated with Ballarat & naming the laneway would give our family a continued sense of pride & retrospectively recognise Barry's contribution.

Thankyou.

Sincerely

- Council did not address valid objections during their deliberations, or
- The proposal does not conform to the principles of the current Naming Rules.

Attention: Place Names Officer

NAMING PROPOSAL SUBMISSION



CITY OF
BALLARAT

Please see over for guidance on making a submission

Naming Proposal (as shown on the document describing the proposal):

NAME AN UNNAMED ROAD IN BALLARAT EAST - BARRY'S LANE

Council Reference No: NP - 225

Please ensure your name and postal address are clearly shown and your submission is signed and dated. A submission is a public document, but this section will be blanked out and not available to other parties.

CONFIDENTIAL

Organisation: [REDACTED]

(only if this submission is on behalf of a community group, eg: historical society, progress association, etc.)

Name: [REDACTED]

Postal Address: [REDACTED]

Postcode: [REDACTED]

Telephone: [REDACTED]

Signature: [REDACTED]

Date: 18/10/17

Your comments may be [REDACTED] but should say whether you consider the name is suitable and/or you support it. In order to be valid, submissions of objection should demonstrate how the name is not compliant with the current naming rules.

Comments:

[REDACTED] DOES NOT SUPPORT THE PROPOSAL TO NAME THE LANE BARRY'S LANE.

[REDACTED] RELATIVELY RECENT ASSOCIATION WITH THE PROPERTIES AT [REDACTED] AND THE [REDACTED]

PLANS FROM THE 1950'S SHOW 724 AND 730 EUREKA ST AS ONE TITLE THAT ACCOMMODATED THE MYTTONS STAINLESS STEEL FACTORY. THE LANE IN QUESTION SERVICED MYTTONS AND ANOTHER PROPERTY TO THE SOUTH THAT FRONS FUSSEL STREET. THE MYTTONS BUSINESS NO LONGER OPERATES.

[REDACTED] PROPOSES THAT THE LANE BE NAMED:

MYTTON'S LANE

TO ACKNOWLEDGE THE HISTORY OF THE AREA.

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



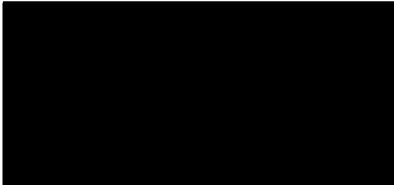
Date: 24 October 2017

Our Ref: NP 225

Your Ref:

Enquiries: (61) 03 5320 5763

Direct Email: lanismith@ballarat.vic.gov.au



COPY

Dear [Redacted]

RE: NP 225 NAME AND UNNAMED ROAD IN BALLARAT EAST – BARRY’S LANE

Thank you for your submission to the above naming proposal. I appreciate you taking the time to do this. Your submission proposed an alternative name for the currently unnamed road which is the subject of this naming proposal. I received and considered your submission in accordance with Council Policy and the current *Naming Rules for Places in Victoria (Naming Rules)*. My research reveals that the Mytton’s Factory in Ballarat was a Melbourne based company which had its head office in South Melbourne and the Ballarat factory was a subsidiary of this business. My understanding is Mytton’s later merged with another manufacturer from Melbourne, G & E Rodd. The interpretation is that Mytton’s was not a Ballarat borne business, rather a Melbourne based one.

When considering objections to naming proposals Council is required to give due consideration to any objections that demonstrate that a proposed name is not compliant with the current Naming Rules. The proposed name, Barry’s Lane is compliant in that it is not duplicated within the Municipality and there is a strong link to place, the Cosson’s having owned the abutting land for over 35 years and also having attended to the road area over a lengthy period. It could reasonably be argued that this association is therefore as strong if not stronger than the association with a former Melbourne based company.

Council’s policy when considering conflicting viewpoints is to assign greater weight to the opinion of directly affected residents, that is, those whose address will change as a result of a naming proposal. This is fair as these are the people who are most impacted. (Please see attached). In this case the address of the [Redacted] will not be affected. Discussions with the directly affected homeowner reveal a desire to support the name Barry’s Lane over other suggestions. In the absence of evidence demonstrating the name to be non-compliant and, having reasonably considered all submissions, on balance, the name of Barry’s Lane is deemed the most suitable in this instance.

At the end of the submission period a report will be prepared for Council. As a submitter, you will be notified of the date and time of this meeting and may attend should you so wish. Should you wish to appeal any decision by a naming authority this needs to be lodged with the Registrar of Victoria within 30 days of Council’s decision (see attached). Council will not make a final decision on this proposal until the submission period ends and a full report is prepared for consideration.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

Lani Smith
Place Names Officer

9.4. RECOMMENDATION OF POETRY INSTALLATION FOR LITTLE BRIDGE STREET POCKET PARK

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Gerritsen - Public Art Coordinator

OFFICER RECOMMENDATION

Council resolves to:

Accept the Public Art Advisory Committee recommendation for the commission of a poetry installation at the Little Bridge Street Pocket Park.

EXECUTIVE SUMMARY

On 6 October 2017, Council entered into a funding agreement (deed of variation) with the Department of Justice and Regulation for delivery of the Little Bridge Street Pocket Park.

The Project includes funding for the commissioning of a public artwork to accompany upgrades to public amenities. The aim of the project is to strengthen community connection and engagement with the site, improve facilities and reduce anti-social behavior in the area.

The artist selection process has resulted in the Public Art Advisory Committee recommending the submission by a Ballarat poet. The detailed submission is provided in the confidential agenda as it involves contractual information.

RATIONALE

The new Little Bridge Street Pocket Park, co-funded by Council and State Government, will improve community safety and confidence between the shopping precinct and bus interchange with a new public toilet, improved lighting, public art, landscaping and new CCTV cameras. An amount of \$10,000 is allocated to this public art project from Council's Major Projects unit budget.

Council's Public Art Coordinator has worked closely with the project management team to develop an artistic brief that incorporates a poem into public seating for the new pocket park. This concept is designed to be a low maintenance installation that can be feasibly delivered on the site and within the required funding timeframe. Members of the Ballarat Writers' Festival assisted Council's Public Art Advisory Committee (PAAC) at its 5 February 2018 meeting to conduct a de-identified selection of the recommended poem.

The recommended poetry submission, proposing the installation of four poems in Little Bridge Street Pocket Park, is provided for Council endorsement within the confidential agenda.

The proposed poetry reflects stories of the local community and contemporary life in urban Ballarat. The poem refers to local landmarks and cultural heritage stories easily accessible from the Little Bridge Street Pocket Park. The recommended poet considered the broad appeal of the poem, noting that the area is used by a cross section of the Ballarat community including families. The Ballarat Writers' Festival and Council's PAAC agreed on the recommendation for this artwork commission.

If approved, the poetry seating is scheduled for installation in April 2018.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006;*
- City of Ballarat Council Plan 2017-2021.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	No	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	No	No

Social/Cultural – The concept for the poetry identifies themes that are consistent with the local environment and are in keeping with community aspirations for the Little Bridge Street Pocket Park.

Environmental/Sustainability – The artwork will have little environmental impact and has a lifespan of 5 years.

Financial/Resources – The project is co-funded by Council and the Department of Justice and Regulation. An amount of \$10,000 is allocated to this public art project from Council's Major Projects unit budget.

Risk Management – The proposed artist has identified risks and risk mitigation in response to the artist brief. Reputational risk has been minimized through community engagement.

Implementation and Marketing – The project will be complete in line with the overall Park upgrade project in April 2018

CONSULTATION

Council Officers have worked closely with the community to develop the overall Little Bridge Street Pocket Park Project.

Community Members have joined Council's Public Art Advisory Committee for the February 2018 meeting to select the final poetry concept. The community representatives have been engaged through the Ballarat Writers' Festival.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

Submission documents included as a confidential attachment.

ATTACHMENTS

Nil

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

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Governance Administration Officer

OFFICER RECOMMENDATION

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Nirveen Kaur, effective as at 14 March 2018.
2. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Amy Boyd, effective as at 14 March 2018.
3. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to the following:

Name of Employee	Date Authorisation to be revoked
Nirveen Kaur	14 March 2018

This report is also to endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to:

Name of Employee	Date of Authorisation
Amy Boyd	14 March 2018

RATIONALE

At the Council Meeting held on 14 December 2016 Council resolved R354/17 to endorse the authorisation of Nirveen Kaur under the *Planning and Environment Act 1987*. Nirveen Kaur is no longer in the role of Statutory Planner and the authorisation requires revocation by Council resolution, to be effective as at 14 March 2018.

Amy Boyd holds the position of Executive Manager Regulatory Services and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the Officer to undertake duties authorised by Council, to be effective as at 14 March 2018.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Local Government Act 1989*;
- *Planning and Environment Act 1987*; and
- City of Ballarat Council Plan 2017-2021.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	Yes	Yes

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

Risk Management - 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 meeting its legislative compliance obligations.

Evaluation and Review - Council's authorisations are reviewed and updated upon changes to the role of a Council Officer, legislative changes and at cessation of employment.

CONSULTATION

There has been consultation with relevant Council Officers to ensure the correct delegations have been appointed.

OFFICERS DECLARATIONS OF INTEREST

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

ATTACHMENTS

1. Amy Boyd - Executive Manager Regulatory Services [9.5.1]

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

Ballarat City Council

**Instrument of Appointment and Authorisation
for Amy Boyd**

(Planning and Environment Act 1987 only)

9.6. ADOPTION OF THE S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Governance Administration Officer

OFFICER RECOMMENDATION

Council resolves to:

1. **Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 31 January 2018 (R21/18).**
2. **Exercise Council's power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.**
3. **Delegate 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.**
4. **Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:**
 1. **Come into force immediately once the Common Seal of Council is affixed;**
 2. **Remain in force until varied or revoked;**
 3. **Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
 4. **Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
5. **Sign and affix Council's Common Seal to the S6. Instrument of Delegation - Members of Staff.**

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S6. Instrument of Delegation - Members of Staff (Instrument) that was endorsed at the Council meeting held on 31 January 2018 (R21/18) and to endorse the revised Instrument reflecting changes in the organisational structure.

RATIONALE

Section 98 of the *Local Government Act 1989* (the Act) enables Councils, by an Instrument of Delegation, to delegate to a member of staff, any *duty and/or function and/or power* under the Act or any other Act other than:

- The power of delegation;
- The power to declare a rate or charge;
- The power to borrow money;
- The power to approve any expenditure not contained in a budget approved by the Council;
- Any power, duty or function of the Council under section 223; and
- Any prescribed power*.

* *A prescribed power is the ability to establish rules, laws, guides or directions or to assert a title or right to something on the grounds of prescription.*

Council is a legal entity composed of its Councillors, which acts in one of two ways – by resolution or through another acting on Council’s behalf. Where Council choses to act through others, this must be formalised through a written means known as an *Instrument of Delegation* wherever practical, which articulates the nature of the delegation, and any condition or limitation under which the delegation is to be exercised.

The revised Instrument has updated changes to the organisational structure.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- *Planning and Environment Act 1987*;
- *Local Government Act 1989*;
- *Local Government (General) Regulations 2015*; and
- City of Ballarat Council Plan 2017-2021.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in report	Implications Identified
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

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

Risk Management - Council delegations and authorisations need to be constantly maintained to ensure that appropriate Officers have the power to carry out their duties lawfully. This is a key component in Council meeting its essential legislative compliance obligations.

Implementation/Marketing - As per Section 12(d) of the *Local Government (General) Regulation 2015* Council will make the details of current delegations under sections 87 and 98 of the Act.

Evaluation and Review - Council reviews Instruments within 12 months of Local Government Elections and completes a review every six months thereafter.

CONSULTATION

There has been consultation with relevant Officers to ensure the correct delegations have been appointed.

The revocation and conferring of delegations does not require any public consultation, however, Council is required to keep registers of all delegations and authorisations made and revoked.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Council report and resolution 31 January 2018 (R21/18)

ATTACHMENTS

1. S6 Instrument of Delegation - Members of Staff **[9.6.1]**

S6. Instrument of Delegation - Members of Staff

Ballarat City Council

Instrument of Delegation

to

Members of Council Staff

S6 Instrument of Delegation - Members of Staff

Preamble

Instrument of Delegation

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

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

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

Abbreviation	Position Title
AOEH	Administration Officer Environmental Health
AOSC	Administration Officer Statutory Compliance
CAM	Coordinator Asset Management
CC	Compliance Coordinator
CID	Coordinator Infrastructure Delivery
CO	Compliance Officer
CPG	Coordinator Parks and Gardens
CRC	Coordinator Risk and Compliance
CRM	Coordinator Road Maintenance
CSTP	Coordinator Statutory Planning
DBS	Director Business Services
DCO	Development Contributions Officer
DDP	Director Development and Planning
DIE	Director Infrastructure and Environment
DWMPO	Domestic Wastewater Management Project Officer
EHO	Environmental Health Officer
EMDFA	Executive Manager Development Facilitation and Assets
EMEP	Executive Manager Economic Partnerships
EMI	Executive Manager Infrastructure
EMIA	Executive Manager Infrastructure and Assets
EMIS	Executive Manager Information Services
EMMP	Executive Manager Major Projects
EMOE	Executive Manager Operations and Environment
EMPSFM	Executive Manager Property Services and Facilities Management
EMRS	Executive Manager Regulatory Services
EMSRCS	Executive Manager Safety, Risk and Compliance Services
GAO	Governance Administration Officer
HSO	Health Services Officer
MBSCBS	Municipal Building Surveyor, Coordinator Building Services
MED	Manager Economic Development
MEH	Manager Environmental Health
MSP	Manager Strategic Planning
MSTP	Manager Statutory Planning
Not Applicable	Not Applicable
Not Delegated	Not Delegated
POC	Project Officer - Compliance
PSP	Principal Strategic Planner
SAO	Subdivision Administration Officer
SCO	Statutory Compliance Officer

SP	Strategic Planner
SPAO	Strategic Planning Administration Officer
SPPM	Strategic Planning Project Manager
SSP	Senior Strategic Planner
STP	Statutory Planner
TLEH	Team Leader Environmental Health
TLTM	Team Leader Traffic Management
TOEH	Technical Officer Environmental Health

3. declares that:

3.1 this Instrument of Delegation is authorised by [insert date and resolution]; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

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

(a) policy; or

(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

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

Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 1995
- Planning and Environment Act 1987
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	power to manage one or more public cemeteries	DIE, EMOE, EMPSFM, CPG	
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	DIE, EMOE, EMPSFM, CPG	where council is a Class B cemetery trust
s.12(2)	s.12(2) duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	DIE, EMOE, EMPSFM, CPG	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	DIE, EMOE, EMPSFM, CPG	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DIE, EMOE, EMPSFM, CPG	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DIE, EMOE, EMPSFM, CPG	
s.15(4)	duty to keep records of delegations	DBS, EMSRCS, CRC	
s.17(1)	power to employ any persons necessary	DIE, EMPSFM	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	DIE, EMOE, EMPSFM, CPG	
s.17(3)	power to determine the terms and conditions of employment or engagement	DIE, EMPSFM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DIE, EMOE, EMPSFM, CPG	

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s.19	power to carry out or permit the carrying out of works	DIE, EMOE, EMPSFM, CPG	
s.20(1)	duty to set aside areas for the interment of human remains	DIE, EMOE, EMPSFM, CPG	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DDP, DIE, EMOE, EMPSFM, CPG	
s.20(3)	power to set aside areas for those things in paragraphs (a) - (e)	DDP, DIE, EMOE, EMPSFM, CPG	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	DIE, EMOE, EMPSFM, CPG	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	DIE, EMOE, EMPSFM, CPG	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	DIE, EMOE, EMPSFM, CPG	subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	DIE, EMOE, EMPSFM, CPG	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DBS	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	DIE, EMOE, EMPSFM, CPG	report must contain the particulars listed in s.57(2)

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s.59	duty to keep records for each public cemetery	DIE, EMOE, EMPSFM, CPG	
s.60(1)	duty to make information in records available to the public for historical or research purposes	EMSRCS, CRC	
s.60(2)	power to charge fees for providing information	DBS	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DIE, EMOE, EMPSFM, CPG	
s.64B(d)	power to permit interments at a reopened cemetery	DIE, EMOE, EMPSFM, CPG	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DIE, EMOE, EMPSFM, CPG	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	DIE, EMPSFM	
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	DIE, EMOE, EMPSFM, CPG	
s.70(2)	duty to make plans of existing place of interment available to the public	DIE, EMOE, EMPSFM, CPG	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DIE, EMOE, EMPSFM, CPG	
s.71(2)	power to dispose of any memorial or other structure removed	DIE, EMOE, EMPSFM, CPG	
s.72(2)	duty to comply with request received under section 72	DIE, EMOE, EMPSFM, CPG	
s.73(1)	power to grant a right of interment	DIE, EMOE, EMPSFM, CPG	
s.73(2)	power to impose conditions on the right of interment	DIE, EMOE, EMPSFM, CPG	

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s.75	power to grant the rights of interment set out in subsections (a) and (b)	DIE, EMOE, EMPSFM, CPG	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DIE, EMOE, EMPSFM, CPG	
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	DIE, EMPSFM	
s.80(1)	function of receiving notification and payment of transfer of right of interment	DIE, EMOE, EMPSFM, CPG	
s.80(2)	function of recording transfer of right of interment	DIE, EMOE, EMPSFM, CPG	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DBS	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DBS	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DIE, EMOE, EMPSFM, CPG	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DIE, EMOE, EMPSFM, CPG	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DIE, EMOE, EMPSFM, CPG	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	DIE, EMOE, EMPSFM, CPG	does not apply where right of interment relates to remains of a deceased veteran.
s.85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;	DIE, EMPSFM	may only be exercised where

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	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.		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	DIE, EMPSFM	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
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	DIE, EMPSFM	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	DIE, EMPSFM	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DIE, EMPSFM	
s.86(5)	duty to provide notification before taking action under s.86(4)	DIE, EMPSFM	
s.86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	DIE, EMPSFM	
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	DIE, EMPSFM	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	DIE, EMPSFM	
s.91(1)	power to cancel a right of interment in accordance with this section	DIE, EMPSFM	
s.91(3)	duty to publish notice of intention to cancel right of interment	DIE, EMOE, EMPSFM, CPG	
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	DIE, DBS, EMOE, EMPSFM, CPG	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	DIE, EMOE, EMPSFM, CPG	

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s.99	power to approve or refuse an application made under section 98, or to cancel an approval	DIE, EMOE, EMPSFM, CPG	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DIE, EMOE, EMPSFM, CPG	
s.100(1)	power to require a person to remove memorials or places of interment	DIE, EMPSFM	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	DIE, EMPSFM	
s.100(3)	power to recover costs of taking action under section 100(2)	DIE, EMOE, EMPSFM, CPG	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	DIE, EMOE, EMPSFM, CPG	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DIE, EMOE, EMPSFM, CPG	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	DIE, EMOE, EMPSFM, CPG	
s.103(1)	power to require a person to remove a building for ceremonies	DIE, EMOE, EMPSFM, CPG	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	DIE, EMOE, EMPSFM, CPG	
s.103(3)	power to recover costs of taking action under section 103(2)	DIE, EMOE, EMPSFM, CPG	
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	DIE, EMOE, EMPSFM, CPG	
s.106(2)	power to require the holder of the right of interment to provide for an examination	DIE, EMOE, EMPSFM, CPG	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	DIE, EMPSFM	
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 section 106(1) is not complied with	DIE, EMPSFM	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DIE, EMOE, EMPSFM, CPG	

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s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	DIE, EMPSFM	
s.108	power to recover costs and expenses	DIE, EMOE, EMPSFM, CPG	
s.109(1)(a)	power to open, examine and repair a place of interment	DIE, EMPSFM	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DIE, EMPSFM	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	DIE, EMOE, EMPSFM, CPG	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	DIE, EMOE, EMPSFM, CPG	
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	DIE, EMOE, EMPSFM, CPG	
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	DBS	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DIE, EMOE, EMPSFM, CPG	
s.112	power to sell and supply memorials	DIE, EMOE, EMPSFM, CPG	

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s.116(4)	duty to notify the Secretary of an interment authorisation granted	DIE, EMOE, EMPSFM, CPG	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	DIE, EMOE, EMPSFM, CPG	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DIE, EMOE, EMPSFM, CPG	
s.119	power to set terms and conditions for interment authorisations	DIE, EMPSFM	
s.131	function of receiving an application for cremation authorisation	DIE, EMPSFM	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	DIE, EMOE, EMPSFM, CPG	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	DIE, EMOE, EMPSFM, CPG	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DIE, EMPSFM	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	DIE, EMPSFM	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	DIE, EMPSFM	
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	DIE, EMPSFM	
s.151	function of receiving applications to inter or cremate body parts	DIE, EMPSFM	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	DIE, EMOE, EMPSFM, CPG	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DIE, EMOE, EMPSFM, CPG	
Schedule 1 clause 8(8)	power to regulate own proceedings	DIE, EMOE, EMPSFM, CPG	where council is a Class B cemetery trust subject to clause 8

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	CC, DIE, EMRS	Council may delegate this power to an authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	CSTP, DWMPO, DDP, DIE, EHO, EMOE, MEH, MSTP, SP, STP, TLEH, TOEH, SSP, MSP, SPPM, SPAO, PSP	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CSTP, DWMPO, DDP, DIE, EHO, EMOE, MEH, MSTP, SP, STP, TLEH, TOEH, SSP, MSP, SPPM, SPAO, PSP	
s.53M(5)	duty to approve plans, issue permit or refuse permit	DWMPO, EHO, MEH, TLEH, TOEH	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	DWMPO, EHO, MEH, TLEH, TOEH	refusal must be ratified by

Environment Protection Act 1970			
			council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	DWMPO, EHO, MEH, TLEH, TOEH	refusal must be ratified by council or it is of no effect
Food Act 1984			
Provision	Item 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	EHO, MEH, TLEH	If section 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	EHO, MEH, TLEH	If section 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	DIE, EHO, MEH, TLEH	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 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	DIE	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, MEH, TLEH	If section 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	EHO, MEH, TLEH	If section 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).	EHO, MEH, TLEH	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	EHO, MEH, TLEH	Note: the power to direct the matters

Food Act 1984			
			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	EHO, MEH, TLEH	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	EHO, MEH, TLEH	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	EHO, MEH, TLEH	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	EHO, MEH, TLEH	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	Not Delegated	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	AOEH, EHO, MEH, TLEH, HSO	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	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MEH	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.

Food Act 1984			
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DIE, EHO, MEH, TLEH	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	MEH, TLEH	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	MEH, TLEH	where council is the registration authority
	power to register, renew or transfer registration	DIE, EHO, MEH, TLEH	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
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	AOEH, EHO, MEH, TLEH, HSO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	EHO, MEH	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	AOEH, EHO, MEH, TLEH, HSO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	DIE, EHO, MEH, TLEH	where council is the registration authority

Food Act 1984			
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	AOEH, EHO, MEH, TLEH, HSO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	DIE, EHO, MEH, TLEH	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	DIE, EHO, MEH, TLEH	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	DIE, EHO, MEH, TLEH	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	DIE, EHO, MEH, TLEH	

Food Act 1984			
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MEH, TLEH	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MEH, TLEH	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO, MEH, TLEH	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	EHO, MEH, TLEH	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DIE, EHO, MEH, TLEH	where council is the registration authority
Heritage Act 1995			
Note: this Act is to be repealed on the day the Heritage Act 2017 comes into force, which is 1 November 2017, unless proclaimed earlier			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.84(2)	power to sub-delegate Executive Director's functions	DDP, DIE	must obtain Executive Director's written consent first.
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victorian Planning Provisions	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	if authorised by the Minister

Planning and Environment Act 1987			
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.4H	duty to make amendment to Victoria Planning Provisions available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.4I	duty to keep Victorian Planning Provisions and other documents availables	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.8A(5)	function of receiving notice of the Minister's decision	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CSTP, DDP, DIE, MSTP, MSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, MSP, EMDFA	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	CSTP, DDP, DIE, MSTP, MSP, EMDFA	

Planning and Environment Act 1987			
s.12B(1)	duty to review planning scheme	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.12B(2)	duty to review planning scheme at direction of Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.17(1)	duty of giving copy amendment to the planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.17(2)	duty of giving copy s.173 agreement	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.18	duty to make amendment etc. available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
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 section 19 to a planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP,	

Planning and Environment Act 1987			
		EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.21(2)	duty to make submissions available	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.21A(4)	duty to publish notice in accordance with section	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.22	duty to consider all submissions	CSTP, DDP, DIE, EMOE, MSTP,	

Planning and Environment Act 1987			
		SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.26(1)	power to make report available for inspection	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.26(2)	duty to keep report of panel available for inspection	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.27(2)	power to apply for exemption if panel's report not received	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	

Planning and Environment Act 1987			
s.28	duty to notify the Minister if abandoning an amendment	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	CSTP, DDP, DIE, MSTP, SP, STP, EMEP, MSP, SPAO, EMDFA	
s.30(4)(b)	duty to provide information in writing upon request	CSTP, DDP, DIE, MSTP, SP, STP, EMEP, MSP, SPAO, EMDFA	
s.32(2)	duty to give more notice if required	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, EMDFA	
s.33(1)	duty to give more notice of changes to an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, EMDFA	
s.36(2)	duty to give notice of approval of amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.38(5)	duty to give notice of revocation of an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, EMDFA	
s.40(1)	function of lodging copy of approved amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.41	duty to make approved amendment available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.42	duty to make copy of planning scheme available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
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 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 effect a limited

Planning and Environment Act 1987			
			number of councils
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.46GF	duty to comply with directions issued by the Minister	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	CSTP, DDP, DIE, DBS, MSTP, EMEP, EMDFA	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, DCO, EMDFA	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, DCO, EMDFA	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDFA	must be done in accordance with Local

Planning and Environment Act 1987			
			Government Act 1989
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, DCO, EMDFA	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDFA	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDFA	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, DCO, EMDFA	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDFA	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	CSTP, DDP, DIE, EMIA, MSTP,	

Planning and Environment Act 1987			
		STP, DCO, EMDFA	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
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	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46Q(1)	duty to keep proper accounts of levies paid	CSTP, DDP, DIE, DBS, EMIA, MSTP, DCO, EMDFA	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CSTP, DDP, DIE, DBS, EMIA, MSTP, DCO, EMDFA	
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	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	CSTP, DDP, DIE, DBS, EMIA,	only applies when levy is paid to Council

Planning and Environment Act 1987			
		MSTP, DCO, EMDFA	as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	CSTP, DDP, DIE, DBS, EMIA, MSTP, DCO, EMDFA	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	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	CSTP, DDP, DIE, EMIA, MSTP, DCO, EMDFA	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDFA	
s.46QD	duty to prepare report and give a report to the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	where council is a collecting agency or development agency

Planning and Environment Act 1987			
s.46Y	duty to carry out works in conformity with the approved strategy plan	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.47	power to decide that an application for a planning permit does not comply with that Act	CC, CO, CSTP, DDP, DIE, MSTP, EMEP, EMDFA, POC	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.49(2)	duty to make register available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.50(4)	duty to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.50(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.50(6)	duty to make note of amendment to application in register	CSTP, DDP, DIE, MSTP, SP, STP, SSP, SAO, SPPM, SPAO, PSP, EMDFA	
s.50A(1)	power to make amendment to application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, SAO, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.50A(4)	duty to note amendment to application in register	CSTP, DDP, DIE, MSTP, STP, EMEP, SAO, EMDFA	
s.51	duty to make copy of application available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, SAO, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.52(3)	power to give any further notice of an application where appropriate	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.54(1)	power to require the applicant to provide more information	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.54(1A)	duty to give notice in writing of information required under section 54(1)	CSTP, DDP, DIE, MSTP, STP, SSP, EMEP, SPPM, PSP, EMDFA	
s.54(1B)	duty to specify the lapse date for an application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.57(5)	duty to make available for inspection copy of all objections	CSTP, DDP, DIE, MSTP, SP, STP,	

Planning and Environment Act 1987			
		SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.57A(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.57A(6)	duty to note amendments to application in register	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.57B(1)	duty to determine whether and to whom notice should be given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.57C(1)	duty to give copy of amended application to referral authority	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.58	duty to consider every application for a permit	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.58A	power to request advice from the Planning Application Committee	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.60	duty to consider certain matters	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.60(1A)	power to consider certain matters before deciding on application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SAO, SPPM, SPAO, PSP, EMDFA	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	CSTP, DDP, DIE, MSTP, STP,	

Planning and Environment Act 1987			
		E MEP, MSP, EMDFA	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, EMDFA	
s.62(1)	duty to include certain conditions in deciding to grant a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.62(2)	power to include other conditions	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
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 section 173 agreement	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
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 section 62(5) or section 46N	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
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 section 62(1)(a)	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	CSTP, DDP, DIE, MSTP, STP, SSP, EMEP, SPPM, PSP, EMDFA	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	CSTP, DDP, DIE, MSTP, STP, SSP, EMEP, SPPM, PSP, EMDFA	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	CSTP, DDP, DIE, MSTP, SP, STP,	this provision applies also to a

Planning and Environment Act 1987			
		SSP, EMEP, SPPM, SPAO, PSP, EMDFA	decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	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

Planning and Environment Act 1987			
			recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	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 section 64 or 65	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.69(1A)	function of receiving application for extension of time to complete development	CSTP, DDP, DIE, MSTP, SP, STP,	

Planning and Environment Act 1987			
			SSP, EMEP, SPPM, SPAO, PSP, EMDFA
s.69(2)	power to extend time		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA
s.70	duty to make copy permit available for inspection		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA
s.71(1)	power to correct certain mistakes		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA
s.71(2)	duty to note corrections in register		CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA
s.73	power to decide to grant amendment subject to conditions		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA
s.74	duty to issue amended permit to applicant if no objectors		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit		CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP,

Planning and Environment Act 1987			
		SPPM, SPAO, PSP, EMDFA	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be

Planning and Environment Act 1987			
			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 section 64 or 76	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDFA	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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDFA	
s.83	function of being respondent to an appeal	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.83B	duty to give or publish notice of application for review	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
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	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	

Planning and Environment Act 1987			
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	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.86	duty to issue a permit at order of Tribunal within 3 working days	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.91(2)	duty to comply with the directions of VCAT	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.93(2)	duty to give notice of VCAT order to stop development	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.95(3)	function of referring certain applications to the Minister	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.95(4)	duty to comply with an order or direction	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	

Planning and Environment Act 1987			
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.96F	duty to consider the panel's report under section 96E	Not Delegated	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	CSTP, DDP, DIE, MSTP, EMMP, EMEP, MSP, EMDFA	
s.96H(3)	power to give notice in compliance with Minister's direction	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.96J	power to issue permit as directed by the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.96K	duty to comply with direction of the Minister to give notice of refusal	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
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	CC, CO, CSTP, DDP, DIE, MSTP, EMEP, EMDFA, POC	
s.97C	power to request Minister to decide the application	DDP	

Planning and Environment Act 1987			
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
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	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDFA	
s.97MH	duty to provide information or assistance to the Planning Application Committee	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDFA	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, EMDFA	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, EMDFA	
s.97Q(4)	duty to comply with directions of VCAT	CSTP, DDP, DIE, MSTP, STP,	

Planning and Environment Act 1987			
		EMEP, MSP, EMDFA	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, SAO, EMDFA	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.101	function of receiving claim for expenses in conjunction with claim	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.103	power to reject a claim for compensation in certain circumstances	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.107(1)	function of receiving claim for compensation	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.107(3)	power to agree to extend time for making claim	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.114(1)	power to apply to the VCAT for an enforcement order	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDFA	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDFA	

Planning and Environment Act 1987			
s.123(1)	power to carry out work required by enforcement order and recover costs	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDFA	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CSTP, DDP, DIE, DBS, MSTP, EMDFA	except Crown Land
s.129	function of recovering penalties	CSTP, DDP, DIE, DBS, MSTP, EMDFA	
s.130(5)	power to allow person served with an infringement notice further time	CSTP, DDP, DIE, DBS, MSTP, EMEP, EMRS, EMDFA	
s.149A(1)	power to refer a matter to the VCAT for determination	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CSTP, DDP, DIE, MSTP, EMEP, EMRS, MSP, EMDFA	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.171(2)(g)	power to grant and reserve easements	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.173(1)	power to enter into agreement covering matters set out in section 174	CSTP, DDP, DIE, DBS, MSTP, MSP, EMDFA	

Planning and Environment Act 1987			
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	DDP, DIE, DBS, MED	where council is the relevant responsible authority note: this provision is not yet in force and will commence on 1 June 2018, if not proclaimed earlier
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CSTP, DDP, DIE, DBS, MSTP, MSP, EMDFA	
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CSTP, DDP, DIE, DBS, MSTP, MSP, EMDFA	
s.177(2)	power to end a section 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	CSTP, DDP, DIE, MSTP, MSP, EMDFA	
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	CSTP, DDP, DIE, DBS, MSTP, MSP, EMDFA	
s.178A(1)	function of receiving application to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178A(5)	power to propose to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, EMDFA	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178C(4)	function of determining how to give notice under s.178C(2)	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDFA	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CSTP, DDP, DIE, MSTP, SP, STP,	If no objections are made under

Planning and Environment Act 1987			
		SSP, MSP, SPPM, SPAO, PSP, EMDFA	s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987			
s.178E(3)(d)	power to refuse to amend or end the agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CSTP, DDP, DIE, MSTP, MSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.179(2)	duty to make available for inspection copy agreement	CSTP, DDP, DIE, MSTP, EMDFA	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CSTP, DDP, DIE, MSTP, EMDFA	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	CSTP, DDP, DIE, MSTP, EMDFA	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	CSTP, DDP, DIE, MSTP, EMDFA	
s.182	power to enforce an agreement	CSTP, DDP, DIE, MSTP, EMRS, EMDFA	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	CSTP, DDP, DIE, MSTP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	

Planning and Environment Act 1987			
s.184G(2)	duty to comply with a direction of the Tribunal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.184G(3)	duty to give notice as directed by the Tribunal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
s.198(1)	function to receive application for planning certificate	CSTP, DDP, DIE, MSTP, STP, SAO, EMDFA	
s.199(1)	duty to give planning certificate to applicant	CSTP, DDP, DIE, MSTP, STP, EMDFA	
s.201(1)	function of receiving application for declaration of underlying zoning	CSTP, DDP, DIE, MSTP, STP, EMDFA	
s.201(3)	duty to make declaration	CSTP, DDP, DIE, MSTP, EMDFA	
	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	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDFA	
	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	CSTP, DDP, DIE, MSTP, EMDFA	
	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	CSTP, DDP, DIE, MSTP, EMEP, EMDFA	
	power to give written authorisation in accordance with a provision of a planning scheme	CSTP, DDP, MSTP, EMEP	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	Not Delegated	

Planning and Environment Act 1987			
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	Not Delegated	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	Not Delegated	
Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.33	duty to comply with a direction of the Safety Director under this section	DDP, DIE, EMOE, EMIA, EMI	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DDP, DIE, EMOE, EMIA, EMI	duty of council as a road authority under the Road Management Act 2004
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DDP, DIE, EMOE, EMIA, EMI	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DDP, DIE, EMOE, EMIA, EMI	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DDP, DIE, EMOE	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DDP, DIE, EMOE	where council is the relevant road authority

Rail Safety (Local Operations) Act 2006			
s.34E(1)(a)	duty to identify and assess risks to safety	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DDP, DIE, EMOE, EMIA, EMI	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DDP, DIE, EMOE, EMIA, CRM, EMI	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	DDP, DIE, EMOE, EMIA, EMI	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DDP, DIE, EMOE, EMIA, EMI	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DDP, DIE, EMOE, EMIA, EMI	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DIE, EMIA, EMI	where council is the relevant road authority

Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.142D	function of receiving notice regarding an unregistered rooming house	AOEH, EHO, MEH, TOEH, HSO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MEH	
s.142G(2)	power to enter certain information in the Rooming House Register	AOEH, EHO, MEH, TLEH, TOEH, HSO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	AOEH, EHO, MEH, TLEH, TOEH, HSO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DIE, EMPSFM	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DIE, EMPSFM	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	DDP, DIE, EMOE, EMPSFM	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, MBSCBS, MEH, TLEH, TOEH, EMRS	
s.522(1)	power to give a compliance notice to a person	EHO, MBSCBS, MEH, TLEH, TOEH, EMRS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DIE	
s.525(4)	duty to issue identity card to authorised officers	AOSC, GAO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	EHO, MBSCBS, MEH, TLEH, TOEH	
s.526A(3)	function of receiving report of inspection	AOEH, EHO, MEH, TLEH, TOEH, HSO	

Residential Tenancies Act 1997			
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MBSCBS, MEH, TLEH, TOEH, EMRS	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DDP, DIE, EMOE, EMIA, EMDFA, EMI	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DDP, DIE, EMOE, EMIA, EMDFA, EMI	
s.11(9)(b)	duty to advise Registrar	DDP, DIE, EMOE, EMIA, EMDFA, EMI	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DDP, DIE, EMOE, EMIA, EMDFA, EMI	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DDP, DIE, EMOE, EMIA, EMDFA, EMI	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DDP, DIE, EMOE, EMIA, MSP, EMDFA, EMI	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DDP, DIE, EMOE, EMIA, EMDFA, EMI	power of coordinating road authority where it is the discontinuing body unless

Road Management Act 2004			
			subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DDP, DIE, EMOE, EMIA, EMDFA, EMI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	DDP, DIE, EMOE, EMIA, EMDFA, EMI	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DDP, DIE, EMOE, EMIA, EMDFA, EMI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DDP, DIE, EMOE, EMIA, EMDFA, EMI	duty of coordinating road authority where it is the discontinuing body does not apply

Road Management Act 2004			
			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	DDP, DIE, EMOE, EMIA, EMDFA, EMI	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DDP, DIE, EMOE, EMIA, TLTM, EMDFA, EMI	
s.14(7)	power to appeal against decision of VicRoads	DDP, DIE, EMOE, EMIA, CAM, TLTM, EMDFA, EMI	
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	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIE, EMIA, CAM, EMDFA, EMI	
s.15(2)	duty to include details of arrangement in public roads register	DIE, EMIA, CAM, EMDFA, EMI	
s.16(7)	power to enter into an arrangement under section 15	DIE, EMIA, CAM, EMDFA, EMI	
s.16(8)	duty to enter details of determination in public roads register	DIE, EMIA, CAM, EMDFA, EMI	

Road Management Act 2004			
s.17(2)	duty to register public road in public roads register	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DIE, EMIA, CAM, EMDFA, 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	DIE, EMIA, CAM, EMDFA, 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	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DIE, EMIA, CAM, EMDFA, 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	DIE, EMIA, CAM, EMDFA, EMI	
s.19(4)	duty to specify details of discontinuance in public roads register	DIE, EMIA, CAM, EMDFA, EMI	
s.19(5)	duty to ensure public roads register is available for public inspection	DIE, EMIA, CAM, EMDFA, EMI	
s.21	function of replying to request for information or advice	DIE, EMIA, CAM, EMDFA, EMI	obtain consent in circumstances

Road Management Act 2004			
			specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DIE, EMIA, CAM, EMDFA, EMI	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DDP, DIE, EMOE	
s.22(5)	duty to give effect to a direction under this section.	DDP, DIE, EMOE	
s.40(1)	duty to inspect, maintain and repair a public road.	DIE, EMOE, EMIA, CRM, EMDFA, EMI	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIE, EMOE, EMIA, CRM, EMDFA, EMI	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIE, EMOE, EMIA, CAM, CRM, EMDFA, EMI	
s.42(1)	power to declare a public road as a controlled access road	DIE, EMIA, CAM, EMDFA, EMI	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DIE, EMIA, CAM, EMDFA, EMI	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DDP, DIE, EMOE, EMIA, TLTM, EMDFA, EMI	where council is the coordinating road authority

Road Management Act 2004			
			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)	DDP, DIE, EMOE, EMIA, EMDFA, EMI	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DDP, DIE, EMOE, EMIA, EMDFA, EMI	
s.49	power to develop and publish a road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.51	power to determine standards by incorporating the standards in a road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.54(2)	duty to give notice of proposal to make a road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	

Road Management Act 2004			
s.54(6)	power to amend road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.54(7)	duty to incorporate the amendments into the road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
s.63(1)	power to consent to conduct of works on road	EMOE, EMIS, CAM, 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	MEH, EMIS, CAM, CRM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DIE, EMIA, CAM, EMDFA, 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	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
s.67(3)	power to request information	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
s.68(2)	power to request information	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority

Road Management Act 2004			
s.71(3)	power to appoint an authorised officer	DIE, EMOE, EMIA, CAM, CID, CRM, TLTM, EMDFA, EMI, KRO	
s.72	duty to issue an identity card to each authorised officer	DBS, EMSRCS, SCO, AOSC, CRC, GAO	
s.85	function of receiving report from authorised officer	DIE, EMIA, EMDFA, EMI	
s.86	duty to keep register re section 85 matters	DIE, EMIA, EMDFA, EMI	
s.87(1)	function of receiving complaints	DIE, EMOE, EMIA, CRM, EMDFA, EMI	
s.87(2)	duty to investigate complaint and provide report	DIE, DBS, EMOE, EMIA, CRM, EMDFA, EMI	
s.112(2)	power to recover damages in court	DIE, EMOE, EMIA, EMSRCS, CRC, CRM, EMDFA, EMI	
s.116	power to cause or carry out inspection	DIE, EMOE, EMIA, CRM, EMDFA, EMI	
s.119(2)	function of consulting with VicRoads	DDP, DIE, EMOE, EMIA, EMDFA, EMI	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DDP, DIE, EMOE, EMIA, EMDFA, EMI	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DIE, EMOE, EMIA, CRM, EMDFA, EMI	

Road Management Act 2004			
s.121(1)	power to enter into an agreement in respect of works	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	
s.122(1)	power to charge and recover fees	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	
s.123(1)	power to charge for any service	DIE, DBS, EMOE, EMIA, CRM, EMDFA, EMI	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIE, EMIA, CAM, EMDFA, EMI	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not Delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not Delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DIE, EMIA, CAM, EMDFA, EMI	
Schedule 2 Clause 5	duty to publish notice of declaration	DIE, EMIA, CAM, EMDFA, EMI	
Schedule 7, Clause 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	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager or works manager
Schedule 7, Clause 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	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DIE, EMOE, EMIA, CAM, CRM, EMDFA, EMI	where council is the infrastructure manager or works manager responsible for non-road infrastructure

Road Management Act 2004			
Schedule 7, Clause 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	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DIE, EMOE, EMIA, CAM, CRM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DIE, EMIA, CAM, EMDFA, EMI	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DIE, EMIA, CAM, EMDFA, EMI	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 16(4)	duty to consult	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DDP, DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIE, EMIA, EMDFA, EMI	power of responsible road authority where

Road Management Act 2004			
			it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIE, EMIA, EMDFA, EMI	where council is the responsible road authority
Schedule 7A Clause 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	DIE, EMIA, EMDFA, EMI	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DIE, EMIA, EMDFA, 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			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.24	duty to ensure that cemetery complies with depth of burial requirements	DIE, EMPSFM	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DIE, EMPSFM	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DIE, EMPSFM	

Cemeteries and Crematoria Regulations 2015

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

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	DIE, EMPSFM	
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	DIE, EMPSFM	
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator	DIE, EMPSFM	
r.30(2)	power to release cremated human remains to certain persons	DIE, EMPSFM	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	DIE, EMPSFM	
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	DIE, EMPSFM	
r.31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	DIE, EMPSFM	
r.31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	DIE, EMPSFM	
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	EMOE, EMPSFM, CPG	
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	EMOE, EMPSFM, CPG	
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	EMOE, EMPSFM, CPG	
r.34	duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	EMOE, EMPSFM, CPG	
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	EMOE, EMPSFM, CPG	
r.40	power to approve a person to play sport within a public cemetery	DIE, EMPSFM	
r.41(1)	power to approve fishing and bathing within a public cemetery	DIE, EMPSFM	
r.42(1)	power to approve hunting within a public cemetery	DIE, EMPSFM	
r.43	power to approve camping within a public cemetery	DIE, EMPSFM	
r.45(1)	power to approve the removal of plants within a public cemetery	EMPSFM, CPG	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	EMOE, EMPSFM, CPG	
r.47(3)	power to approve the use of fire in a public cemetery	DIE, EMPSFM	

Cemeteries and Crematoria Regulations 2015

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

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	EMOE, EMPSFM, CPG	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	EMOE, EMPSFM, CPG	
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 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	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	EMOE, EMPSFM, CPG	see note above regarding model rules

Cemeteries and Crematoria Regulations 2015

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

Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	EMOE, EMPSFM, CPG	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules

Planning and Environment Regulations 2015

Provision	Item Delegated	Delegate	Conditions and Limitations
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	DDP, DIE, MSTP, EMEP, MSP, EMDFA	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment Regulations 2015			
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	CSTP, DDP, DIE, MSTP, SP, STP, MSP, SAO, EMDFA	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CSTP, DDP, DIE, MSTP, SP, STP, MSP, SAO, EMDFA	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	CSTP, DDP, DIE, MSTP, SP, STP, EMEP, MSP, SAO, EMDFA	where Council is not the responsible authority but the relevant land is within Council's municipal district
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	DDP, DIE, MSTP, EMEP, MSP, EMDFA	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations

Planning and Environment (Fees) Regulations 2016			
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	DDP, DIE, MSTP, EMEP, MSP, EMDFA	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DDP, DIE, MSTP, EMEP, MSP, EMDFA	
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	DDP, DIE, MSTP, EMEP, MSP, EMDFA	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.7	function of entering into a written agreement with a caravan park owner	EHO, MBSCBS, MEH, TLEH, TOEH	
r.11	function of receiving application for registration	AOEH, EHO, MEH, TLEH, TOEH, HSO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, MEH, TLEH, TOEH	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, MEH, TLEH, TOEH	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, MEH, TLEH	
r.13(4) & (5)	duty to issue certificate of registration	EHO, MEH, TLEH, TOEH	
r.15(1)	function of receiving notice of transfer of ownership	AOEH, EHO, MEH, TLEH, TOEH, HSO	
r.15(3)	power to determine where notice of transfer is displayed	EHO, MEH, TLEH, TOEH	
r.16(1)	duty to transfer registration to new caravan park owner	EHO, MEH, TLEH, TOEH	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.16(2)	duty to issue a certificate of transfer of registration	EHO, MEH, TLEH, TOEH	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO, MEH, EMPSFM, TLEH	
r.18	duty to keep register of caravan parks	MEH, TLEH	
r.19(4)	power to determine where the emergency contact person's details are displayed	EHO, MEH, TLEH, TOEH	
r.19(6)	power to determine where certain information is displayed	EHO, MEH, TLEH, TOEH	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, MEH, TLEH, TOEH	
r.22A(2)	duty to consult with relevant emergency services agencies	EHO, MEH, TLEH, TOEH	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, MEH, TLEH, TOEH	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, MEH, TLEH, TOEH	
r.25(3)	duty to consult with relevant floodplain management authority	EHO, MEH, TLEH, TOEH	
r.26	duty to have regard to any report of the relevant fire authority	EHO, MEH, TLEH, TOEH	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, MEH, TLEH, TOEH	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	AOEH, EHO, MBSCBS, MEH, TLEH, TOEH, HSO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MBSCBS	
r.40(4)	function of receiving installation certificate	MBSCBS	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBSCBS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MBSCBS	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.8(1)	duty to conduct reviews of road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
r.9(2)	duty to produce written report of review of road management plan and make report available	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
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)	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	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 section 41 of the Act	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
r.13(1)	Duty to publish notice of amendments to road management plan	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	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	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
r.16(3)	power to issue permit	DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority

Road Management (General) Regulations 2016			
r.18(1)	power to give written consent re damage to road	DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DIE, EMOE, EMIA, CAM, EMDFA, EMI	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DIE, EMOE, EMIA, CAM, EMDFA, 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	DIE, EMOE, EMIA, CAM, EMDFA, EMI	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))	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DIE, EMOE, EMIA, EMSRCS, CAM, CRC, EMDFA, EMI	
Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DIE, EMOE, EMIA, EMSRCS, CRC, EMDFA, EMI	where council is the coordinating road authority and where consent given under section 63(1) of the Act

Road Management (Works and Infrastructure) Regulations 2015

Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

r.22(2)	power to waive whole or part of fee in certain circumstances	DIE, EMOE, EMIA, EMSRCS, CRC, EMDFA, EMI	where council is the coordinating road authority
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9.7. OUTSTANDING QUESTIONS

Division: Business Services
Director: Glenn Kallio
Author/Position: Ali Evans - Administration Officer Statutory Compliance

RECOMMENDATION

Council resolves to:

Endorse the Outstanding Question Time report.

EXECUTIVE SUMMARY

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from Council Question Time.

RATIONALE

The City of Ballarat Local Law No. 18 – Meeting Procedure calls for a standard agenda item at each Council Meeting that reflects unanswered questions from Public Question Time.

LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

- City of Ballarat Local Law No. 18 – Meeting Procedure.

OFFICERS DECLARATION OF INTERESTS

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

ATTACHMENTS

1. Outstanding Question Time Items **[9.7.1]**
2. QT05/18 - Don Boak **[9.7.2]**

Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
31/01/2018 QT01/18	Closed	Mr Robert Scott Newington	There was no mention on the City of Ballarat website of the Ballarat Citizen of the Year Awards. I called staff at the City of Ballarat and was told that this was a private event, but the staff member that I spoke to wasn't able to tell me why it was private. I am disappointed that I was not able to attend. Peter Caligari was a worthy winner and I would like to know why this was a closed event?	Cameron Gray Director Innovation and Organisational Improvement	Mr Cameron Gray phoned Mr Scott on Wednesday 21st February 2018 and provided him with a response.
31/01/2018 QT05/18	Closed	Mr Don Boak Mount Clear	There was a blackwood tree in front of our property which has been taken out. I rang and spoke to the arborist and questioned why the tree was taken out, and asked to see the report into why this was completed? Is this correct procedure and why can't I see this report?	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided Mr Boak with a written response (see attached).
21/02/2018 QT08/18	Open	Mr Frank Williams Invermay Park	Is the Ballarat East Recreation Centre still available for the community and for sport and recreation groups to use? Also, where is the large sign that advertised the facilities and the contact details for community use?	Neville Ivey Director Community Development	Taken on notice
21/02/2018 QT10/18	Open	Ms Erin McCuskey Ballarat East	My question relates to the Ballarat East Town Hall gardens which are in a state of disrepair and have been for a number of years now. Who is responsible for the trees and who is responsible for the gardens?	Neville Ivey Director Community Development	Taken on notice

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061

Date: 20 February, 2018

Mr Don Boak
[REDACTED]
[REDACTED]

Our Ref: TD:dw:bk

Your Ref: QT05/18

Enquiries: 03 5320 5500

Dear Mr Boak

**RE: PUBLIC QUESTION ASKED AT COUNCIL MEETING OF 31 JANUARY 2018
REGARDING BLACKWOOD TREE CONCERNS**

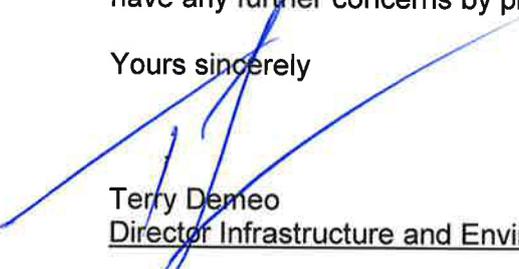
I refer to your question asked at the Council Meeting of 31 January 2018 which I took on notice at the time to further investigate., *"There was a blackwood tree in front of our property which has been taken out. I rang and spoke to the arborist and questioned why the tree was taken out, and asked to see the report into why this was completed? Is this correct procedure and why can't I see this report?"*

In respect to the background of this matter, a customer service request was received concerning the tree on 3 January 2017, the resident was concerned that it was leaning towards the house at [REDACTED] and was at risk of hitting an electrical service wire and the electricity pole located beside it. A Council Arborist inspected the tree on 11 January 2017 and noted that at that stage it appeared structurally sound, however it was badly infested with borer and would most likely fail towards the residence in time. The requestor was contacted, and it was agreed that Council would monitor the tree on a regular basis and would be removed should the tree show further structural decline. The tree was inspected again in September 2017 and was then recommended for removal with a non-urgent status. The job was allocated to a contractor in late November 2017 and tree was removed this year. Please find a copy of the inspection report attached to this letter.

In short, the arborist assessment was that the borer infestation was such that the tree presented a risk and as such it was recommended for removal.

Please feel free to contact Council's Coordinator Parks and Gardens, Daryl Wallis, if you have any further concerns by phoning 5320 7405.

Yours sincerely


Terry Demeo
Director Infrastructure and Environment

CC: CEO, Justine Linley
Geoff Howard MP, Member for Buninyong

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Feature Document Links for Feature: R2490 / 250016.00 X Feature X

1 of 1 Action Other

Site

Asset Id

Start Date Live

Feature Type

Location

Asset Number

Attributes

Constructed Date	<input type="text" value="00/00/0000 00:00:00 AI"/>	Notes <input type="text"/>
G-Number of	<input type="text" value="1.00"/> Number of	
G-Warranty Date	<input type="text" value="00/00/0000 00:00:00 AI"/>	Notes <input type="text"/>
T-Spread (m)	<input type="text" value="5.20"/> Metres	
G-Asset Origin	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
G-Maintaining Authority	<input type="text" value="City of Ballarat"/>	Notes <input type="text"/>
T-DBH	<input type="text" value="Not Assessed"/>	Notes <input type="text"/>
T-Lopped	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
TMP-Playgrounds	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Proposed Planting Year	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Replacement Species	<input type="text" value="Not Assessed"/>	Notes <input type="text"/>
T-School Entrances & Exits	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Segment Number	<input type="text" value="R2490/0005"/>	
T-Special Plantings	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Species	<input type="text" value="Acacia melanoxylon"/>	Notes <input type="text"/>
T-Spread	<input type="text" value="3-6m"/>	Notes <input type="text"/>
T-Status	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Stock Size	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Tree Impacting Infra.	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>
T-Tree Mechanical Bracing	<input type="text" value="No"/>	Notes <input type="text"/>
T-Tree Occupancy	<input type="text" value="Occasional"/>	Notes <input type="text"/>
T-Tree Root Barrier Installed	<input type="text" value="Not Applicable"/>	Notes <input type="text"/>

▼ Conditions

T-Age

Mature (MAT) ▼

notes:

T-Health

Poor (P) ▼

Considerable dieback

T-Height

10-15 (1015) ▼

notes...

T-Power Line
Clearance Pruning

Not Assessed (NA) ▼

notes...

T-Structure

Poor (P) ▼

Borer evident

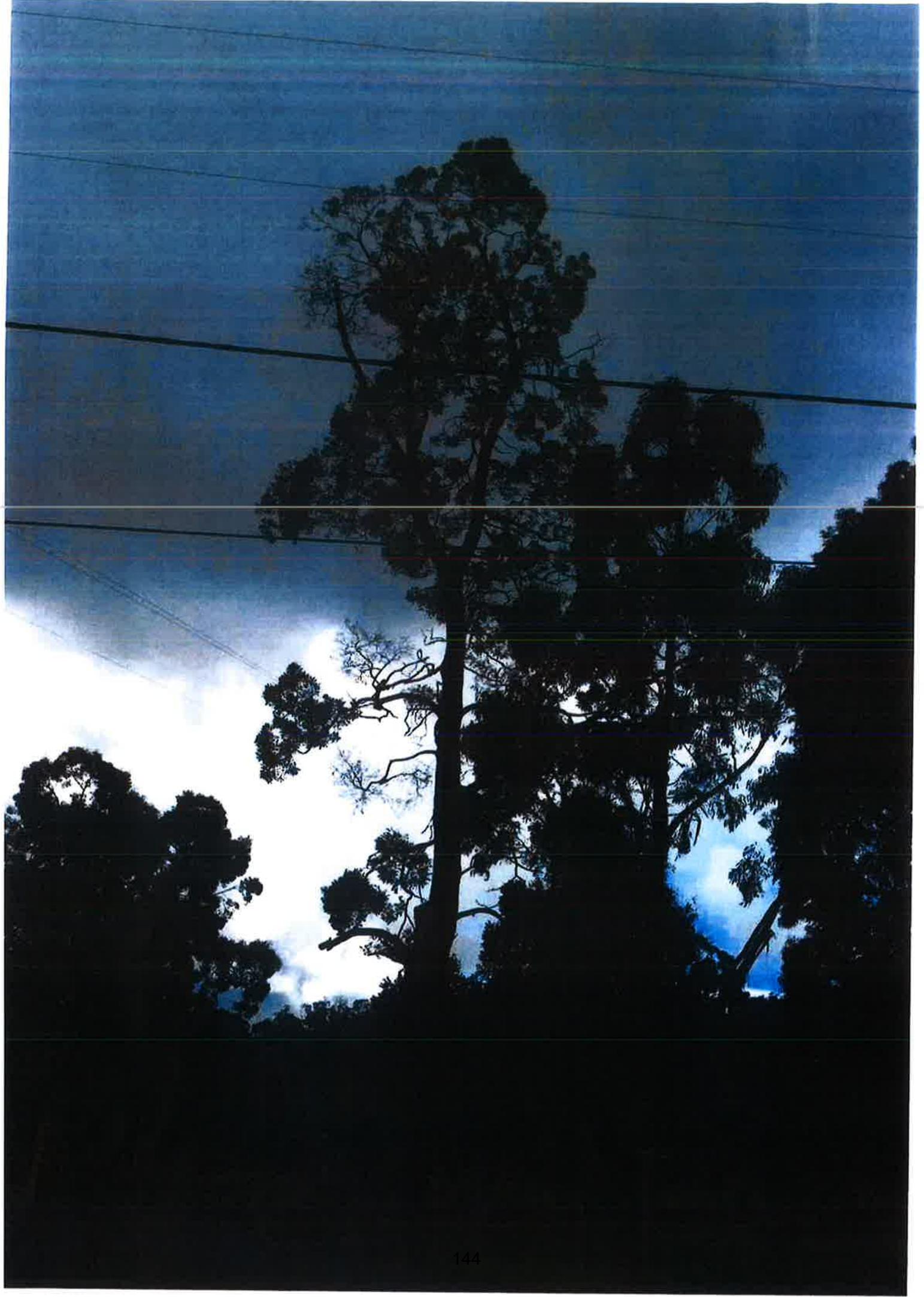
T-Useful Life
Expectancy

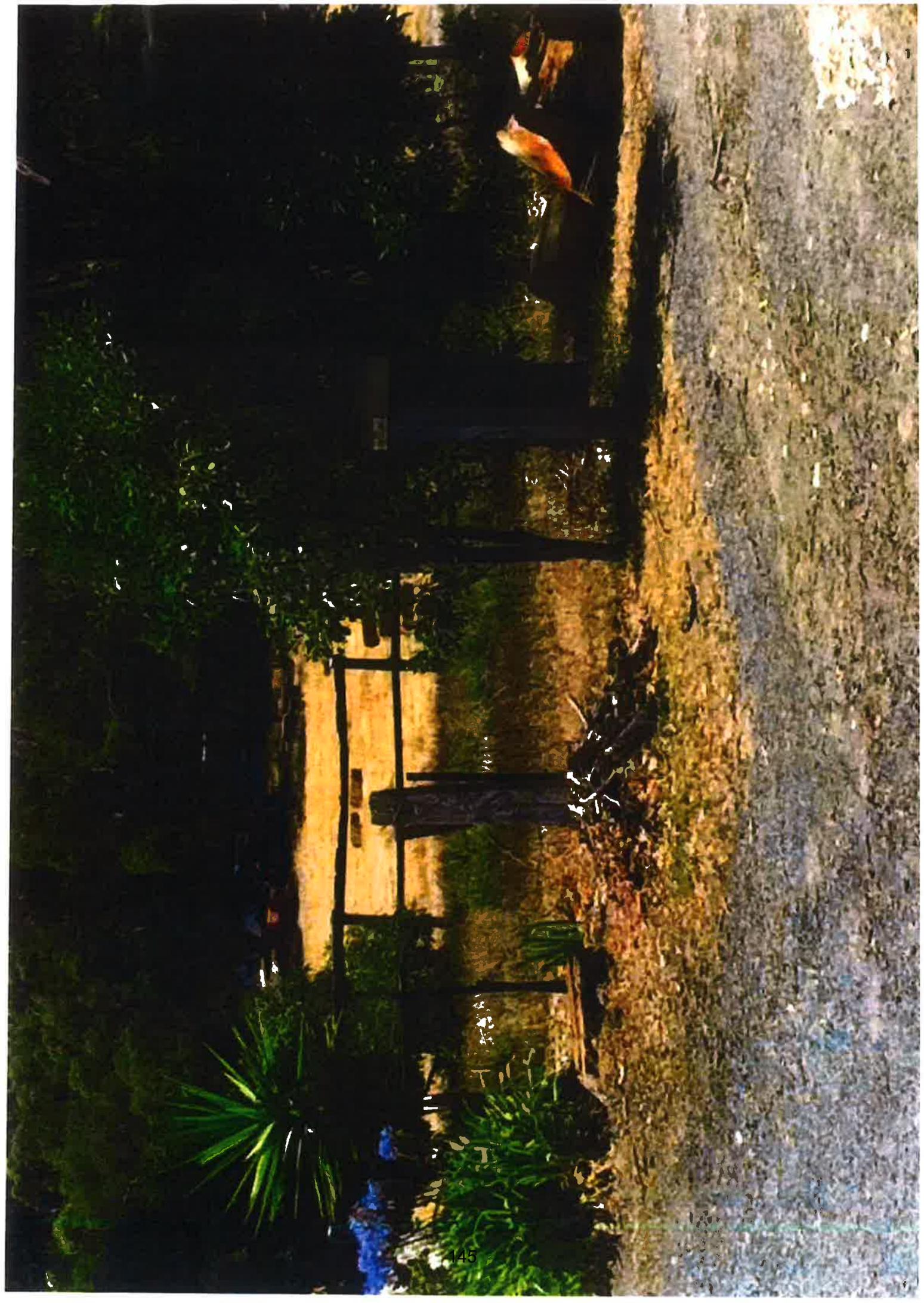
None (0000) ▼

notes:

Job Number: 131989 to 131989
Jobs with: All
Noticing: All
Notice Status: All

Job	Asset No	Asset Id / Location	Placed on W.O.	Status
Site : [REDACTED]			Area : [REDACTED]	
131989 - T-Tree in Poor Health	250,016.00		AIEWP / 3711	Archived





10. NOTICE OF MOTION

10.1. NOTICE OF MOTION

I hereby give notice that the Council Meeting scheduled to be held on Wednesday 14 March 2018, I intend to move the following Notice of Motion:

That Council resolves that:

- a. Council does not support the State Government and Vic Roads' proposed changes to Mair Street in their current form.**
- b. Council notes that the current proposal would see a significant loss of on-street car parking in Mair Street.**
- c. Council notes that this significant loss would have a severe detrimental impact on surrounding businesses.**
- d. Council will work with the State Government and Vic Roads, in conjunction with the Mair Street traders and the community, to develop a more appropriate and acceptable plan to redevelop Mair Street.**

Cr. Amy Johnson

ATTACHMENTS

1. Notice of Motion - 14 March 2018 - Cr Amy Johnson **[10.1.1]**



COUNCILLORS NOTICE OF MOTION FORM

(In accordance with Division 4, Clause 34, Ballarat City Council Local Law No. 18 – Meeting Procedure Local Law)

TO: Chief Executive Officer – City of Ballarat
FROM: Cr. Amy Johnson
DATE: 01 / 03 / 2018

I hereby give notice that at the Ordinary Meeting of Council on March 14th, 2018 I will propose the following motion:

THAT Council resolves that:

- a. Council does not support the State Government and VicRoads' proposed changes to Mair St in their current form.
- b. Council notes that the current proposal would see a significant loss of on-street car parking in Mair St.
- c. Council notes that this significant loss would have a severe detrimental impact on surrounding businesses.
- d. Council will work with the State Government and VicRoads, in conjunction with the Mair St traders and the community, to develop a more appropriate and acceptable plan to redevelop Mair St.

Signed: 

Dated: 01 / 03 / 2018

Extracts from Local Law 18 – Meeting Procedure.

34 Councillors may propose Notices of Motion

34.1 Prior to a Council Meeting, Councillors wanting to include a matter on the Agenda, must complete a Councillor's Notice of Motion form.

34.2 A Notice of Motion form must be signed by the Councillor, and be lodged with the Chief Executive Officer 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. Provided this is done not less than one working day before the agenda is provided to the Councillors and the public. e.g. Received by 4 pm the Thursday before Friday delivery to Councillors.

34.3 The Chief Executive Officer may reject any Notice of Motion which is vague or unclear in intention, but must:

34.3.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

34.3.2 notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

34.4 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda.

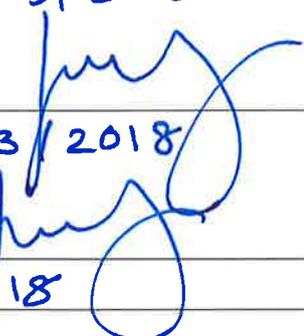
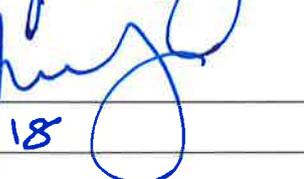
34.5 The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion book in the order in which they were received.

34.6 Except by leave of Council, each Notice of Motion, before any Council Meeting, must be considered in the order in which they were received by the Chief Executive Officer.

34.7 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.

34.8 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

Office Use Only

Notice Received	Date 1 / 3 / 2018
Notice accepted / rejected by CEO (please circle)	Date:- 1 / 3 / 2018 Signature:- 
Notice Given To Councillors	Date:- 1 / 3 / 2018 Signature:- 
Date of Meeting	14 / 3 / 2018
Notice Number	

11. URGENT BUSINESS

12. SECTION 89 (IN CAMERA)

9.4 RECOMMENDATION OF POETRY INSTALLATION FOR LITTLE BRIDGE STREET POCKET PARK

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Gerritsen - Public Art Coordinator

(Contractual matters)

12.1 FUTURE PROVISION OF HOME AND COMMUNITY CARE - PYP PROGRAM

Division: Community Development
Director: Neville Ivey
Author/Position: Ann Pitt - Executive Manager Active Ageing

(Any other matter which the Council or Special Committee considers would prejudice the Council)

13. CLOSE