



Ordinary Council Meeting

1 August 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 1 AUGUST 2018 AT 7:00PM.

AGENDA

ORDER OF BUSINESS:

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The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 22 August 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 - Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

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

- 19 January 2018 Prosperity Portfolio Meeting Planning and Economic Partnerships
- 9 February 2018 Prosperity Portfolio Meeting Events, Arts & Tourism
- 23 February 2018 Prosperity Portfolio Meeting Planning and Economic Partnerships
- 16 March 2018 Prosperity Portfolio Meeting Events and the Arts
- 6 April 2018 Prosperity Portfolio Meeting Economic Partnerships
- 20 April 2018 Prosperity Portfolio Meeting Events and The Arts
- 2 May 2018 Infrastructure and Environment Portfolio Meeting No 174
- 4 May 2018 Prosperity Portfolio Meeting Economic Partnerships
- 16 May 2018 Infrastructure and Environment Portfolio Meeting No 175
- 22 May 2018 Prosperity Portfolio Meeting Events and The Arts
- 1 June 2018 Prosperity Portfolio Meeting Economic Partnerships
- 15 June 2018 Prosperity Portfolio Meeting Events and The Arts
- 20 June 2018 Council Agenda Review Briefing
- 20 June 2018 Infrastructure and Environment Portfolio Meeting No 177
- 22 June 2018 Disability Advisory Committee Meeting
- 27 June 2018 Strategic Briefing Meeting
- 6 July 2018 Prosperity Portfolio Economic Partnerships Meeting

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* if 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. 19 January 2018 Prosperity Portfolio Meeting Planning and Economic Partnerships **[8.1.1]**
2. 9 February 2018 Prosperity Portfolio Meeting Events, Arts & Tourism **[8.1.2]**
3. 23 February 2018 Prosperity Portfolio Meeting Planning and Economic Partnerships **[8.1.3]**
4. 16 March 2018 Prosperity Portfolio Meeting Events and the Arts **[8.1.4]**
5. 6 April 2018 Prosperity Portfolio Meeting Economic Partnerships **[8.1.5]**
6. 20 April 2018 Prosperity Portfolio Meeting Events and the Arts **[8.1.6]**
7. 2 May 2018 Infrastructure and Environment Portfolio Meeting No 174 **[8.1.7]**
8. 4 May 2018 Prosperity Portfolio Meeting Economic Partnerships **[8.1.8]**
9. 16 May 2018 Infrastructure and Portfolio Meeting No 175 **[8.1.9]**
10. 22 May 2018 Prosperity Portfolio Meeting Events and the Arts **[8.1.10]**
11. 1 June 2018 Prosperity Portfolio Meeting Economic Partnerships **[8.1.11]**
12. 15 June 2018 Prosperity Portfolio Meeting Events and the Arts **[8.1.12]**
13. 20 June 2018 Council Agenda Review Briefing **[8.1.13]**
14. 20 June 2018 Infrastructure and Environment Portfolio Meeting No 177 **[8.1.14]**
15. 22 June 2018 Disability Advisory Committee Meeting **[8.1.15]**
16. 27 June 2018 Strategic Briefing **[8.1.16]**
17. 6 July 2018 Prosperity Portfolio - Economic Partnerships Meeting **[8.1.17]**

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:	Prosperity Portfolio Meeting Planning and Economic Partnerships
Date of meeting:	19 January 2018
Start time:	7.37am
Finish time:	9.56am

Councillors present:	Cr Samantha McIntosh, Cr Daniel Moloney, Cr Jim Rinaldi
Apologies:	[Insert name]
Council staff present:	Angelique Lush, James Guy, Samantha Magill, John Ciavarella
Other attendees present:	[insert name]

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.				
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"> • Economic Development update <ul style="list-style-type: none"> ▪ New business opportunities and contacts ▪ Business grants ▪ Bridge Mall Traders ▪ Census Data update <p>Places and Renewal project status updates</p> <ul style="list-style-type: none"> ▪ Ballarat Line Upgrade – status update ▪ Wendouree Station ▪ Main road outdoor dining ▪ Specimen Vale Trail works ▪ Upcoming community engagement for strategic plans

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18


 DATE 20.06.18 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.

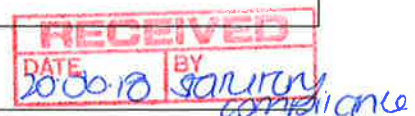
Description of meeting:	Prosperity Portfolio Meeting Events, Arts & Tourism
Date of meeting:	9 February 2018
Start time:	7.30am
Finish time:	9.07am

Councillors present:
Cr Samantha McIntosh, Cr Daniel Moloney, Cr Jim Rinaldi
Apologies:
[Insert name]
Council staff present:
Angelique Lush, Jeff Johnson
Other attendees present:
[insert name]

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.				
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"> • <i>Events Strategy Update</i> • <i>HMT Conservation Project update</i> • <i>Cycling Nationals update</i> • <i>Begonia Festival update</i> • <i>Queens Baton Relay update</i> • <i>Christmas planning 2018</i> • <i>AGB Director recruitment update</i> • <i>Mayor meeting with Peter Bromley from the Pub with 2 Names. Potential exhibitions.</i> • <i>Tourist bus enquiry</i> • <i>MADE</i>

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18



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:	Prosperity Portfolio Meeting Planning and Economic Partnerships
Date of meeting:	23 February 2018
Start time:	7.38am
Finish time:	8.55am

Councillors present:	Cr Daniel Moloney, Cr Jim Rinaldi
Apologies:	Cr Samantha McIntosh, Angelique Lush
Council staff present:	James Guy, Samantha Magill
Other attendees present:	[insert name]

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.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered:
<ul style="list-style-type: none"> • Economic Development update inc. Bridge Mall Traders update • Places and Renewal project status updates • Strategic and Statutory Planning updates

Record completed by:	
Signed: 	Position: Exec Manager Economic Partnerships
Name: James Guy	Date: 14/6/18


 DATE 20/06/18 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:	Prosperity Portfolio Meeting Events and the Arts
Date of meeting:	16 March 2018
Start time:	7.33am
Finish time:	9am

Councillors present:	Cr Samantha McIntosh, Cr Daniel Moloney, Cr Jim Rinaldi
Apologies:	Nil
Council staff present:	Angelique Lush, Jeff Johnson and Heidi Zukauskas
Other attendees present:	[insert name]

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.				
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"> • Heritage Weekend Update • George Treleor Devine – public art project • Winter Festival Update • White Night Update • M.A.D.E next steps • Cycling Nationals Update • Art Gallery Director Update • Tourism Update

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18


 DATE 20.06.18 BY statutory compliance

ASSEMBLY OF COUNCILLORS RECORD

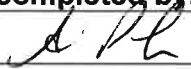
This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Prosperity Portfolio Meeting Economic Partnerships
Date of meeting:	6 April 2018
Start time:	7.34am
Finish time:	9.20am

Councillors present:
Cr Samantha McIntosh, Cr Jim Rinaldi, Cr Daniel Moloney
Apologies:
Nil
Council staff present:
Angelique Lush, Director, James Guy, Executive Manager Economic Partnerships, Samantha Magill, Manager Economic Development
Other attendees present:
[insert name]

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.				
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"> Economic Development Update inc. staffing changes, Birdge Mall Traders & GIG 2018 Strategic Planning Updates inc. Miners Rest Plan and Brown Hill Local Area Plan

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18


 DATE: 20.06.18 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:	Prosperity Portfolio Meeting Events and the Arts
Date of meeting:	20 April 2018
Start time:	7.30am
Finish time:	9.08am

Councillors present:	Cr Daniel Moloney, Cr Jim Rinaldi, Cr Samantha McIntosh
Apologies:	Nil
Council staff present:	Angelique Lush, Director, Jeff Johnson, Executive Manager Events and the Arts
Other attendees present:	[insert name]

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.				
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"> • Head of the Lake Rowing on tourist calendar • Heritage weekend Update • George Devine – public art project • Ride Like a Girl • Christmas planning • 2018 Art Gallery Director Update – commencing 4 June 2018 • Tourism Update – Events Strategy and calendar

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18

RECEIVED
DATE 20.06.18 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:	Infrastructure and Environment Portfolio Meeting No 174
Date of meeting:	Wednesday 2 May 2018
Start time:	7.30am
Finish time	9.00am

Councillors present:
Cr Mark Harris, Cr Ben Taylor, Cr Grant Tillet
Apologies:
Nil
Council staff present:
Terry Demeo – Director Infrastructure and Environment, Natalie Robertson – Executive Manager Development Facilitation, Lily Garrod – Development Facilitation Administration Support Officer (Minute Taker)
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

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Updates Weed Cutting Options into the Future (Terry Demeo) Realisation of Council Assets (Terry Demeo) Monthly Statutory Planning Major Project Summary (Natalie Robertson)
Reports CBD Car Parking Update (Terry Demeo) Traffic Report – Change of Speed Limits Gillies Road and Remembrance Drive (Terry Demeo) PLP201838 2 Middlin Street, Brown Hill (Terry Demeo) PLP/2004/355/A 9367C Western Highway, Warrenheip (Terry Demeo)
Confidential - Approval of Preferred Contractors for Supply of Road Making Materials (Terry Demeo)
Confidential - Approval of Preferred Contractors for Road Making Services (Terry Demeo)

Confidential -Approval of Contract Services for Plant Hire (Terry Demeo)
Confidential – Award Tender for Raglan Street, Miners Rest Drainage Contract (Terry Demeo)
Upcoming Tenders
 Circulated to Councillors prior to meeting (Terry Demeo)
Other Business

- Nil

Record completed by: Lily Garrod	
Signed: 	Position: Director Infrastructure and Environment
Name: Terry Demeo	Date: 02-05-2018

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:	Prosperity Portfolio Meeting Economic Partnerships
Date of meeting:	4 May 2018
Start time:	7.35am
Finish time:	9.08am

Councillors present:	Cr Samantha McIntosh, Cr Jim Rinaldi, Cr Daniel Moloney,
Apologies:	James Guy
Council staff present:	Angelique Lush, Director, Samantha Magill Manager Economic Development, Lisa Kendal, Manager Strategic Planning
Other attendees present:	[insert name]

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.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<u>Economic Development</u> <ul style="list-style-type: none"> • Business Engagement • Creative Ballarat • National Manufacturing Week • Metropolitan Bus Contracts • BWEZ • Get Into Games 2018 <u>Strategic Planning updates</u> <ul style="list-style-type: none"> • Victorian Planning Authority (VPA) Strategic Projects proposal • Miners Rest Township Plan

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18

RECEIVED
DATE 200618 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:	Infrastructure and Environment Portfolio Meeting No 175
Date of meeting:	Wednesday 16 May 2018
Start time:	7.30am
Finish time	9.00am

Councillors present:	Cr Mark Harris, Cr Ben Taylor, Cr Grant Tillett
Apologies:	Nil
Council staff present:	Terry Demeo – Director Infrastructure and Environment, Vaughn Notting, Executive Manager Infrastructure, Lily Garrod – Development Facilitation Administration Support Officer (Minute Taker)
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

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<p>Updates</p> <ul style="list-style-type: none"> • Further information regarding options for Planning Delegations and consideration of Planning Permit Applications by Council • Fencing Around Playgrounds – requested by Cr Hudson • Contracts <ul style="list-style-type: none"> ○ Plant Hire ○ Road Making Materials ○ Road Making Contractors ○ Raglan Street, Miners Rest • Grenville Street • Eastern Peak Road • Creswick Road Car Parking Construction • Midland Highway Change of Scope • Woodman’s Hill Interchange Options • Capital Program Review • Potential Candidate Sites for VicRoads Rural Funding <p>Reports</p> <p>Planning Applications</p>

Upcoming Tenders

Circulated to Councillors prior to meeting

Other Business

- Nil

Record completed by:

Signed:

Position: Director Infrastructure and Environment

Name: Terry Demeo

Date: 16-05-2018

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:	Prosperity Portfolio Meeting Events and The Arts
Date of meeting:	22 May 2018
Start time:	8.30am
Finish time:	10am

Councillors present:	Cr Samantha McIntosh, Cr Daniel Moloney, Cr Jim Rinaldi
Apologies:	
Council staff present:	Angelique Lush, Director, Jeff Johnson, Executive Manager Events and the Arts, Heidi Zukauskas, Manager Events and the Arts
Other attendees present:	[insert name]

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.				
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"> • Road Nationals Economic Impact Report • 2018 Remembrance Day Service • Winter Festival update • Events Strategy update

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18


 DATE: 20.06.18 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:	Prosperity Portfolio Meeting Economic Partnerships
Date of meeting:	1 June 2018
Start time:	7.40am
Finish time:	8.50am

Councillors present:	Cr McIntosh, Cr Rinaldi, Cr Moloney
Apologies:	Lisa Kendal
Council staff present:	Angelique Lush, Director, James Guy, Executive Manager Economic Partnerships, Samantha Magill, Manager Economic Development
Other attendees present:	[insert name]

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.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Economic Development <ul style="list-style-type: none"> • Marketing Initiatives • Get into Games 2018 success • Gov Hub Industry Briefing • Creative Ballarat • Business Day Out • Business Enquiries • Miners Rest Business Support
Places and Renewal Project Updates

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18

RECEIVED
DATE 20.06.18 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:	Prosperity Portfolio Meeting Events and the Arts
Date of meeting:	15 June 2018
Start time:	7.30am
Finish time:	9.15am

Councillors present:	Cr McIntosh, Cr Rinaldi, Cr Moloney
Apologies:	Nil
Council staff present:	Angelique Lush, Director, Jeff Johnson, Executive Manager Events and the Arts, Heidi Zukauskas, Manager Events and the Arts, Daniel Henderson, Theatre Manager Her Majesty's Theatre.
Other attendees present:	[insert name]

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.				
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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"> • CoB Events Strategy 2018 – 2028 • Civic Hall Venue Hire Programming • Update on RSSS and status of HMT • Update on Eureka Centre

Record completed by:	
Signed: 	Position: Director D&P
Name: Angelique Lush	Date: 15.6.18



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:	20 June 2018
Start time:	6.10pm
Finish time:	8.34pm

Councillors present:
Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Ben Taylor Cr Belinda Coates Cr Samantha McIntosh Cr Des Hudson Cr Amy Johnson
Apologies:
Cr Mark Harris
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 Jenny Fink – Acting Director Innovation and Organisational Improvement Darren Sadler – Executive Manager Property and Facilities Management
Other attendees present:
Nil

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
Nil				

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Section A – Updates for Councillors
<ul style="list-style-type: none"> • Recycling Update
Section B – Review of Draft Council Agenda 13 June 2018
<ul style="list-style-type: none"> • Assemblies of Councillors • PLP/2017/832 iPLanning Pty Ltd - 11 Grenville Street North, Ballarat Central • PLP/2018/200 331 Mair Street Ballarat Central Extension to Licenced Area and Licenced Hours associated with General Liquor Licence, Increase in Patron Numbers

- and Associated Reduction in Car Parking and Bicycle Parking
 - Change in Speed Limits Remembrance Drive
 - Landfill Compliance Report
 - Waste Strategy Consultation and Adoption
 - Council Plan Progress Report
 - Outstanding Question Time Items
- Items in Camera**
- Waste to Energy Update
 - Tender 2017/18-230 Webb Road – Delacombe Town Centre Outfall Drain
 - Tender 2017/18-217 'Panel of Preferred Suppliers – Road Making Materials'
 - Tender 2017/18-218 'Panel of Preferred Suppliers – Road Making Services'
 - Tender 2017/18-219 'Panel of Preferred Suppliers – Plant & Equipment Hire'
 - Tender No. 2017/18-161 Redevelopment of Brown Hill Hall
 - Tender No. 2017/18-236 Doug Dean Reserve Floodlighting Project
 - Tender No. 2017/18-258 Her Majesty's Theatre Conservation Project – Stage 1 Early Works Package
 - North Ballarat Functions Facility

Record completed by:	
Signed: 	Position: Director Business Services
Name: Glenn Kallio	Date: 3 July 2018

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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:	Infrastructure and Environment Portfolio Meeting No 177
Date of meeting:	Wednesday 20 June 2018
Start time:	7.30am
Finish time	8.45am

Councillors present:
Cr Ben Taylor, Cr Grant Tillett, Cr Mark Harris
Apologies:
Terry Demeo – Director Infrastructure and Environment
Council staff present:
Natalie Robertson – Executive Manager Regulatory Services, Amy Boyd – Executive Manager Regulatory Service, Angelique Lush – Director Development and Planning, Belinda Kent – Executive Assistant to Director Infrastructure and Environment (Minute Taker)
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

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Updates <ul style="list-style-type: none">• 2018/147 – Development of a Dwelling at Lot 1, Sunraysia Hwy, Waubra• Smart Car Parking Consultation Plan• McCoy Dog Appeal Process• Animal Shelter Operations Update
Reports <ul style="list-style-type: none">• Review of Council Agenda Review Briefing for 20 June 2018
Upcoming Tenders <ul style="list-style-type: none">• Circulated to Councillors prior to meeting
Portfolio Councillors Request <ul style="list-style-type: none">• BWEZ Update
Other Business <ul style="list-style-type: none">• 710 Howitt Street and Queen Street North Planning Applications

Record completed by:	
Signed:	Position: Executive Manager Development Facilitation
Name: Natalie Robertson	Date: 06-07-2018



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:	22 June 2018
Start time:	12.30pm
Finish time:	2.04pm

Councillors present:
Cr Belinda Coates

Apologies:

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
 Amy Boyd, Executive Manager Regulatory Services
 Andrew Gray, Deaf Access Officer

Other attendees present:
 Robyn Hall, , Vincent McDonald, Ken Gunning, Rebecca Paton, Sean Duffy, Cathryn Ryan, Jan McIver, Narelle Mason, Faye Baxter, Janeen Burke, Sharon Eacott, Vicky Rotinson, Luke Jaris, Georgie Turner

Conflict of Interests:

Pursuant to Sections 77, 78 and 79 of the *Local Government Act 1989* (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.

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

- Confirmation of Minutes 20 April 2018
- DAC Terms of Reference
- Inclusive Playspace and DAC Consultation
- Showbiz Cinema
- Correspondence In and Out
- GovHub Presentation
- Inclusive Playspace Social Script
- Carparking Strategy
- Universal Design Embedded into Project Control Groups
- Autism Expo Update
- Peer Action Group Awards Committee

- Disability Access & Inclusion Plan Update
- Ballarat Marveloo
- Videos Showcasing Universal Design
- Taxi Zone Delacombe Town Centre
- August Meeting Agenda Item

Record completed by:	
Signed: 	Position: Executive Assistant Director Community Development
Name: Helen McIntosh	Date: 25 June 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:	Strategic Briefing
Date of meeting:	27 June 2018
Start time:	6.28pm
Finish time:	10.12pm

Councillors present: Cr Samantha McIntosh Cr Jim Rinaldi Cr Daniel Moloney Cr Grant Tillett Cr Amy Johnson (left at 9.20pm) Cr Belinda Coates Cr Ben Taylor
Apologies: Cr Mark Harris Cr Des Hudson
Council staff present: Terry Demeo – Director Infrastructure and Environment Jeff Johnson – Acting Director Development and Planning Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Jenny Fink – Acting Director Innovation and Organisational Improvement Mathew Swords – Manager Business Improvement Cameron Montgomery – Executive Manager Safety, Risk & Compliant Services
Other attendees present: Nil

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
Nil				

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Section A – External Presentations - Nil
Section B – Strategic Briefing Reports
<ul style="list-style-type: none"> • Community Satisfaction Survey Results • Events Strategy • Committee for Ballarat Membership and MAV Membership • Lobbying and Advocacy Program

Suspended meeting at 6.55pm
Recommenced at 7.40pm

Record completed by:

Signed: 

Position: Director Business Services

Name: Glenn Kallio

Date: 2 July 2018

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BY: Statutory.....
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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.

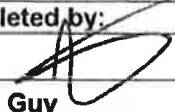
Description of meeting:	Prosperity Portfolio Meeting Economic Partnerships
Date of meeting:	6 July 2018
Start time:	7.35am
Finish time:	8.48am

Councillors present:	Cr McIntosh, Cr Rinaldi, Cr Moloney
Apologies:	Cr McIntosh, Angelique Lush, Jeff Johnson
Council staff present:	James Guy, Executive Manager Economic Partnerships, Samantha Magill, Manager Economic Development and Lisa Kendal, Manager Strategic Planning
Other attendees present:	[insert name]

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.				
Nil	[Type & details declared]	Left Meeting [Yes/No]	[Time left]	[Time returned]

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<p>Economic Development</p> <ul style="list-style-type: none"> - Enviroflame Firelogs Business Grant application - Norwich Plaza - Westlab - Harwood Grains - Business Register - Regional Manufacturing Cluste - Latest Economic Statistics <p>Places and Renewal</p> <ul style="list-style-type: none"> - Places and renewal project updates - W-Class Tram Expression of Interest

- Strategic Planning**
- VPA Streamlining for Growth Grant Applications
 - Long Term Growth Area Options (Greenfields)
 - Dowling Forest Market Review and Options Analysis
 - Latrobe Saleyards Precinct Master Plan
 - Bakery Hill Master Plan
 - Health, Knowledge and City Living Precinct Master Plan
 - Miners Rest Plan
 - Wendouree Station Precinct Master Plan

Record completed by:	
Signed: 	Position: Executive Manager Economic Partnerships
Name: James Guy	Date: 9/7/18

9. OFFICER REPORTS

9.1. INTEGRATED WATER MANAGEMENT PLAN ENDORSEMENT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Quenton Gay – Waste, Water and Energy Officer

OFFICER RECOMMENDATION

Council resolves to:

- 1. Note the feedback following public consultation for the draft Ballarat City Integrated Water Management Plan, and**
- 2. Endorse the final Ballarat City Integrated Water Management Plan (Central Highlands Water et al. 2018)**

EXECUTIVE SUMMARY

The Ballarat City Integrated Water Management Plan provides recommendations toward the long-term utilisation of a diverse range of water sources whilst delivering a greener, more liveable and prosperous water future for Ballarat over a 50-year horizon.

The plan development was led by Central Highlands Water (CHW) in partnership with the City of Ballarat, Corangamite Catchment Management Authority (CCMA) and assistance from the Department of Environment, Land, Water and Planning (DELWP).

Public consultation occurred through November 2017, with 72 views recorded and four submissions received. Only minor changes were made to the plan which was subsequently endorsed by CHW and CCMA in February 2018.

This report recommends endorsement of the final Ballarat City IWM Plan by Council. Collective endorsement of the plan from all project partners will provide clear understanding from the State on IWM priorities for Ballarat and encourage investment in projects and minimise the risk of funding shortfalls.

RATIONALE

The Ballarat City Integrated Water Management Plan (the Plan) considers the whole urban water cycle including management of stormwater, wastewater, potable water conservation, savings to our water supply catchment, and the health and sustainability of our waterways for the broader community benefit.

The Plan has a 50-year horizon taking into consideration Ballarat, Growth Areas and Long-Term Investigation Areas, the operation of the broader Central Highlands Water supply and sanitation systems, and the upstream and downstream environs of waterways around Ballarat.

This was the first city-scale IWM Plan for a major urban growth center in Victoria, with the methods applied in Ballarat featuring strongly in the Victorian Water Plan (DELWP 2017). The Plan and several of the research projects underpinning its development have received multiple awards which, since previous updates to Council, include:

- Winner of the Stormwater Victoria Awards for Excellence in the category Excellence in Strategic of Master Planning 2018; and
- Winner of the Victorian Program Innovation Award of the Australian Water Association 2017, and Finalist of the National Award in 2018.

Based on the analysis of water modelling, stakeholder input and community workshops, a significant number of IWM initiatives were reviewed with 29 initiatives ultimately adopted across four portfolios in the draft Plan.

The four portfolios are:

1. Driving new economies;
Small scale investment for a series of discrete non-potable supply schemes to support and stimulate agribusiness, recreation and tourism.
2. The new frontier;
A planning led new model for urban development in Ballarat's future growth areas.
3. Adaptable networks; and
Large scale expansion of non-potable supply schemes.
4. Greater self sufficiency.
Resilience to drought and population growth through large scale investment to increase local potable water assets.

The draft Plan was completed in September 2017 and tabled for community and stakeholder feedback throughout November 2017. A total of 72 views were recorded and four submissions received (two of which were simple and supportive of the plan). Two were detailed in nature, raising numerous queries and offering some enhancement opportunities to the Plan.

As a result, minor changes were made to the Plan which has since been endorsed by the Board of Central Highlands Water (27 February 2018) and Corangamite Catchment Management Authority (22 February 2018).

Within the Plan there are specific short term "Targeted Moves" which have been included by CHW for part funding in their pricing submission to the Essential Services Commission to support through budget planning 2018-23 and/or through technical and advocacy support.

They include:

1. Ballarat North recycled water supply upgrade and network expansion;
2. Stormwater harvesting schemes for key irrigation assets in Ballarat West Urban Growth Areas;
3. Create a non-potable groundwater supply network for industry in north west Ballarat;
4. Continued revitalisation of the Yarrowee River corridor; and
5. Continue existing initiatives for water efficiency, greening and flood mitigation, for example:
 - a. Education and water targets;
 - b. Green-Blue infrastructure in key localities; and
 - c. Delivery of Flood Mitigation Strategy (City of Ballarat 2018).

Stakeholders have already commenced work to progress implementation. Specifically, those directly involving Council include:

- Work to incorporate the Ballarat City IWM Plan as reference document in the Ballarat Planning Scheme;
- Submission (not successful) to the DELWP Climate Change Innovation Program for Class A recycled water and greening initiatives for Wendouree West Recreation Reserve;
- Project scoping to update the Yarrowee River master plan (from the 1990's LINC strategy), on ground works Yarrowee River / Redan Creek confluence, and possible demonstration of Cultural Heritage Agreement project delivery model (TBC); and
- Project scoping of two potential stormwater harvesting projects in Ballarat West Urban Growth Area with on-ground potential within 5 years.

The City of Ballarat is also a member of the Central Highlands Region IWM Forum. The primary role of the IWM Forums established across Victoria by DELWP is to plan IWM across regions with water industry leaders. The first key task of the Forums is to develop their respective Strategic Directions Statement (SDS) to the Minister for Water, the Hon. Lisa Neville MP by September 2018.

The DELWP are currently considering support mechanism to progress IWM initiatives in Victoria, including those they receive via the SDS's.

Also note that Council officers are working toward numerous IWM related projects outside of the Ballarat City IWM Plan and/or SDS such as (but not limited to) a potential groundwater supply for the Learmonth Recreation Reserve, reconnection of Marty Busch to Class C recycled water and reconnection of City Oval to stormwater/Class A recycled water, subject to internal budgetary processes.

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	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	No
Risk Management	Yes	Yes
Implementation and Marketing	Yes	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*.

Social/Cultural – Water is integral part of Ballarat’s culture. The Ballarat City IWM Plan identifies mechanism to secure long-term supply for industry, residential growth, recreation and indigenous values. It will deliver the community’s vision of a greener, more liveable and prosperous water future.

Environmental/Sustainability – In addition to economic analysis (see below), the Ballarat City IWM Plan applied a multi-criteria analysis to identify the range of actions and investigations to better utilise storm water, wastewater and groundwater, as well as reducing reliance on potable water usage.

Economic – Water is a fundamental driver for the City of Ballarat’s economy and this Plan is a tool to secure this asset. Projects were assessed to methods of Department of Treasury and Finance. All projects shortlisted to inclusion in the IWM Plan are comparable or better than in business-as-usual water supply (incl. purchase through Goldfields Superpipe).

Financial/Resources – The Plan development was funded by the Living Ballarat Project originally committed by the State Government for water resource planning in Ballarat.

Risk Management – Whilst the IWM initiatives provide good economic outcomes (as above), the implementation phase will explore individual risk analysis through project discussions. Collective endorsement of the Plan from all project partners will encourage investment in projects and minimise the risk of funding shortfalls.

Implementation and Marketing – The full report above describes steps toward implementation that have already progressed.

Evaluation and Review – The Plan has a 50-year horizon and will be subject to regular review. Reporting mechanisms are not yet identified as current focus lies with project planning to progress implementation.

CONSULTATION

Consultation was led by Central Highlands Water and supported by the City of Ballarat, Corangamite CMA and other stakeholders. Stakeholder and public feedback received during exhibition of the draft Ballarat City IWM Plan is discussed in the full report above.

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

- Ballarat City IWM Plan: Public Summary
- Ballarat City IWM Plan: Full Report (NB: 340 page full version not included in report Attachments)

ATTACHMENTS

1. IWM Plan Public Summary [9.1.1]
-

Shaping Our Water Future

Ballarat City Integrated Water Management Plan

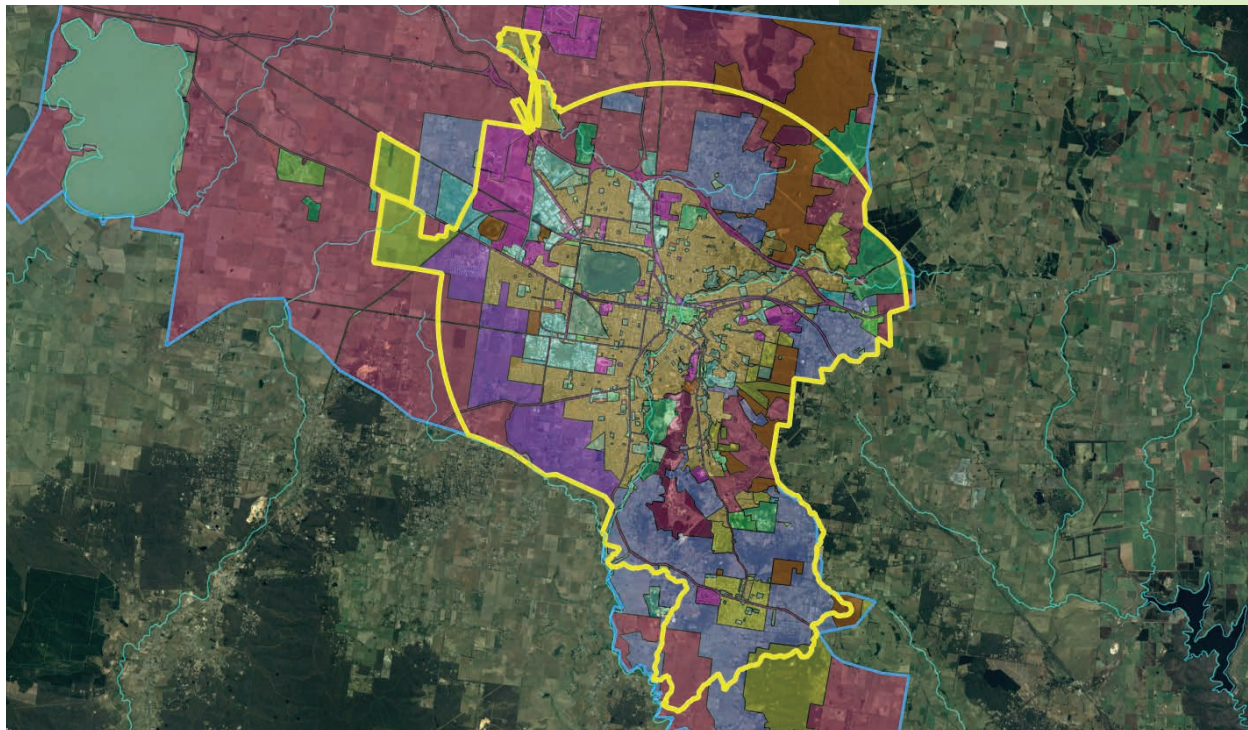
Public Summary : October 2017

Have Your Say
visit: www.ballarat.vic.gov.au

Acknowledgement of Traditional Owners

The City of Ballarat, Corangamite Catchment Management Authority and Central Highlands Water respectfully acknowledges the Traditional Owners of the land on which we work and live. We pay tribute to the Dja Dja Wurrung, Wadawurrung, Wurundjeri, Martang, Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples, and give respect to their Elders past and present.

Study Area Boundary – Yellow Line



What is the Ballarat City Integrated Water Management Plan?

The Ballarat City Integrated Water Management Plan (IWM) explores options and sets out recommendations for future water management in the greater Ballarat City area. The plan will deliver on liveability and community benefits through the whole of urban water cycle, including the management of stormwater, wastewater, water supplies (surface water and groundwater) and waterways.

A copy of the full Ballarat City Integrated Water Management Plan can be found at: www.ballarat.vic.gov.au It provides a comprehensive overview of the plan development methodology, assessment of options, stakeholder engagement and recommendations.



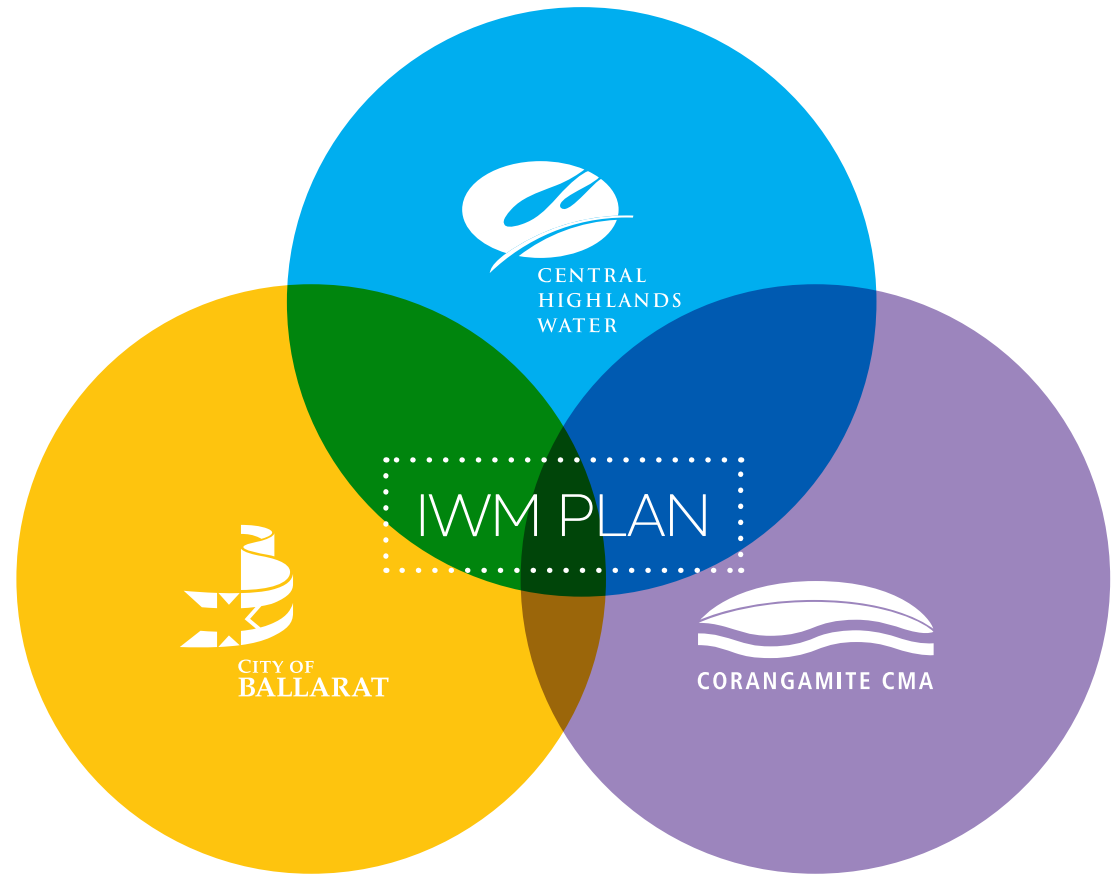
Ballarat City IWM Vision

Extensive work and stakeholder consultation on integrated water management has previously been undertaken. This prior work resulted in the creation of a vision document for the region, the “Ballarat and Region’s Water Future (BRWF)” (State Government of Victoria, 2014). The vision shaped in the BRWF document was adopted for this Ballarat Integrated Water Management (IWM) Plan.

Vision: “A greener, more liveable and prosperous water future for the city and towns of the Ballarat region.”

Working together

This plan was collaboratively developed between major project partners including the City of Ballarat (CoB), Corangamite Catchment Management Authority (CCMA) and Central Highlands Water (CHW) with the support of the Department of Environment, Land, Water and Planning (DELWP).



Stakeholder consultation

The development of the Ballarat City IWM Plan was managed by a project control group. The City of Ballarat, Corangamite Catchment Management Authority, Central Highlands Water and the Department of Environment, Land, Water and Planning all had representatives on the project control group with technical support from staff, Glenelg Hopkins Catchment Management Authority and Southern Rural Water.

Two stakeholder workshops, with over 30 attendees in each, were held in October 2016 and May 2017 to inform the development of this IWM plan. The purpose of the workshops was to confirm the vision for IWM in Ballarat and to scope and refine potential IWM projects and initiatives.



The first workshop was designed to capture a range of insightful project ideas from local stakeholders, and the second workshop shared the preferred IWM projects and discussed delivery and potential challenges. The stakeholder groups invited to participate included:

- Traditional Owners
- project partners
- Committee for Ballarat
- local developers and consultants
- volunteer groups
- educational institutions
- large water users

The workshops highlighted several key factors that underpin the IWM plan for Ballarat City and included:

- growth and development are a major opportunity for improved water management
- take a long-term view of water management to plan for population growth and climate change
- deliver sustainable water services, improve local waterways, enhance recreation and liveability are priority objectives
- opportunities are wide ranging in scale and location and can deliver multiple benefits if planned and coordinated well.



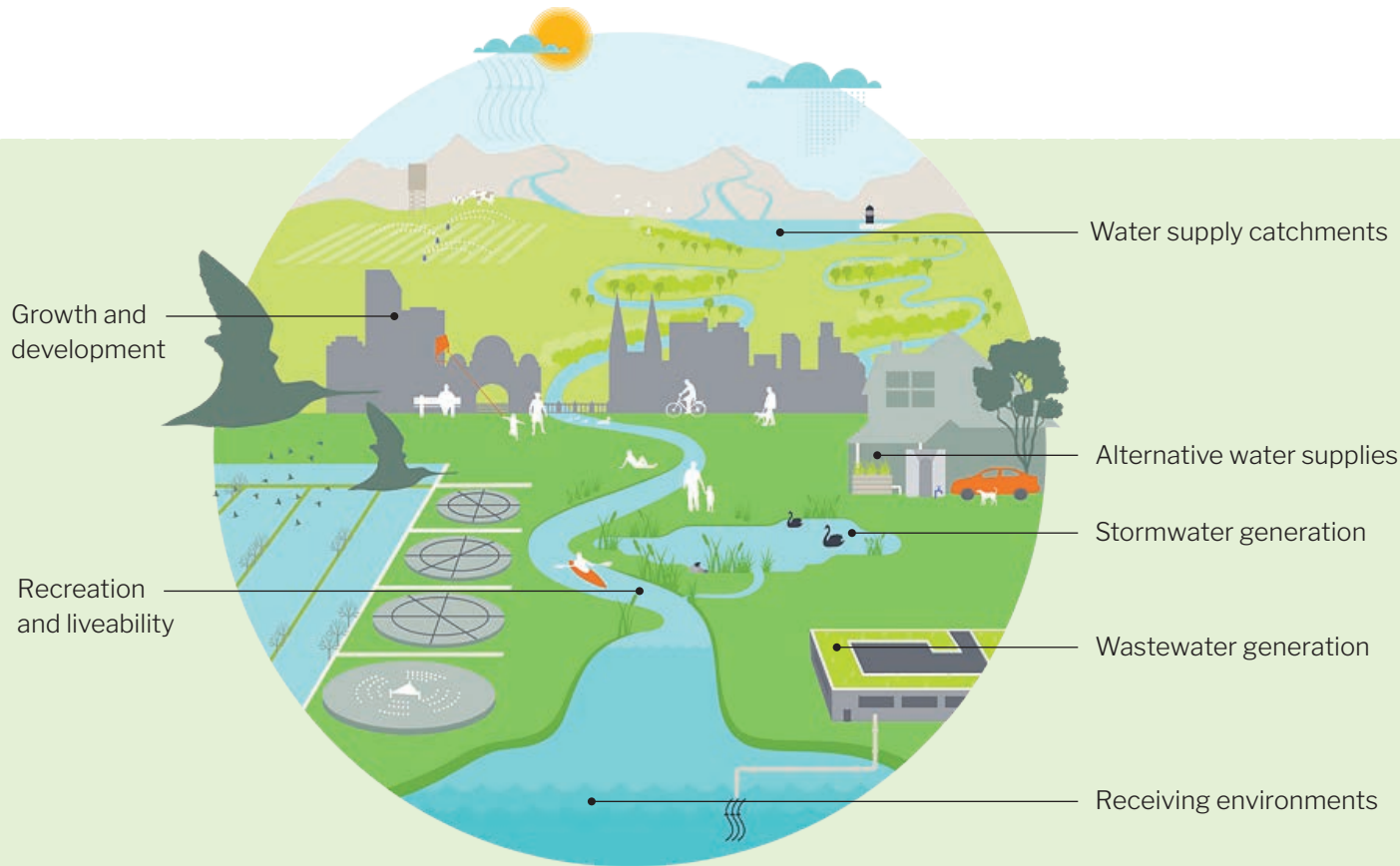
Water for Victoria Water Plan, 2016

Water for Victoria, launched in October 2016, is the Victorian government's strategic plan for management of our water resources, now and into the future - <https://www.water.vic.gov.au/water-for-victoria>

Water is central to every community, powering our industries and economy, improving our quality of life, and nurturing our natural environment.

The Ballarat City IWM Plan aligns with Water for Victoria in considering:

- diverse water sources to achieve water security
- strategic investments in wastewater
- better stormwater management for a healthy and resilient urban environment and community
- partnerships across government to support healthy and resilient urban landscapes
- how urban planning can help deliver integrated water management
- the role of water use efficiency in integrated water management
- regional waterway health priorities



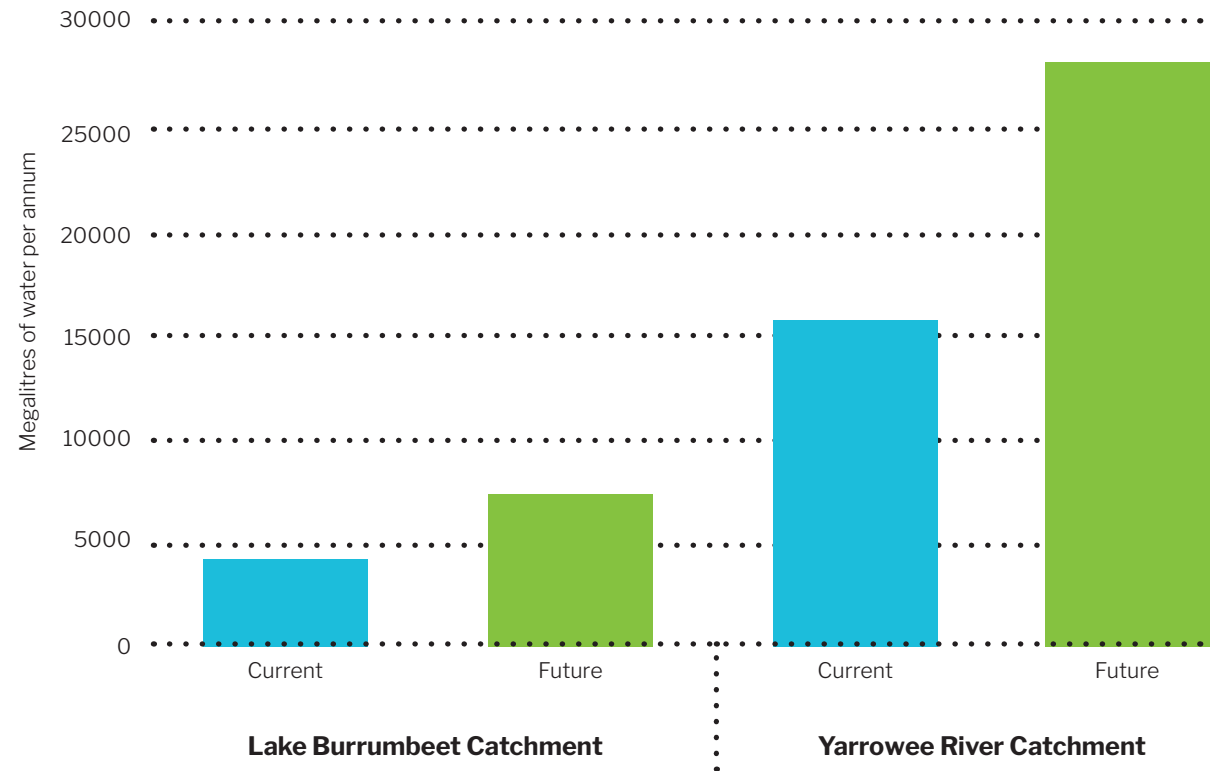
Key features of Ballarat City's urban water cycle

<https://www.melbournewater.com.au/getinvolved/education/pages/urban-water-cycle.aspx>

What this plan means for Ballarat City

- secure and sustainable water services
- diverse supply sources
- long-term water security to meet future water demands
- promote water efficiency
- climate change resilience
- support river health, habitat creation and creek bed stabilisation
- reduce nutrients and pollutants to waterways
- reduce excess urban run-off and wastewater discharges into waterways
- reduce flooding risks
- support local sport and recreation
- increase greening and tree canopy cover
- a more liveable city
- an active and healthy community
- support liveability outcomes in new developments
- support local industry
- minimise impacts to the surrounding rural environment

Expected urban water excess volumes and reuse



Increase in projected waterway flow due to urban growth and development generating excess run-off and wastewater discharges.

Ballarat City IWM themes and objectives

SUPPORT LIVEABLE COMMUNITIES

- Generate improved liveability outcomes, recreational opportunities and increase green infrastructure
- Support a sustainable and productive economy

DELIVERABILITY

- Develop a plan that reflects community and stakeholder values and outlines clear implementation pathways
- Deliver strategic direction to enhance IWM outcomes within land use planning



PROTECT HEALTH OF RECEIVING WATER ENVIRONMENTS

- Support river health priorities and mitigate flooding risks

PROVIDE SECURE & SUSTAINABLE WATER SERVICES

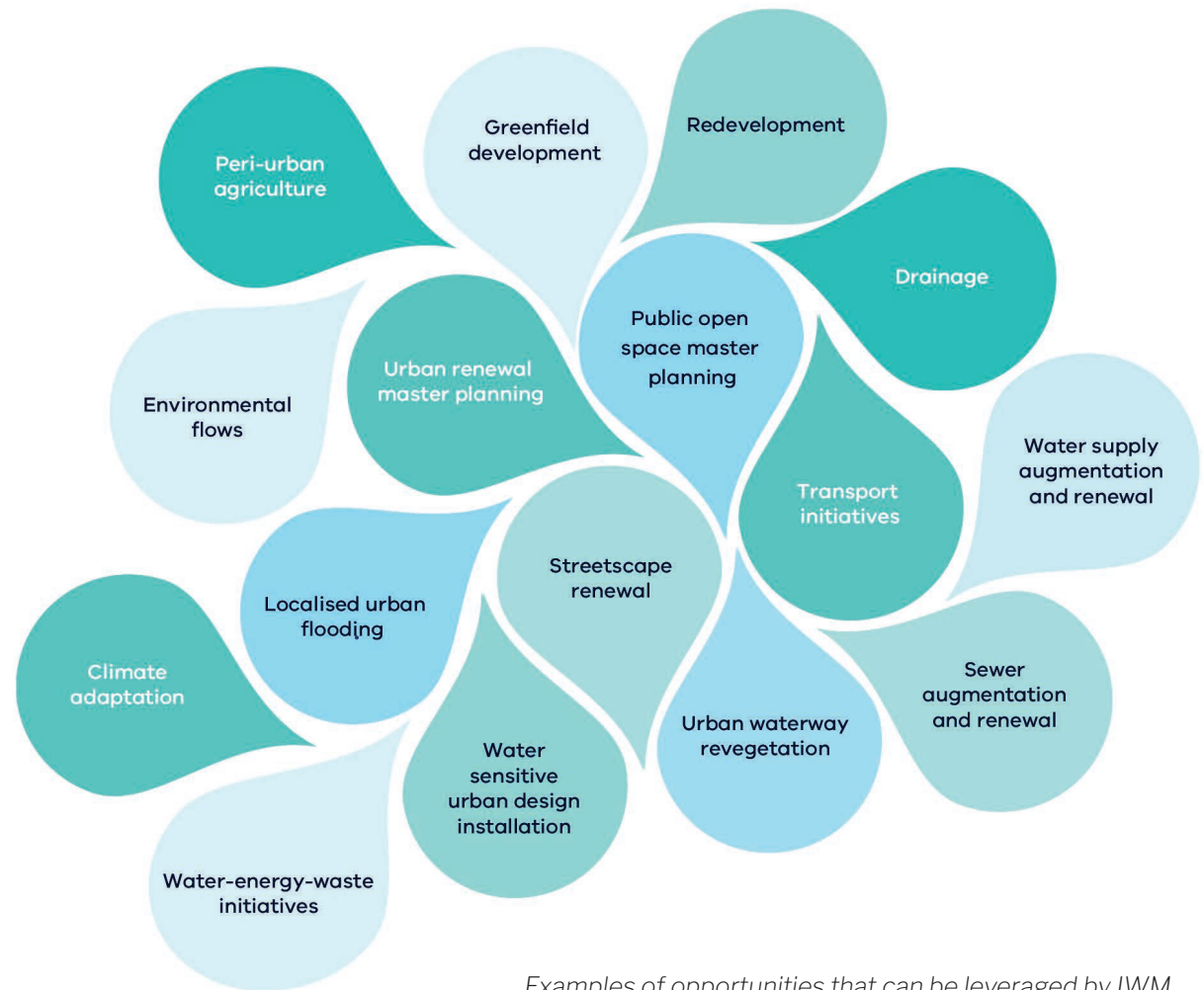
- Optimise the use of local water sources
- Maintain and influence water efficiency
- Support a safe and secure urban water supply and demand for the future

Challenges and opportunities

Ballarat's water supply resources are currently in a healthy position and are secure for the next 25 to 50 years, depending on climate change. This is outlined in Central Highlands Water's 2017 Urban Water Strategy.

In the future, Ballarat and surrounds face a range of water cycle challenges and/or opportunities. These include:

Population growth	with the number of dwellings in Ballarat City expected to increase by 150% in the next 50 years.
Changing economy	with a growing service, education and tourism industry, the creation of a green, attractive, and liveable town is a community priority.
Climate change	Water for Victoria states that 'over recent decades our catchments have become drier and temperatures have increased. Climate modelling indicates that Victoria will become warmer and drier in the coming decades, with more extreme events including drought, floods and heatwaves. Average annual streamflow reductions of around 50 per cent could occur in some catchments by the year 2065.'
Regional and interconnected water system	with rural and urban water cycles interacting there will be a significant increase in urban stormwater runoff and available wastewater.



Examples of opportunities that can be leveraged by IWM

Plan of action

The Ballarat City IWM Plan has a 50-year horizon and sets out recommendations to be delivered in the short, medium and long-term. The recommendations are based on extensive community consultation, analysis of Ballarat's urban needs and a deeper understanding of the evolving water cycle and water system interactions.

The recommendations fall into three categories:

Targeted moves

Short-term projects and programs that are 'ready to go' and will have immediate community benefits.

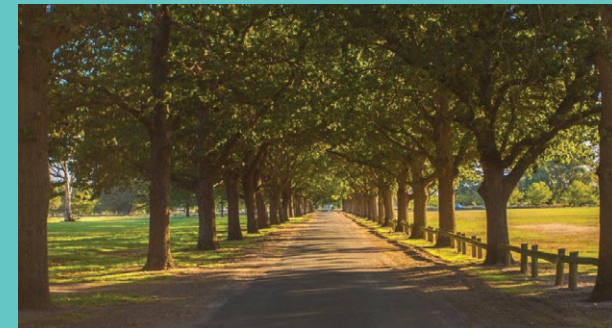
We will (within the next five years)

- increase recycled water production capacity at the Ballarat North Wastewater Treatment Plant and explore supply network expansion in northern Ballarat
- develop stormwater harvesting schemes for Victoria Park, Alfredton Reserve and Doug Dean Reserve
- support the Ballarat West Employment Zone and local industry with diverse and affordable water sources, including groundwater opportunities
- enhance the Yarrowee River corridor and surrounds for amenity, recreation and waterway health
- continue initiatives to achieve water efficiency targets, greening and flood mitigation across all areas

The full report outlines a larger number of 'Targeted Moves' projects for further consideration as opportunities arise for funding and delivery.



*Stormwater harvesting schemes are proposed for greening Victoria Park all year round
Images courtesy of City of Ballarat*



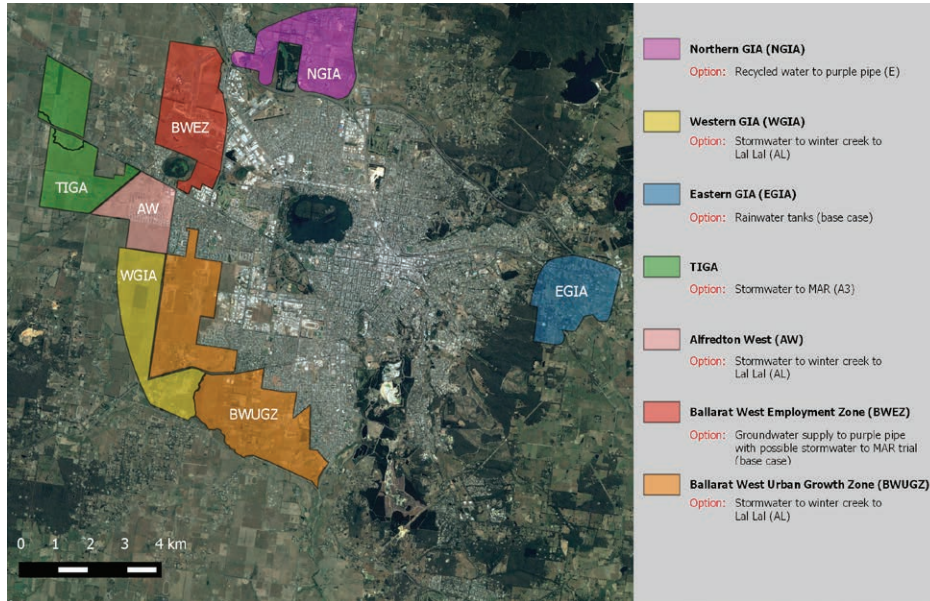
Greening Ballarat Schools project was recently delivered by Central Highlands Water, Schools and the State Government

Planning for growth

Growth and development initiatives that will support sustainability in our growing city.

We will (over the next 15 years)

- incorporate the Ballarat City IWM Plan as a reference document within the Ballarat Planning Scheme
- utilise preferred IWM strategies (such as stormwater harvesting, recycled water and rainwater tanks) to drive water-wise development in designated areas
- design stormwater drainage to water street trees in new developments
- harvest stormwater for open space irrigation
- restore and plan to protect creeks in new development areas
- investigate partnerships for water-wise developments



Preferred IWM strategies for growth areas



Design and layout for stormwater harvesting, recycled water and rainwater tanks in designated areas



Stormwater drainage to water street trees in new developments

Strategic investigations and options

Commence active planning and further investigations now to better position ourselves for a future of diversified water uses.

We will (commence investigations for the long-term)

- develop programs to monitor local stormwater yields and water quality
- undertake a flow and water quality study of the Yarrowee/Leigh river systems
- actively explore agricultural recycled water use opportunities
- provide input to and influence regional and state-wide water strategies
- undertake further investigations into options that are capable of reducing large volumes of run-off and discharge to waterways, such as managed aquifer recharge schemes



Yarrowee River health works includes monitoring water quality and planting trees
Image courtesy of Corangamite Catchment Management Authority



Agricultural recycled water use opportunities such as pivot irrigation
(a form of overhead sprinkler irrigation) for crops

Have your say

The City of Ballarat, Corangamite Catchment Management Authority and Central Highlands Water value your input and ideas. Please support us in addressing Ballarat's integrated water management opportunities and challenges by providing your feedback.

HELP US SHAPE OUR WATER FUTURE BY HAVING YOUR SAY ON THE BALLARAT CITY INTEGRATED WATER MANAGEMENT PLAN

Let us know what you think:

Online at www.ballarat.vic.gov.au

Email ballcity@ballarat.vic.gov.au

By Thursday 30 November 2017

The complete document will be on public exhibition at the offices of the City of Ballarat.

The Phoenix
25 Armstrong Street South
Ballarat

or can be downloaded at www.ballarat.vic.gov.au

Reference documents

Victoria State Government, *Water for Victoria: Water Plan 2016*

Victoria State Government, *Integrated Water Management Framework for Victoria*

Victoria State Government, *Ballarat and Region's Water Future*

City of Ballarat, *Flood and Urban Stormwater Risk and Opportunity Mapping for Ballarat*

City of Ballarat, *Greening Ballarat: A green-blue city action plan*

Corangamite Catchment Management Authority, *Corangamite Waterway Strategy 2014-2022*

Central Highlands Water, *Urban Water Strategy 2017*





Image: www.visitvictoria.com

Have Your Say
visit: www.ballarat.vic.gov.au



9.2. MEMORANDUM OF UNDERSTANDING WITH FRIENDS OF THE BALLARAT BOTANICAL GARDENS AND THE CITY OF BALLARAT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Daryl Wallis – Coordinator Parks and Gardens

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Reconfirm the ongoing relationship with the Friends of the Ballarat Botanical Gardens through an updated Memorandum of Understanding for a further period of five years.**
- 2. Note the achievements of the Friends of the Ballarat Botanical Gardens during the period of the previous Memorandum of Understanding.**

EXECUTIVE SUMMARY

The City of Ballarat recognises the important contribution made by the Friends of the Ballarat Botanical Gardens (Friends) towards the development of the Ballarat Botanical Gardens precinct. The City has a strong desire to maintain and enhance the ongoing partnership with the Friends for the mutual benefit of both organisations and the wider community.

The first Memorandum of Understanding was signed in 2014 for a term of five years and is due to expire in January 2019.

The Memorandum of Understanding has been reviewed and an updated version has been prepared and is ready for formal signing by both partner organisations.

RATIONALE

In January 2014, the first Memorandum of Understanding (MoU) between the City of Ballarat and the Friends of the Ballarat Botanical Gardens (the Friends) was signed to formally recognise the ongoing relationship between the City and the Friends. The MoU listed the management aims and operational responsibilities both for the City and the Friends and formalised the strong desire to forge a constructive partnership between both organisations.

The term of the MoU was for five years and this period is due to expire in January of next year.

The Friends of the Ballarat Botanical Gardens are a voluntary organisation which was founded in 1982 and became an incorporated body in 1993. Currently there are approximately 300 financial members with around 40 who are actively involved in the group.

As an organisation the Friends provide an avenue for members of the community to be able to participate in various aspects of horticulture and gardening while providing opportunities for social interaction and passive recreation with associated health and wellbeing benefits and to be involved in the Gardens.

The Friends occupy the George Longley Building within the Botanical Gardens which is used as their office and meeting room. They are the sole occupants of this building and have been provided with an area inside the Gardens nursery enclosure to use to propagate and raise plants for sale to the public for fund raising.

In the past five years the friends have achieved some major milestones including the development of the Ballarat Botanical Gardens Visionary Plan.

The Friends are passionate supporters of the redevelopment of the Fernery site and the fern collection and have contributed through advocacy and fund raising to progress this project.

The Friends were able to secure the original Gate Keepers Cottage and contribute to its relocation back into the Botanical Gardens where it will eventually be used as an education resource.

The Friends have a number of active sub groups that include:

- The Guiding Group who provide regular tours of the gardens;
- The Growing Group who sell plants that are grown in their nursery area providing one of the main sources of income for the Friends;
- The History Group who research and promote the history of the gardens; and
- The Botanikids Group who run a number of educational programs for younger children.

The Friends actively participate in the Ballarat Begonia Festival each year providing activities with a focus on developing young people's interests in horticulture and gardening.

The Memorandum of Understanding addresses and determines:

- The aims and objectives of the Friends; *Extracted from the Friends Charter.*
 - The management aims of the City for the Botanical Gardens;
 - The term of the MoU; *Five Years from signature.*
 - The Responsibilities of the City; *Provision of appropriate levels of resources for a Botanical Garden.*
 - The Responsibilities of the Friends; *To undertake fundraising and promotional activities and to maintain an Incorporated Association status.*
 - Tenure; *Confirms the location and access to the George Longley Building.*
 - Communication protocols; *Formalises the process for general communication between the Friends and the City.*
 - Meeting processes; *Formalises the participation of the City in the Friends general meetings.*
 - Activities of the Friends:
 - *Defines access to Council facilities.*
 - *Code of Conduct. Workplace*
 - *Health and Safety.*
 - *Public relations.*
 - *Support from the City.*
 - *Operational expenditure.*
 - *Friends events.*
 - *City events.*
 - *Equipment*
 - Capital expenditure; *Final project decisions to be made by Council.*
 - Reporting; *Friends annual financial reporting.*
 - Variations to the MoU; *By either party and*
 - Termination; *By either party.*
-

In summary the partnership between the Friends and the City of Ballarat has resulted in positive development and outcomes for the Ballarat Botanical Gardens and to continue this positive relationship the MoU has been reviewed and updated to reflect the current status of the partners.

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	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	No
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	Yes
Evaluation and Review	No	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*.

Social/Cultural – The Friends provide opportunities for social connection, education, participation and community involvement through membership, events and functions.

Economic – The Friends through fundraising and volunteer activities will contribute both financially and through provision of physical services to the functioning and development of the Gardens.

Financial/Resources – The City may provide limited financial support to the Friends usually in the form of ‘in kind’ services such as access to office equipment, assistance from staff for Friends activities and other assistance at the discretion of Council officers.

Risk Management – Nothing in the MoU is intended to give rise to any legally enforceable rights or obligations between the parties. Members who provide physical services within the Gardens have undertaken the City's Volunteer Induction program.

Implementation and Marketing – Publicity generated by the Friends will promote the CoB and the Gardens in a positive manner. All promotional material will acknowledge the support of the City of Ballarat. Media releases will be submitted for approval by the CoB's Media and Communications section, where deemed necessary by the Curator or nominated representative.

Evaluation and Review – The MoU has a defined lifetime of five years with biannual review by nominated representatives of both parties prior to the anniversary of signing.

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. MoU FBBG & Co B Draft 2018 v 1 **[9.2.1]**

MEMORANDUM OF UNDERSTANDING

Between

Friends of the Ballarat Botanical Gardens Inc

and

The City of Ballarat

Signed: _____

Cr Samantha Macintosh

Mayor
City of Ballarat.

Signed: _____

Robert Selkirk

President
Friends of the Ballarat Botanical Gardens

THIS MEMORANDUM OF UNDERSTANDING is made on the..... day of
..... In the year of 2018.

BETWEEN

THE FRIENDS OF THE BALLARAT BOTANICAL GARDENS INC. [ABN 32 346 573 092.]
an Incorporated Association, PO Box. 33W Ballarat West VIC 3350
[**“THE FRIENDS”**]

AND

THE CITY OF BALLARAT. [ABN 37 601 599 422] PO Box 655, Ballarat VIC 3353.
[**“CoB”**]

1. Background

The Friends of the Ballarat Botanical Gardens Inc. (the Friends) was formed in 1983 and became an incorporated association in 1993. The City of Ballarat (CoB) recognizes the important contribution made by the Friends towards the development of the Ballarat Botanical Gardens (Botanical Gardens). The CoB has a strong desire to maintain and enhance the ongoing partnership with the Friends for the mutual benefit of both organizations and the wider community.

This Memorandum of Understanding (the Memorandum) has been drafted so that both the CoB and the Friends understand the rights and responsibilities of the respective organizations. It is expected that from the signing of the Memorandum, the two parties will work cooperatively in establishing a shared vision for the Gardens and its surrounding precinct.

Nothing in this Memorandum is intended to give rise to legally enforceable rights or obligations between the parties.

2. The Parties

The parties to this Memorandum of Understanding are:

- The Friends of the Ballarat Botanical Gardens Inc.
- The City of Ballarat

The aims and objectives of the Friends are:

- To assist in the promotion of the Ballarat Botanical Gardens, and to undertake activities for the benefit of the Gardens.
- To stimulate interest and community awareness in the activities of the Ballarat Botanical Gardens.
- To involve the community in the scientific, educational, historical, cultural and recreational functions of the Gardens.
- To initiate and coordinate special interest groups of the Friends for the benefit of the Gardens and the Friends.
- To raise funds to utilise for the benefit of the Gardens and the Friends.
- Under direction of CoB representatives, to undertake such work as necessary to further the stated management aims for the Gardens.
- To serve as a link between the City and the wider community, and to promote, support and contribute to the development of the Gardens.
- To promote and support horticultural and botanical science and associated interests.

The management aims of the CoB for the Ballarat Botanical Gardens are:

- To maintain and preserve the Crown Reserve as a Botanical and Public Gardens in keeping with the purpose the reserve was established by the Crown.
- To continue to maintain Committee of Management status over Crown Allotment CA 2023 which encompass the areas known as the Ballarat Botanical Gardens, the North Gardens, the South Gardens and part of the Lake Wendouree Reserve.
- To cultivate and display plant species of ornamental, economic, cultural and conservation value to the Ballarat region.
- To develop the horticultural collection in line with Councils goals.
- To keep appropriate records to ensure the scientific and cultural values of the collection.
- Provide interpretive services for the horticultural collections to educate the public on their uses, potential and distribution.
- To provide opportunities for the public to learn about the environment generally.
- Ensure that staff are appropriately experienced, qualified, trained and resourced to undertake the duties associated with a Botanical Gardens.
- To utilize sustainable methods of horticultural maintenance.
- To enhance, conserve and promote the historical asset collections within the Gardens
- To assist educational and scientific institutions to provide educational programs.
- To provide a regionally significant facility that is safe and accessible to all residents and visitors of Ballarat.
- To promote the Botanical Gardens as a unique and major tourist attraction for the City and the region.
- To create a high quality outdoor precinct for passive recreation for local residents and visitors.
- To provide quality recreational opportunities within the Gardens precinct.
- To utilize the Friends as a reference body in Gardens related matters.

3. Term of Memorandum

This Memorandum of Understanding shall represent the agreement between the parties for a period of five (5) years from the date of signing by both parties.

The parties to this Memorandum of Understanding hereby agree to the following:

4. Responsibilities of the City of Ballarat

CoB will provide the necessary financial and staffing resources to maintain the Ballarat Botanical Gardens to a standard determined by Council and with the intent of enabling the Gardens to meet its stated management aims as given above. CoB retains the absolute right to make all decisions concerning the management, staffing and operation of the Gardens.

5. Responsibilities of the Friends of the Ballarat Botanical Gardens

The Friends will undertake fundraising and promotional activities to assist the Ballarat Botanical Gardens to meet its stated management aims and to further the aims and objectives of the Friends as given above.

The Friends will maintain their Incorporated Association status as per the requirements of the Department of Consumer Affairs Victoria.

6. Tenure

The George Longley Building is the 'home' of the Friends and is to be accessible to the Friends at all times under normal circumstances. Access out of regular hours may need to be confirmed with the Curator who may have regard to safety and security issues.

A tenancy agreement for the George Langley Building to occupy its current site will be developed with input from Council's Executive Manager Property Services and Facilities, the Curator and the Friends to comply with Councils tenancy requirements.

It is recognized in this MoU that access to the former Gate-keepers Cottage is currently restricted due to ongoing construction and restoration works. It is understood that tenancy of this building will not be permitted until all works and relevant permit conditions are completed.

7. Communication

Communication between the Friends and CoB will be primarily undertaken by:

- The Curator Ballarat Botanical Gardens, representing the CoB and
- The President, the Friends of the Ballarat Botanical Gardens Inc. representing the Friends, unless otherwise noted in this Memorandum.

The Friends may nominate another spokesperson to be the main contact person with the CoB, so that all information or requests are provided via a single conduit. Initial contact should be through the Curator of the Gardens in the first instance, then the Coordinator Parks and Gardens.

The nominated Friends representative should meet informally on a regular basis with the Curator of the Ballarat Botanical Gardens to maintain information exchange between the parties.

The Friends will be given an opportunity to comment on actions or activities which may affect the level of service delivered at the Botanical Gardens. Initial comment may be made informally to the Curator. Any formal response to such actions or activities will be made in writing addressed to the Coordinator Parks and Gardens.

8. Meetings

Committee meetings of the Friends are generally held monthly in the George Longley Building. The Curator of the Ballarat Botanical Gardens, or a nominated representative, will be invited to attend Friends of Ballarat Botanical Gardens Committee meetings, for presentation of reports, updates and general business, however, is not considered a voting member.

The Friends will also continue to be represented on the Lake Wendouree and Gardens Advisory Committee. The LWGAC meets regularly throughout the year, and any matters relating to the lake and gardens precinct should be tabled at this meeting.

8.1 Decisions

The Committee of the Friends shall give due regard to the opinion of the Curator (or nominee), however it is recognized that there may be times that in the opinion of the Curator (or nominee) that a proposal being considered by the Friends is not in the best interests of the Botanical Gardens. If the Friends and the Curator are unable to reach agreement the following will apply:

- If the matter solely concerns the internal operations of the Friends and the matter is not referred to in this Memorandum, then the Friends may proceed, noting the objections of the CoB.
- If the matter has any impact on the Gardens or is referred to in this Memorandum, then a formal written report from the President of the Friends will be made to Council's Coordinator Parks and Gardens.

9. Activities of the Friends

9.1 Access to Council Facilities

The Friends will have access to and will maintain in a neat, tidy and safe condition a section of the Nursery grounds to produce plants for sale or display for various purposes.

The Robert Clark Horticultural Centre will be available for the Friends use in accordance with the normal booking arrangements applicable to the venue.

The Robert Clark Conservatory will be available for the Friends to provide displays, promotional items, plant sales and functions with the agreement of the Curator and in accordance with the normal booking arrangements applicable to the venue.

Other Gardens buildings will be made available with the agreement of the Curator.

9.2 Code of Conduct

Members of the Friends will follow proper organizational procedure with any issues escalated to the President or nominated representative to liaise with the Curator in the first instance for resolution.

Members of the Friends will comply with CoB's Codes of Conduct while undertaking any activity within the Gardens.

Members of the Friends will conduct themselves in a professional manner when dealing with members of the public and promote the CoB, the Friends and the Gardens in a positive manner.

9.3 Workplace Health and Safety

The Friends utilize the skills and capacities of many of its members to undertake activities that meet the definition of voluntary services, this includes guiding visitors, working on projects and displays in the Gardens and propagating and growing plants for sale.

The Friends will ensure that all members involved in volunteer type activities undertake a Council Induction program covering all relevant Council policies, procedures and Occupational Health and Safety processes. Members of the Friends will comply with the Workplace Health and Safety Act and regulations, relevant Codes of Practice and CoB's WHS Policies and Procedures. Members will comply with instructions given by the Curator or other CoB employees in respect to the Health and Safety of themselves and other persons.

Commented [SVO1]: The Friends are Volunteers to the CoB as they are undertaking activities on public land for CoB

9.4 Public Relations

Publicity generated by the Friends will promote the CoB and the Gardens in a positive manner. All promotional material will acknowledge the support of the City of Ballarat. Media releases will be submitted for approval by the CoB's Media and Communications section, where deemed necessary by the Curator or nominated representative.

9.5 Support from the CoB

The CoB may provide limited financial support to the Friends usually in the form of 'in kind' services.

The City of Ballarat will provide assistance from Gardens staff for the conduct of Friends activities when possible, subject to prior approval by the Curator.

The Friends will be provided access to reasonable use of CoB office equipment (e.g. photocopier, binder, laminator) with prior approval from the Curator.

9.6 Operational Expenditure

The Friends shall meet any day to day costs associated with the general operations of a community organization.

The Friends are to provide building and contents insurance for the George Longley Building and appropriate public liability insurance for functions and events.

9.7 Friends Events

COB will provide use of the facilities of the Gardens for events conducted by the Friends subject to the conditions in Section 8.1 and any terms and conditions required as due to an event application. The CoB may provide other support according to the discretion of the Coordinator Parks and Gardens.

The Friends will be responsible for all other event expenditure and will retain the revenue from such events. Events may include: guest speakers, film nights, music performances, horticultural demonstrations, guided tours and plant sales.

The Friends may conduct other activities within the boundary of the Botanical Gardens Precinct subject to prior approval from the Curator.

9.8 City of Ballarat Events

Where an event is an initiative of CoB, such as the Ballarat Begonia Festival, and it is agreed by both parties that the Friends participation will be beneficial to the event, CoB will provide the Friends with appropriate space within the Gardens and the Friends will be responsible for their own activities, including any associated expenditure and revenue.

9.9 Equipment

The Friends will supply their own administrative and IT support equipment such as telephones, computer equipment etc.

Equipment purchased by the Friends for their own use will be maintained and upgraded where necessary by the Friends.

Items donated to Council by the Friends such as horticultural books, will be available for use by the Friends as required.

Fixtures or fittings requiring connection to CoB buildings and facilities are to be approved by the Curator.

10. Capital Expenditure

Council, through the Curator, agrees to consult or inform the Friends in relation to Council funded Capital Projects and works at the Gardens. Final decisions on projects will be made by Council.

In the case of Friends sponsored Capital Proposals, final decisions will be made by Council.

11. Reporting

The Friends will provide an annual report to the CoB within three months of the end of each financial year i.e. by 30th September each year. The report will outline major achievements and activities, a financial summary of the operations of the Friends and a detailed financial report on the operation of the Friends.

12. Variations

Proposed variations to the Memorandum of Understanding may be initiated, in writing, by either party. Any variation will require the agreement of both parties, re-drafting of this Memorandum and re-signing by both parties.

13. Termination

Either party may elect to terminate this Memorandum of Understanding by writing to the other party and advising the decision and reasons for doing so.

9.3. FOUNDATION FOR THE BALLARAT BOTANICAL GARDENS

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

OFFICER RECOMMENDATION

Council resolves to:

1. **Support the request from the Friends of the Ballarat Botanical Gardens to establish a separate Foundation and tax-deductible Trust for the Ballarat Botanical Gardens.**
2. **Advise the Friends of the Ballarat Botanical Gardens that it would not require any Councillor membership as part of the Foundation management.**
3. **Upon the establishment of the separate Foundation, all monies within the existing Botanical Gardens Trust held by Council are to be transferred to the new Foundation.**
4. **The current Trust be discontinued upon the transfer of all funds to the new Foundation.**

EXECUTIVE SUMMARY

The Friends of the Ballarat Botanical Gardens (the Friends) have formally requested Council consider the establishment of a Foundation and tax-deductible Trust separate from Council to facilitate enhanced philanthropic investment into the Ballarat Botanical Gardens (the Gardens). The request has been considered and it is recommended that the Council support the establishment of the Foundation and separate Trust. It is felt that the philanthropic investment into the Gardens would be potentially enhanced via this approach and would resolve any confusion in relation to the existing Trust which is hosted by Council.

The management model suggested was to include Councillors, however it is recommended that no Councillors should be on the management group for the Foundation to ensure that there is a clear separation between fundraising responsibility and the formal management and strategic overview of the Gardens.

RATIONALE

The Friends of the Ballarat Botanical Gardens (the Friends) have made a formal request to establish a Foundation to support fundraising efforts to assist the ongoing development and maintenance of the Ballarat Botanical Gardens. The intention of the request is to translate the current tax-deductible trust (DGR Status Trust), currently managed by the City of Ballarat on behalf of the Friends and community under Council's Finance Department.

In short, the request is to translate this existing Trust into an alternate Trust arrangement, to deliver, in the view of the Friends, a more palatable vehicle for philanthropic investment and general community support. The Friends have provided a detailed submission which is attached in full. A summary of the key points of the submission is detailed below.

Summary

The City of Ballarat has a wonderful asset in the Botanical Gardens and surrounds, an asset that the community in general has great empathy and connection with at many levels. The Friends of the Ballarat Botanical Gardens believes that with a reinvigorated Ballarat Botanical Gardens Community Fund, governed and led by a diverse, committed, representative and skill based Board, investment in the ongoing improvement and enhancement of the Gardens can be additionally funded through contributions sourced from the community (individuals and groups), philanthropic organisations and other levels of government – this proposed new governance model is the vehicle to achieve these goals for the benefit of all stakeholders.

Our Purpose

The purpose of the Foundation is to:

- Maintain effective relationships with key stakeholders of the Gardens;
- Work collaboratively with key stakeholders to identify specific projects that require community support to ensure viability and realisation;
- Undertake activities and initiatives to generate financial and community support to deliver the priority projects;
- Create an endowment fund to financially support the maintenance and development of the Gardens; and
- Apply the principles of good governance to meet all compliance and regulatory requirements, ensuring the integrity of the Foundation and effectively managing the operations and performance of the organisation.

The Ballarat Botanical Gardens Foundation exists to provide a means for the community of Ballarat to contribute to the long-term enrichment of our Gardens.

Governance

The Foundation will be governed by eight (8) Trust members comprising:

- Three (3) representatives from the City of Ballarat, one of which will be the Mayor of the City of Ballarat who will act as Chairman of the Foundation or delegate the role to another Trust member;
- Three (3) representatives from the Friends of the Ballarat Botanical Gardens; and
- Two (2) representatives from the community of Ballarat.

Officer Consideration of Proposal

Officers have considered the proposal at length and are of the view that the proposed translation of the Trust to be managed completely external to the City of Ballarat has merit in the potential to attract philanthropic interest. However, the proposed membership which is recommended to include three councillors is not supported in that it is considered that this would provide for uncertainty in relation to the separate roles that the Foundation would play in fundraising, with Council taking responsibility for strategic management and decisions in relation to expenditure and project delivery.

In short, the submission from the Friends that a stand-alone Trust would be better able to attract funding from non-government sources is considered sound and further the management of the Trust external completely to Council would ensure ongoing transparency beyond the Council.

It is recommended that Council support the establishment of a stand-alone Foundation which has the management responsibility for a Trust subject to the management being completely separate to Council with no Councillor representation on the Board of Management, discontinue the existing Trust for the Gardens upon the establishment of the new Trust and transfer all outstanding monies from the Council managed Trust to this new entity.

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	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	Yes
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*.

Social/Cultural – The Ballarat Botanical Gardens are an integral part of Ballarat landscape and a foundation to provide additional funding to support the development and enhancement of the Gardens would deliver significant benefit.

Environmental/Sustainability – The Gardens play a key role in education and information sharing both nationally and internationally. The additional commitment of funding to reinforce the significant role that the Gardens play from a sustainability perspective would be well received.

Economic – The Gardens as a tourism attraction do play a major role in Ballarat's overall offer and further investment via philanthropic sources would be advantageous.

Financial/Resources – With the intent of the proposal to manage the Foundation completely separate to Council, there will be no financial resource implications on the Council in regard to this request. Further, the opportunity provided by a separate foundation to grow investment into the Gardens would be of assistance given the limited resources for the growth of this precinct.

Risk Management – The removal of the current tax-deductible Trust from the Council's management would further reduce the exposure Council may have in relation to this specialist requirements around reporting and compliance.

Implementation and Marketing – With the establishment of a separate foundation, there would be opportunity for the Friends groups and other entities to actively market the Foundation to philanthropic entities and the broader population.

Evaluation and Review – As is the case with the Friends, it is envisaged that the Foundation would liaise regularly with Council in relation to their fundraising efforts to align with Council's broader strategic direction for the Gardens.

CONSULTATION

There has been ongoing consultation with the Friends group to establish the proposal to establish the separate Foundation and discontinue the current arrangement with Council hosting the tax-deductible Trust.

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. Submission to Ballarat Botanical Gardens Community Fund - Friends of the Ballarat Botanic **[9.3.1]**

Friends of the Ballarat Botanical Gardens Inc

Business Case

Ballarat Botanical Gardens Community Fund: Proposed governance and operational structure.

Background

The Ballarat Botanical Gardens Community Fund (BBGCF) was established in February 1988 by the Councillors of the City of Ballarat (CoB) and interested community members and is still in operation today, albeit not actively managed and promoted. The purpose of the Fund is to create a structure to receive contributions from the community for improving and maintaining the Ballarat Botanical Gardens (the Gardens). Furthermore, all contributions are tax deductible given appropriate management of BBGCF and compliance with current regulations and legislation.

The Friends of Ballarat Botanical Gardens INS (FBBG) was established in 1993 with its purpose including, amongst others, to:

- ❖ assist in the promotion of the Gardens and to generally undertake activities for the benefit of the Gardens within the botanical perspective;
- ❖ involve the community in scientific, educational, historical, cultural and recreational functions of the Gardens;
- ❖ serve as a link between the Ballarat City Council and the wider community and to promote, support and contribute to the development of the Gardens; and
- ❖ stimulate and sustain public interest in the Gardens across Victoria and elsewhere.

The BBGCF is a purpose built structure established to attract and distribute funds to achieve the goals of both the CoB and FBBG; however the current governance and management approach is not taking advantage of the opportunities that are being presented in the market.

This document outlines a proposal for a new governance and operational management structure that will deliver enhanced benefits to all stakeholders of the Gardens.

Proposal

Rationale

FBBG proposes a new governance structure that will comply with all regulations and legislation to maintain the current tax status, but with a mission to actively promote, attract and distribute community funds from all sectors (individuals, business, philanthropic and government). The outcome of this new structure will be greater investment in the Gardens that will enhance the value and attraction of the Gardens for the Ballarat and wider community.

Compliance

The maintenance of DGR (tax deductibility of contributions) status in the current political and economic environment is onerous and the Federal Government through the Australian Charities and Not-for-Profits Commission (ACNC) is increasing its audit and compliance review of all organisations with DGR status. Evidence of this is made public each month through the ACNC update and public announcements of the number and type of organisations who have been deregistered due to noncompliance. Maintaining DGR status is the single most important factor in the strategy to attract community contributions to BBGCF; lose this status and this task becomes almost impossible to achieve and the opportunity to enhance the Gardens with these funds will be lost forever.

Promotion

Anecdotal evidence suggests that a Fund that is managed by Local Government has difficulty in attracting both community and philanthropic funds. For whatever reason, this type of structure causes confusion to potential donors as well as some degree of scepticism in relation to the transparency of the management and distribution of the donated funds. Furthermore, given the many and type of competing demands for local government resources, the attention that is required to manage, promote and govern such a structure is understandably not available to the level that is required to maximise the outcomes that would benefit all stakeholders of the Gardens.

A new governing body would be free of such perceptions and would provide the resources, capacity and capability to deliver greater benefits for the Gardens in particular and the Ballarat community in general.

Resources

A new governance and management model will provide considerably more resources and focus to the purpose of the BBGCF through:

- ❖ the recruitment of a skills based board to provide governance, leadership and compliance capacity and capability of BBGCF;
- ❖ a renewed and considerably enhanced focus on the objectives, strategy development and implementation of the organisation; and
- ❖ access to networks, opportunities and sources of funds that hitherto now have either not been sourced or been able to be approached due to the limited resources available.

The expected outcome from this new approach will be a more highly connected and engaged BBGCF, which should in turn lead to an increase in both funds to invest in the Gardens and awareness of and pride in this wonderful CoB asset.

Proposed Governance model

FBBG presents the following Governance model to lead the revitalisation and subsequent growth and development of BBGCF:

A new skills based board comprising three (3) representatives from the City of Ballarat and five (5) representative from the community of Ballarat;

The community of Ballarat members will be representative of the diversity of our community, however will have a range of skills including:

- ❖ Governance and leadership;
- ❖ Marketing and fund raising;
- ❖ Stakeholder and community engagement;
- ❖ Financial and risk management skills;
- ❖ A willingness and ability to contribute to the “ job at hand” and
- ❖ Most importantly, empathy with the vision and mission of the BGGCF.

Duties and responsibilities:

The duties and responsibilities of the new Board, in the first instance, will include:

- ❖ the creation of a governance terms of reference, incorporating a code of conduct, expectations of membership, tenure, management of the Board and election of officials
- ❖ development a 5 year strategic plan and a public launch thereof;
- ❖ creation of an annual Business Plan that incorporates the implementation and resourcing of the initiatives to achieve both the short and long term goals;
- ❖ an accountability and performance management framework ; both internally and to the City of Ballarat and
- ❖ Ongoing meeting structure to manage the business.

The Plan is to expedite this process as soon as practicable and the project will be actively led by the following key people:

- ❖ Robert Selkirk;
- ❖ Elizabeth Gilfillan; and
- ❖ Mark Schultz

Implementation Plan

To achieve this outcome and commence the process of reinvigorating the BGGCF, the following Implementation Plan is recommended:

Activity/Initiative	Person/s responsible	Time line
CoB sign off on new governance model	CoB	
Meeting between CoB representatives and FBBGR to agree on Implementation Plan	CoB/FBBGR	
Recruitment and selection of new Board	FBBGR/CoB	
Inaugural Board meeting and agreement on the next stages of development	Board of BGGCF	
Development of 5 year strategic plan and annual business plan	Board of BGGCF	
Public launch	BGGCF, CoB and community stakeholders	
Ongoing implementation and reporting of business plan	BGGCF	

Summary

The City of Ballarat has a wonderful asset in the Botanical Gardens and surrounds, an asset that the community in general has great empathy and connection with at many levels. The FBBG believes that with a reinvigorated BGGCF, governed and led by a diverse, committed, representative and skill based Board, investment in the ongoing improvement and enhancement of the Gardens can be additionally funded through contributions sourced from the community (individuals and groups), philanthropic organisations and other levels of Government – this proposed new governance model is the vehicle to achieve these goals for the benefit of all stakeholders.

Ballarat Botanic Gardens Foundation

The Ballarat Botanical Gardens Foundation is a not-for-profit organisation established in February, 1988 by the City of Ballarat. The Foundation works collaboratively with all stakeholders to generate revenue to invest in the protection and development of the Ballarat Botanical Gardens for the benefit of the whole community

Our Vision

A viable and sustainable Foundation that provides ongoing financial support and resources to the Ballarat Botanic Gardens.

Our Mission

To create, sustain and grow a world class Botanic Gardens

Our Purpose

The purpose of the Foundation is to:

- ❖ maintain effective relationships with key stakeholders of the Gardens;
- ❖ work collaboratively with key stakeholders to identify specific projects that require community support to ensure viability and realisation;
- ❖ undertake activities and initiatives to generate financial and community support to deliver the priority projects;
- ❖ create an endowment fund to financially support the maintenance and development of the Gardens; and
- ❖ apply the principles of good governance to meet all compliance and regulatory requirements, ensure the integrity of the Foundation and effectively manage the operations and performance of the organisation.

The Ballarat Botanic Gardens Foundation exists to provide a means for the community of Ballarat to contribute to the long term enrichment of our Gardens.

Governance

The Foundation is governed by a Board of Trustees within a Trust created by the Councillors of the City of Ballarat and established in February, 1988.

The Foundation has been granted income tax exempt fund (ITEF) status by the Australian Taxation Office and has been endorsed as a deductible gift recipient (DGR).

The Foundation will be governed by eight (8) Trust members comprising:

- ❖ Three (3) representatives from the City of Ballarat , one of which will be the Mayor of the City of Ballarat who will act as Chairman of the Foundation or delegate the role to another Trust member;
- ❖ Three (3) representatives from the Friends of the Ballarat Botanical Gardens: and
- ❖ Two (2) representatives from the community of Ballarat.

It is expected that the Trust will comprise members with both empathy for the Vision and Mission of the Foundation and the capacity and capability to undertake the leadership required to create and maintain a successful organisation.

9.4. STRATEGIC ROWING PARTNERSHIP

Division: Community Development
Director: Neville Ivey
Author/Position: Michael Hynes - Senior Advisor - Strategy and Planning,
Recreation Planning

OFFICER RECOMMENDATION

Council resolves to:

- 1. Approve a strategic partnership with Rowing Victoria until 2027.**
- 2. Acknowledge the significance of, and support for the staging of Victoria State Rowing Championships to be held on Lake Wendouree every alternate year through to 2027.**
- 3. Acknowledge the basis for the strategic investment in the Lake Wendouree Rowing Course was based on the capacity and ability for Ballarat to host significant rowing events that provide economic and City promotional opportunity, continued major event activity and continued improvement in the reputation of Lake Wendouree as a world class rowing venue.**

EXECUTIVE SUMMARY

The purpose of a strategic partnership with Rowing Victoria is to promote regattas in Lake Wendouree in Ballarat and to enhance Ballarat's reputation to enable major events to be attracted to the City providing both social and economic benefits.

High profile regatta's such as:

- Victorian State Level Championships;
- Head of School Boys Championships;
- Ballarat and Wendouree Regatta; and
- Ballarat Head of Lake.

It's an opportunity to promote Ballarat as a rowing base for training camps, enhance Ballarat and Lake Wendouree's reputation as a rowing centre and attract a great number of the rowing fraternity to Ballarat.

A strategic partnership will deliver the following objectives:

- Make rowing in Ballarat more accessible and enjoyable;
 - Provide a return on investment for recent upgrades to the Lake Wendouree rowing precinct with permanent and non-permanent infrastructure;
 - Establishes a "license to negotiate" with Rowing Victoria to acquire additional major rowing events both from the domestic and international markets – Without securing a strategic partnership, organisations are unable to enter such negotiations. City of Ballarat officers have recently been invited into negotiations for an additional major event for Lake Wendouree.
 - This strategic partnership investment ensures justification for the ongoing maintenance and improvement program designed to provide a high class eight lane rowing facility on Lake Wendouree. Without the events being attracted through this proposed
-

partnership there is little or no value in maintaining a facility to current standards which would also significantly disadvantage local user groups.

- Make competing more valuable to encourage higher levels of participation;
- Create greater awareness of rowing and its benefits to the community in Ballarat;
- Improve the support to clubs, schools and associations to serve the needs of their members; and.
- Provide a significant economic benefit to Ballarat.

Financial support is requested

- 2019: \$40,000
- 2020: \$55,000
- 2021: \$40,000
- 2022: \$55,000
- 2023: \$40,000
- 2024: \$55,000
- 2025: \$40,000
- 2026: \$55,000
- 2027: \$40,000

The investment is subject to an incremental annual CPI adjustment.

Based on the expected increase in visitation to Ballarat it is expected that opportunities for sponsorship will occur, officers will work with the relevant organisations to investigate these sponsorship opportunities with the view that this will reduce the reliance on Council funding into the future.

RATIONALE

Active Victoria 2017- 2021 – A strategic framework for sport & recreation in Victoria identifies a number of strategic directions, one being connect investment in events, high performance and infrastructure. Other obvious strategies being inclusive participation and participation increases, building system resilience and capacity and working together for shared outcomes.

The City of Ballarat's involvement in sport, recreation and leisure is driven by a desire to positively influence the health and wellbeing of all its residents, as well as contributing to the culture, lifestyle and livability of the city.

In 2006 Council resolved to invest approximately \$2 million in upgrading the rowing course whilst another \$10 million of Council and Government funds were invested to ensure that the lake would be drought proof further enhancing the upgrading of the rowing course to international standards. This strategic investment was aimed at attracting state, national and international rowing events to Ballarat along with enabling Ballarat to be a major player in the training camp market further enhancing the economic benefit to Ballarat of this investment.

There is a growing appreciation through the rowing industry of the importance of, and the quality of the Lake Wendouree course which is now at a stage where the Council is able to attract major events on a more regular basis.

These events are substantial sports participation events that support, local and state level activity which also generates significant sports tourism benefits. Substantial resources are invested by state sporting organisations, volunteers and clubs to ensure that these events are

delivered professionally and meet competition standards that promote rowing in Ballarat and Australia wide.

In the years that the State Rowing Championships are held on the lake it is expected around 8,000 participants will visit Ballarat through that rowing season in addition it would be expected that approximately half this number again would travel with the participants as support staff and/or family to watch the events. This would generate economic benefit to the local economy.

The detailed economic impact is attached with the recent events recording the following;

- Overall annual economic impact **\$1,057,250**
- REMPLAN expenditure **\$768,750**

Rowing Victoria supports sporting endeavours and the healthy benefits associated with those endeavours. Rowing Victoria also provides support and assistance with local clubs and schools to encourage increased participation.

The staging of these events supports the business case that Council approved in 2006 for the development of the rowing course for improved facilities for local, state and national rowing events.

Since the holding of events recommenced on Lake Wendouree, the participation rate at regattas held has increased by an average of 15%. The following two tables illustrate the participation rate for each year.

Council Strategic Planning Unit has provided a Remplan Breakdown report focusing on identified 2018 Rowing Victoria ran events evidencing significant economic and participation projected outcomes. (see attached)

This table represents those years where the Victorian State Championships were not held in Ballarat.

Year	Male	Female	Total
2013	1,225	1,246	2,471
2015	2,037	1,721	3,758
2017	2,503	1,464	3,967

The following table represents those years where the Victorian State Championships were held in Ballarat.

Year	Male	Female	Total
2014	3,101	3,256	6,357
2016	4,254	3,144	7,398

It has long been recognised both at a local level and national level that Ballarat is an important rowing community. The local rowing community is well recognised and is highlighted by the annual Head of Lake regatta. Traditionally the four major schools were involved in rowing with 120 participants each, this has now increased to 7 schools within Ballarat.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *Public Health and Wellbeing Act 2008*
- Inquiry into Women and Girls in Sport and Active Recreation (2014)
- Active Victoria 2017- 2021 – A strategic framework for sport & recreation in Victoria
- City of Ballarat 2014 Recreation Strategy
- City of Ballarat Council Plan 2017-2021.
- City of Ballarat Municipal Public Health and Wellbeing Plan 2017-2021
- Active Women & Girl's Strategy 2018
- Lake Wendouree Master Plan

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	N	No
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	No	No
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*.

Environmental/Sustainability – Consideration of environmental and sustainability implications was considered in the development of this report. Any works at the Lake Wendouree precinct will need to consider the cultural heritage value of the site and lake Wendouree Master Plan.

Economic – Remplan estimated daily trip expenditure and total expenditure is attached. This information outlines significant opportunity and economic benefit to the community. Visitor details at specific events is also evidenced indicating a significant participation and spectator numbers and visitation impacts.

Financial/Resources – Rowing Victoria are requesting ongoing financial support until 2027 to deliver both local and State level rowing regattas. It is suggested these events will provide substantial economic benefit to the Ballarat community. As evidenced with the attached Remplan information.

The grant shall be funded through the City of Ballarat strategic partnership budget.

Risk Management – There are a number of courses that are able to host state rowing championships such as Nagambie and these state level events are highly sought after and competition is strong to obtain these events in Victoria. Given that a key objective of the capital investment program into the rowing course at Lake Wendouree it logically follows that the City of Ballarat should leverage this investment and pitch strongly to attract these events. To not attract is a significant "opportunity cost" of not capitalising on the economic benefits and reputational boost that Ballarat receives from this event activity.

Implementation and Marketing – Sports and Active Living team and Events will work closely with Rowing Victoria to promote upcoming regatta and events scheduled for Lake Wendouree. A detailed Marketing and Communications Plan should be requested from Rowing Victoria.

Evaluation and Review – Annual evaluation and review of each event will be requested from Rowing Victoria to understand economic and participation impacts.

This evaluation will be guided by a formal contract between the City of Ballarat and Rowing Victoria that clearly outlines the obligations of both parties and importantly this agreement shall articulate the benefits that shall accrue to the City of Ballarat including the promotion and marketing of Ballarat as a destination for major sporting and rowing events. The attached document outlines the core components of the agreement that will be established.

CONSULTATION

The City of Ballarat has supported and consulted with Rowing Victoria since 2012. Rowing Victoria were consulted closely during the upgrade of the Lake Wendouree course concerning hosting of the Victorian State Rowing Championships every two years.

An application was received through the Strategic Partnership Grant Program requesting the development of a strategic partnership until 2026-27 supporting both local and state events.

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

- Active Victoria 2017- 2021 – A strategic framework for sport & recreation in Victoria
- City of Ballarat Sport & Recreation Plan 2014
- City of Ballarat – Strategic Partnership Grants Program Application 2017-2020 – Rowing Victoria application
- Rowing IE Remplan Breakdown report.

ATTACHMENTS

1. Rowing EI Breakdown **[9.4.1]**
2. Strategic Partnership Grant - City of Ballarat (003) - Vic Rowing - NG **[9.4.2]**

Regatta	Events	Entries	Seats	<=13	14	15	16	17-18
2017 Ballarat Masters Regatta	40	114	397					
2017 Ballarat Regatta	81	224	674	1	2	28	74	122
2017 Head of Lake	29	128	512	1	21	175	153	158
2017 Head of the Schoolbo ys Regatta	35	256	987		45	422	210	176
2017 Rowing Victoria State Champio nship Regatta	133	855	3022	7	17	70	350	794
2017 Wendour ee Ballarat Regatta	141	624	2321	7	35	191	263	659
TOTAL: 6 Regattas	459	2201	7913	16	120		1050	1909
<i>Spectator s (2 per 20 and under age).</i>				32	240	0	2100	3818
<i>Support Staff</i>		1100.5						
<i>Total Visitors</i>								

19-20	21-22	23-26	27-35	36-42	43-49	50-54	55-59	60-69
			9	12	23	27	34	37
37	14	8	13	9	12	6	6	
4								
5								
92	46	61	76	50	48	29	24	12
76	29	31	29	25	20	14	6	4
214	89		127	96	103	76		53
428								

<i>70-74</i>	<i>75-79</i>	<i>>=80</i>	
<i>7</i>			
	<i>1</i>		
<i>1</i>			
<i>1</i>			
<i>9</i>	<i>1</i>	<i>0</i>	<i>3863</i>
			<i>6618</i>
			<i>1100.5</i>
			<i>11581.5</i>

Event Date	Event	Venue, Location, Route	No.Events	No. of days
20 Jan 2018	Ballarat Regatta	Lake Wendouree	1	1
3-4 Feb 2018	Ballarat Wendouree Rowing Regatta	Lake Wendouree	1	2
25 Feb 2018	Head of the Lake	Lake Wendouree	1	1
17 Feb 2018	Head of School Boys	Lake Wendouree	1	1
14 April 2018	Ballarat Masters Rowing Regatta	Lake Wendouree	1	1
3-4 Mar 2018	RV State Rowing Championships	Lake Wendouree	1	2

Figures are only an estimation on attendance numbers provided by event organisers

EST. Number of Participant	EST. Number of Spectator	EST. Tot Attend	EST. Number of Locals in Total Attend	EST. Number of Visitors in Total Attend	EST. Number of Day Trips	EST. Economic Impact (\$118 per day)	EST. Number of Overnight Stays
400	400	800	500	300	200	\$23,600	100
1500	1000	2500	1000	1500	500	\$59,000	1000
500	1500	2000	1900	100	100	\$11,800	0
1000	1500	2500	1000	2000	1800	\$212,400	200
200	200	400	200	200	150	\$17,700	50
1900	1000	2900	500	2400	1400	\$165,200	1000

Local Impact \$50 per person	EST. Economic Impact (\$133 per night)	ESTIMATED ECONOMIC IMPACT
25000	\$13,300	\$61,900
50000	\$133,000	\$242,000
95000	\$0	\$106,800
50000	\$26,600	\$289,000
10000	\$6,650	\$34,350
25000	\$133,000	\$323,200

\$1,057,250

Event Date	Event	No. of days	EST. Number of Day Trips	Remplan Estimated Day Trip Expenditure
20 Jan 2018	Ballarat Regatta	1	200	\$ 20,400.00
3-4 Feb 2018	Ballarat Wendouree Rowing Regatta	2	500	\$ 51,000.00
25 Feb 2018	Head of the Lake	1	100	\$ 10,200.00
17 Feb 2018	Head of School Boys	1	1800	\$ 183,600.00
14 April 2018	Ballarat Masters Rowing Regatta	1	150	\$ 15,300.00
3-4 Mar 2018	RV State Rowing Championships	2	1400	\$ 142,800.00
Total				

EST. Number of Overnight Stays	Remplan Estimated Overnight Expenditure	Remplan Total Expenditure
100	\$ 14,700.00	\$ 35,100.00
1000	\$ 147,000.00	\$ 198,000.00
0		\$ 10,200.00
200	\$ 29,400.00	\$ 213,000.00
50	\$ 7,350.00	\$ 22,650.00
1000	\$ 147,000.00	\$ 289,800.00
		\$ 768,750.00

City of Ballarat

Strategic Partnerships Grant Program
Application Form including key benefits
for City of Ballarat

2017-2020

Strategic Partnership Grant Application Form

2017

Purpose

The City of Ballarat adopted the Grants Policy on the 12 April 2017. The purpose of the Grants Policy is to ensure that recipients are able to deliver quality programs, events, products and services which are of great benefit to Ballarat and which bring a wide range of social, environmental and economic returns to the City.

Strategic Partnerships Program Principles

The program is based on the following principles:

- Partnerships are with sole providers or identified strategic partners that Council can work with collaboratively to deliver community outcomes
- City of Ballarat has no direct responsibility to deliver these initiatives. Strategic partners are identified to make the most of opportunities to meet the needs of the community and deliver on outcomes identified in the Council Plan
- Strategic partnerships are negotiated by the Administration and approved via the annual budget and planning processes with transparent decisions made in open meetings and published on the Council website
- Strategic partnerships have consistent reporting and contractual agreements. Recipients are required to enter a Funding Agreement with Council that outlines reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures
- Recommendations on the term of the Funding Agreement for Strategic Partnerships will be made by management, taking into consideration the time required to have an impact on outcomes and the term of the strategic documents to which they align
- Strategic Partnerships can be either opportunistic and responsive to partnership requests, or deliberate and planned in accordance with Council's Strategic Objectives
- Unless otherwise agreed, Strategic partnerships will be on a dollar for dollar basis
- Only one application per organisation per grant program is allowed in any given financial year

Strategic Partnership Grant Eligibility Checklist

1. What is the structure of your organisation?

Rowing Victoria in an Incorporation

2. How long has your organisation been established?

140 years

3. Does your organisation operate within the municipality of Ballarat or are you able to demonstrate that the program will benefit residents in the municipality? Yes/No

We run, manage and support regattas on Lake Wendouree, these include:

- Ballarat Regatta (1 day event)
- Wendouree/Ballarat Regatta (2 day event)
- Victoria State Championships (2 day event)
- Rowing Victoria School Boy's Regatta (1 day event)
- Ballarat Head of Lake (1 day event)

Rowing Victoria shall enter a formal agreement that shall include its obligations to the City of Ballarat. Whilst these will be subject to further development and additional opportunities for the City of Ballarat the core benefits shall include;

- Securing of major rowing events for Ballarat
- Providing additional opportunities for Ballarat to secure and host other major events
- Positioning Ballarat as a premier sporting event destination
- Marketing & Promotion of Ballarat as destination
- Providing invitations and opportunities for City of Ballarat representatives to be involved in functions and events associated with state championships
- Marketing and promotion of Lake Wendouree as one of Australia's premier rowing venues
- Promotion of City of Ballarat on Rowing Victoria Website
- Prominent promotion of the City of Ballarat and Lake Wendouree through Rowing Victoria social media channels
- Rowing Victoria shall work in collaboration with the City of Ballarat to secure sponsorship from the corporate sector that will be directed to offsetting overall costs to the City of Ballarat

4. Has your organisation received grant funding from the City of Ballarat? * Yes/No

Rowing Victoria has received funding from The Ballarat City Council since rowing recommenced on Lake Wendouree in 2012. Rowing Victoria was consulted during the study for the upgrading of the rowing course, part of that consultation was the staging of the Victoria State Rowing Championships would be held on Lake Wendouree every two years.

5. If yes, have you met acquittal conditions for previous funding? * Yes/No

All conditions have been met in regards to the receipt of past funding.

6. If applicable; do you have appropriate insurance for this project? Yes/No

Yes

Contact Details

7. Applicant Organisation Name:

Rowing Victoria Inc.

8. Primary (Physical) Address:

Suite 4 / 162 Albert Road, South Melbourne 3205

9. Postal Address (if different from above):

10. Applicant Website:

rowingvictoria.asn.au

11. Contact Person and Position held in Organisation:

1. Nick Gall

12. Primary Phone Number:

1. 0407 888898

13. Applicant Admin Contact Primary Email:

1. nick@rowingvictoria.asn.au

14. IA or ACN Number:

A0013047N

15. Does your Organisation have an ABN? Yes/No ABN: 95878063094

16. Does your organisation have its own bank account? Yes/No Yes

17. Project Details

1. The Victorian State Championships is the penultimate competition for all age rowing in Victoria.
2. The HoSB is currently the only all school boy championship in Victoria
3. Allocation and assistance with the Ballarat Regatta and the Wendouree Regatta and the Ballarat Head of lake.
4. Assist in the promotion of Lake Wendouree as a base for training camps.

18. Project Title:

Rowing Victoria event assistance

19. Project Start Date:

January

20. Project End Date:

March

21. Brief project description:

Rowing Victoria requires assistance with temporary infrastructure to host and promote regattas in Ballarat. The assistance provides a better customer experience and brings more people to regattas. A side benefit of this promotion will be the enhancement of Lake Wendouree as a training centre for clubs and schools. Each January sees all Schools in Victoria involved in rowing conduct training camps. The enhancement of Lake Wendouree as a rowing centre will continue to attract greater number of these schools to Ballarat.

22. Project Rationale - Why does this work need to be done?

These events are substantial in nature and require substantial resources for the event to operate at a standard that not only promotes rowing but Lake Wendouree to all participants.

23. Who are the Project Partners?

We work closely with the Ballarat Rowing Association and the City of Ballarat.

24. How does the project align with the purpose of the Strategic Partnership Grant Program's purpose of delivering quality programs, events, products and services which are of great benefit to Ballarat and which bring a wide range of social, environmental and economic returns to the City?

It is expected that the events planned for Ballarat in 2018 will attract around 8,000 participants, in addition it would be expected that approximately half this number would travel with the participants as support staff and/or family to watch the events. This would generate economic benefit to the local economy.

Rowing Victoria supports sporting endeavours and the healthy benefits that are a benefit of those endeavours. Rowing Victoria also provides support and assistance with local clubs and school to encourage increased participation.

The staging of these events support the business case that Council approved in 2006 for the development of the rowing course for improved facilities for local, state and national rowing events.

25. What are the planned activities of the project and which elements will the grant be used for?

The project will provide a number of events throughout the rowing season. The events will target all groups within the rowing community being:

- Clubs
- Schools Master Through these events
Rowing Victoria attempts to not only achieve its objects but to promote a healthy lifestyle through participation of sport.

The objectives of Rowing Victoria and the holding of these events are:

1. Make rowing in Victoria more accessible and enjoyable
2. Make competing more valuable to encourage higher levels of participation
3. Create greater awareness of rowing and its community in Victoria to benefit rowing
4. Improve the support to clubs, schools and associations to serve the needs of their members and rowing in Victoria

The financial assistance will help in the provision of the following items which are essential for the delivery of a successful events:

- Temporary infrastructure
- Temporary toilets/showers
- Provision of Royal Life Saving Services for the safeguard of all participants Live streaming of selected events

26. What are the expected outcomes of the project?

The expected outcomes of the staging of events includes:

- Greater participation in the sport of rowing
- Introduction of Ballarat and Lake Wendouree to a wider demographic Enhancement of Lake Wendouree as a top class rowing destination

Since the holding of events recommenced on Lake Wendouree, the participation rate at regattas held has increased by an average of 15%. The following two tables illustrates the participation rate for each year.

This table represents those years where the Victorian State Championships were not held in Ballarat.

Year	Male	Female	Total
2013	1,225	1,246	2,471
2015	2,037	1,721	3,758
2017	2,503	1,464	3,967

The following table represents those years where the Victorian State Championships were held in Ballarat.

Year	Male	Female	Total
2014	3,101	3,256	6,357
2016	4,254	3,144	7,398

27. How will you know if these outcomes have been achieved?

Participant survey feedback after the event and entries for regatta's held in Ballarat.

28. Please provide any evidence of community support for the project

It has long been recognised both at a local level and national level the Ballarat is an important rowing community. The local rowing community is well recognised and is highlighted by the annual Head of Lake regatta. Traditionally the four major schools were involved in rowing with 120 participants each, this has now increased to 7 schools within Ballarat.

As the majority of participants come from outside of Ballarat, the local community will benefit from the economic benefit from the visitors attending Ballarat for these events.

29. Have you contacted Council to discuss your project/event? Yes/No

Yes

30. If yes, please provide the name of the Council Officer:

Glenn Kallio

31. Budget Information

Not yet drafted

Please indicate how much funding you are seeking

2018: 55k

2019: 40k

2020: 55k

2021: 40k

2022: 55k

2023: 40k

2024: 55k

2025: 40k

2026: 55k

2027: 40k

Funding to be indexed by cpi for future years.

Please indicate if the funding you seek is across several years.

Yes

Please indicate when funding would be required.

Post regatta March every year.

Strategic Partnership Grant Assessment Criteria

1. Does the proposal meet two Council Plan Objectives?
2. Does the proposal enhance the City's Brand Strategy and attract target markets?
3. Does the proposal have a significant level of total investment?
4. Does the proposal have a significant level new employment?
5. What is the economic impact of the proposal as modelled using REMPLAN?
6. What is the grant cost per visitor/participant?
7. Do you have an appropriate Business Plan including a Marketing and Financial Plan?
8. Does the proposal have positive social impact and community benefit
9. Does the proposal have positive environmental impacts?

9.5. COMMUNITY HALLS

Division: Business Services
Director: Glenn Kallio
Author/Position: Glenn Kallio - Director Business Services

OFFICER RECOMMENDATION

Council resolves to:

- 1. Either continue to collect the building insurance premium;**
or
- 2. discontinue recovering the building insurance premium, except in the instance where the asset is leased by a private individual for private or commercial enjoyment.**

EXECUTIVE SUMMARY

This report has been prepared in response to Cr Tillett's request to review the position of charging community halls an insurance premium for building insurance.

RATIONALE

Council has several community assets whereby Council owns the assets however; the operation of those assets is in the hands of community groups. Such assets range from football club rooms, boatsheds, through to community halls.

In relation to building insurance, if the value of the asset is in excess of \$250,000, the appropriate portion of the building insurance premium is charged to those community groups. Those properties valued less than \$250,000 are not itemized for insurances purposes separately therefore a premium cannot be calculated.

When those assets are hired out by third parties' appropriate public liability is required to be taken out by the third party. The third party has the option of obtaining their own public liability or they can contact Council to have such insurance obtained for them at a cost of \$33.

Currently there are 71 community groups that Council recover a portion of the Building Insurance premium; for 2017/18 the total amount of insurance premium recovered totaled \$26,060.53. Premium charged to these groups range from \$11.60 to a maximum of \$3,357.51.

Removal of Insurance Premium

The following 3 options are put forward for consideration by Council:

Option 1:

Council resolve to continue with the current policy of recovering part of Councils building insurance policy from those assets that are operated by a community group.

Option 2:

Council to resolve to remove the insurance premium from selected community groups.

Option 3:

Council to resolve to discontinue the policy of recovering part of the building insurance premium from all those Council assets that are operated by community groups.

If Council wishes to give relief from the building insurance premium it is considered equitable that all such community groups be given the appropriate relief. It would not be equitable to select individual groups for special consideration. Those assets, such as the boatsheds, which are leased by private individuals for private or commercial enjoyment should continue to pay the appropriate insurance premium.

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	Yes	No
Social/Cultural	Yes	No
Environmental/Sustainability	Yes	No
Economic	Yes	No
Financial/Resources	Yes	Yes
Risk Management	Yes	No
Implementation and Marketing	Yes	No
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*.

Financial/Resources – Should Council resolve to discontinue the policy of recovering the building insurance premium it should be noted that this would be an amount of money not included in the 2018/19 budget.

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**ATTACHMENTS**

Nil

9.6. BRIDGE MALL BUSINESS ASSOCIATION - SPECIAL RATE

Division: Development and Planning
Director: Angelique Lush
Author/Position: James Guy – Executive Manager Economic Partnerships

OFFICER RECOMMENDATION

Council resolves to:

Decline the request for continuance of the Bridge Mall Special Rate – Promotion & Security and recommend the Bridge Mall Business Association arrange collection of the funds as part of a membership fee.

EXECUTIVE SUMMARY

In February this year, Bridge Mall Traders Association (now known as the Bridge Mall Business Association) wrote to Council requesting the Bridge Mall Special Rate – Promotion & Security (BMSR) be renewed for another 5 years.

The history of this Special Rate has been that Council has always required 100% acceptance by traders of the special rate before Council would agree to the raising of the special rate. Without 100% acceptance by the members, any appeal to VCAT has a strong likelihood of succeeding, putting at risk the whole Special Rate.

Whilst it is the Officer's recommendation to decline the request for a continuance of the Bridge Mall Special Rate – Promotion & Security, an alternative option available to Council is to continue with the current Bridge Mall Special Rate – Promotion & Security for a period of 5 years and establish a compliance framework for governance of the special rate.

RATIONALE

Background

The Bridge Mall Special Rate (BMSR) was first introduced by the former City of Ballarat Council in 1988. Its primary aim was to raise funds for the Bridge Mall Traders Association (BTMA) to apply towards promotion and advertising for the 'Mall', the provision of security and the employment of a Manager of the Association. The BMSR has continued since 1988, at the request of BMTA, being declared by Council for usually a 3-year period but most recently for 5 years. The current Special Rate expired on 30 June 2018.

For each of the last 5 years, the BMSR has raised approx. \$320,000 per annum, levied on the Capital Improved Value (CIV) of the participating 103 properties in, and adjacent to, the Bridge Mall. Council collects funds that are wholly allocated to the Association on a quarterly basis, to employ a Precinct Manager to oversee and coordinate the daily operations of the Precinct; market and promote the Precinct and provide security services.

The BMSR is declared in accordance with the Section 163 of the *Local Government Act 1989*. The primary consideration of a Special Rate is that the initiatives and projects funded by the Special Rate provide a *special benefit* to those who are required to pay the Special Rate, over and above those who are not required to pay.

Prior to the declaration of the recently expired BMSR, there were 131 properties included in the scheme. A number of properties (28) in Curtis Street and Little Bridge Street were excluded in 2013 because a review determined that a *special benefit* to those properties was difficult to ascertain. The number of shops in the current proposal is now down to 80 and include only street level properties from Grenville Street to Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza.

In February this year, Bridge Mall Business Association were briefed by the City of Ballarat on the key strategic projects planned or underway for the City, in particular projects within the CBD. The presentation initiated further discussion within the Association regarding its future involvement in the strategic work and how it may be actively engaged with the City in future work on the CBD related strategies. At that time, concern was raised by Association Members regarding the use of funds from the Special Rate which resulted in Council Officers requesting in writing that the Association Committee seek support from its Members for continuance of the Special Rate.

It should be noted that since the written request, the Association has reduced membership due to boundary changes within the precinct and now comprises 80 Shops. The Association has advised that they seek to raise \$218,000 in year one, increasing by the rate cap percentage for each subsequent year. The Special Rate is based on the Capital Improved Value (CIV) of each property and the average amount payable, if applied as proposed, will be \$2,725 in year 1. This is in addition to the estimated 2018/2019 General Rates and Fire Services Property Levy.

A survey was conducted by the Bridge Mall Business Association Committee to gauge support for the continuance of the Special Rate with its members. The latest results of the survey indicate that 73 tenancies have voted to join and pay the Special Rate, 4 are opposed and 3 are yet to respond.

BMBA believe the changing face of retail in general, along with the development of new or expanded shopping centres is challenging the Bridge Mall and without the exposure that the Special Rate offers to the businesses in the precinct, the viability of these businesses would diminish. BMBA further state, employing approximately 430 full time and casual employees, the Centre strives to be the prime location for retail in the CBD which, without the Promotional and Security Special Rate, this would not be the case.

Analysis undertaken by BMBA in March 2018 revealed the number one threat was termination of the Special Rate.

By Council providing the Bridge Mall Special Rate – Promotion & Security, the Association is assured of funds to employ a Precinct Manager to oversee and coordinate the daily operations of the Precinct; market and promote the Precinct through all forms of media plus the website, street directories and signage; and provide security services.

The promotion, marketing, maintenance and improvements, security, administration and other associated expenses covered by the Special Rate, meets Council's strategic objectives within the Council Plan to "market the unique character and identity of Ballarat to drive investment" and encourage and develop commerce and trade within the CBD.

The outcomes provided by a Special Rate are considered by the Bridge Mall Business Association as essential to promoting the Bridge Mall to the local and wider communities. The Association firmly believes that the events, marketing and promotional activities held in the Mall attract people from the surrounding region and provides a boost to the local economy which is key to maintaining a strong and vibrant precinct.

While BMBA regard the Bridge Mall Special Rate – Promotion & Security as an important element for its continued economic viability it should be noted it is the only retail body within the City of Ballarat supported by such a Rate.

Key Issues

1. Should Council proceed with the BMSR, legal advice has confirmed that Council must have 100% acceptance of the special rate by affected businesses. If this is not achieved by the Business Association, then any objection to VCAT would have a high chance of being successful and the rate reversed.
2. Further to this, should Council proceed with the BMSR, affected ratepayers and property owners have the right to appeal to VCAT if they consider that the projects and initiatives funded by the Special Rate do not provide a *special benefit* over and above that provided to those who do not contribute.
3. Should Council determine not to continue with the BMSR, the Bridge Mall Business Association would be required to seek fees directly from its Members which may result in reduced funds, ultimately impacting the current governance structure and operation of the Precinct. However, Council Officers could continue to work with the Association to ensure smooth transition into a new governance structure. Consideration should also be given to the significant untenanted shops within the Precinct and the influence the Special Rate may have on these circumstances.
4. Should the Bridge Mall Business Association be unable to achieve 100% acceptance of the special rate and Council decides to proceed with the special rate, Council would be required to create a formal compliance framework for governance of the special rate which would involve either of the following options:
 - i) A formal contractual relationship between Council and the Business Association, so that Council can require specific tasks to be performed and sufficient financial reporting by the Business Association to Council to satisfy Council's audit requirements, as a condition of the payment of any, or any further, funds raised by the special rate to the Business Association; or
 - ii) Establish a Section 86 Special Committee with the necessary delegated power, which could (for example) comprise a combination of Business Association office-bearers, Council officers and Ward Councillors, as the formal body to allocate and disburse funds raised by the special rate or charge. If this course is adopted, Council's instrument of delegation to the special committee should also contain reporting obligations to Council so that Council's audit requirements are satisfied.
5. The establishment of a Section 86 Committee would not be recommended due to the compliance obligations that the Bridge Mall Business Association would need to follow and the subsequent risk that would be put on Council. This option would require additional resourcing from officers and Councillors.

Potential options for consideration

Option 1

Continue with the current Bridge Mall Special Rate – Promotion & Security for a period of 5 years and establish a compliance framework for governance of the special rate.

Option 2

Continue with the current Bridge Mall Special Rate – Promotion & Security for a period of 1 year and establish a compliance framework for governance of the special rate.

Option 3

Decline the request for continuance of the Bridge Mall Special Rate – Promotion & Security and recommend the Bridge Mall Business Association arrange collection of the funds as a membership fee.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- City of Ballarat Economic Program 2015-19

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	Yes	Yes
Financial/Resources	Yes	Yes
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*.

Social/Cultural – BMBA provide security services to traders and patrons of the precinct which is enabled by funds received from the Special Rate.

Economic – Should Council determine not to continue with the Bridge Mall Special Rate – Promotion & Security, BMBA would be required to seek fees directly from its Members which may result in reduced funds ultimately impacting the current governance structure and operation of the Precinct. However, consideration should also be given to the significant untenanted shops within the Precinct and the influence the Special Rate may have on these circumstances.

Financial/Resources – Continuation of the current status-quo regarding levying and collecting the special rate can be met within Council's annual budgets.

Risk Management – The risk with Council raising a special rate for the Bridge Mall, if 100% acceptance is not achieved and an objection to the rate is received there would be a high chance that the special rate would be over turned.

Implementation and Marketing – If Council determines to proceed with the intent to declare a new Special Rate, it is required, under section 163(1A) of the *Local Government Act 1989* (the Act), to give public notice of its intention at least 28 days prior to making the declaration.

This involves a notice published in the local newspaper and written notification to affected property owners and occupiers. Statutory consultation will also be required under section 223 of the Act. Written submissions and objections will be invited for a period of 28 days.

Evaluation and Review – It is considered that the implementation of a special rate in the form that has existed in the past represents a high risk to Council therefore should not be proceeded with in that form. A governance structure could be created with the Bridge Mall Business Association which may enable the special rate to be raised, this structure would however put tight controls over the use of those funds by the Bridge Mall Business Association.

If the Association has the support of its members for raising funds then the collection of the funds by the Association would be the best solution and would prohibit Council from putting governance controls on the Association on how such funds are spent.

CONSULTATION

At the request of Council Officers, the Association undertook a survey of business operators and owners within the BMBA to assess their support for the renewal of the Special Rate.

Council Officers have been communicating with the Association on a regular basis. While communication has predominantly been on the Special Rate, discussions have also been regarding the governance structure of the Association, the services provided by the Association and implications of changes to the Association's financials.

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. Bridge Mall Special Rate Submission 2018 - 2023 **[9.6.1]**



Bridge Mall Traders Association Incorporated
Shop 62A Bridge Mall
BALLARAT VIC 3350

23th February 2018

BRIDGE MALL PROMOTIONAL AND SECURITY SPECIAL RATE 2018-2023

Ms Justine Linley
Chief Executive Officer
City of Ballarat

Dear Ms Linley

We write to the City of Ballarat to confirm our support of the continuation of the "Bridge Mall Promotional and Security Special Rate" for the 2018-2023 period, on behalf of traders in the Bridge Mall Shopping Centre bounded by Grenville, Curtis, Humffray and Little Bridge Streets.

The rate assists in the economic viability of businesses throughout the precinct with the provision of promotional and security resources, along with the employ of a Centre Manager to oversee and coordinate the daily operations of the Shopping Centre.

The benefits of the Special Rate have been well documented and widely distributed to the ratepayers and occupiers of the Bridge Mall Shopping Centre. Some of these benefits are the identification, promotion and advertising of the Centre as a whole through all forms of media plus the website, street directories and signage.

Centre Management also has a commitment to community engagement involving Local Schools, Charity and Service Organizations, Cultural Groups, Federal, State and Local Government Communication Departments and, of course, the monthly Farmers' Market. These various supplementary activities generate a flow-on effect to traders, shoppers and visitors and most importantly, to the community.

As well as the need for commercial exposure, it is equally important that the perception of safety and the professional management of the precinct is also portrayed to current and potential users of the Shopping Centre. All traders and their patrons of the Bridge Mall Shopping Centre should have quiet enjoyment and a safe environment during the operation of their business as well as having the knowledge that their premises is under passive surveillance after hours. This is achieved via the security services and CCTV.

The changing face of retail in general, along with the development of new or expanded shopping centres is challenging the Bridge Mall and without the exposure that the Special Rate offers to the businesses in the precinct, the viability of these businesses would diminish. Employing approximately 430 full time and casual employees, the Centre strives to be the prime location for retail in the CBD which, without the Promotional and Security Special Rate, this would not be the case.



The Bridge Mall Traders Association's Objectives 2018 - 2023

- Entice local and regional shoppers and the tourist market to the Bridge Mall Shopping Centre through advertising and promotional activities.
- Develop and facilitate promotional activities within the Mall that coincide with key social, community and cultural events.
- Develop and implement strategies to underpin the ongoing security and safety of traders and shoppers within the mall precinct in partnership with Council and Government bodies.
- Provide the installation and maintenance of security cameras and the contracting of security guards to provide traders and the public with a safe environment.
- Continued improvement to the aesthetics and the shopping experience in the shopping centre by providing seasonal decorations, banners and plantings.
- Influence the forthcoming infrastructure changes of the Bakery Hill Gateway Masterplan to enable more varied use, greater vibrancy, extended seasonal activity, improved shopping convenience and additional off-street car parking.
- Maintain the leasing and management of a centre office to coordinate the various and specific issues that arise in relation to a shopping centre and any future infrastructure developments.
- Entice new and exciting retailers that complement the retail mix of the shopping centre by developing an internal strategy to attract businesses.
- Promote and assist all traders in their endeavour to become successful in their businesses by improving their presentation, merchandising and customer service.

Overall, the Bridge Mall Shopping Centre consists of some 126 tenancies, however there is currently 105 tenancies that are members of the BMTA through the Special Rate.

It is proposed that the Promotional & Security Special Rate is levied on the following properties,

- 1. all properties in the whole of the Bridge Mall from and including 2 Bridge Mall through to 121 Bridge Mall, excluding those properties located on the second floor;**
- 2. all properties in Norwich Plaza and Coliseum Walk;**
- 3. the properties at 2-4 Main Road;**

and that the levy is capped at \$335,000 for the year 2018 to 2019 and each subsequent year for the next 4 years after up until 2023.

Our objectives and achievements will not be possible without the continuance of the Special Rate that has been levied for the previous thirty years. We thank you for your assistance with this process to ensure the continued viability of Ballarat's most historical shopping centre.

Yours faithfully

Shane Donnithorne
President
Bridge Mall Traders Association Incorporated

John Marios
Centre Manager
Bridge Mall Shopping Centre

9.7. COMMITTEE OF MANAGEMENT CIVIC HALL SITE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property Services and Facilities Management

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Seek from the Department of Land, Water and Planning an appointment of Council as the Committee of Management for the parcel known as reserve 2069 contained within the Mair Street Civic Hall site (the Civic Hall).**

EXECUTIVE SUMMARY

The intent of this report is to request that Council resolves to seek from the Department of Land, Water and Planning (DELWP) Committee of Management appointment for a portion of land contained within the “Civic Hall Site” now known as Reserve 2069. This appointment will formalise Council's tenure of the site whilst the redevelopment of the Hall continues and will also enable Council to issue tenancies for the site.

RATIONALE

The Department of Land, Water & Planning (DELWP) has advised that the area known as the “Civic Hall site” situated in Mair St Ballarat, was reserved with Council as the Committee of Management (COM) for many years up until 2005.

In 2005 the reservation was revoked to help facilitate the proposed sale and development of the site. As a consequence, Council surrendered its role as Committee of Management.

As the Civic Hall is currently under redevelopment, it is recommended that Council seek to again be the appointed COM which will provide a legal tenure and in turn Council will be able to offer tenancies where required. The adopted plan for the Civic Hall site includes a café which is envisaged to be managed separate from Council and will require the establishment of this tenure in order for Council to enter into a sub-lease to a party to operate a café of this nature. The COM appointment will be for the portion of the site identified in the attached plan now known as Reserve 2069.

In view of the above, Council is requested to consider seeking from DEWLP the reappointment as COM.

Council may wish to explore a freehold title for the subject site at a later date. The appointment of COM does not prejudice this opportunity at a later date.

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	No	No
Environmental/Sustainability	No	No
Economic	Yes	Yes
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*.

Economic – The appointment of Council as the Committee of Management for a part of the Civic Hall Site will allow the opportunity to offer tenancies in order to derive commercial return from the site once the redevelopment is completed.

Risk Management – With the significant works being undertaken at the site should Council have a formalised Committee of Management appointment it can better mitigate risks associated with the operations being undertaken on the site.

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

- Civic Hall Masterplan

ATTACHMENTS

1. New CA numbers [9.7.1]

LEGEND

EXISTING TITLE BOUNDARY
 PROPOSED TITLE BOUNDARY
 PROPOSED EASEMENT

EXISTING BUILDING
 PROPOSED BUILDING FOOTPRINT
 PROPOSED OUTLINE OF BASEMENT

NOTES

E-1 CONTAINS AN ELECTRICAL SUBSTATION BUILDING. THE EXISTING EASEMENT DOES NOT ACCORD WITH THE BUILDING LINE. PROPOSED EASEMENT E-1 WILL BE ADDED TO INCORPORATE THE WHOLE SUBSTATION FOR THE PURPOSES OF POWER SUPPLY.

IT IS PROPOSED TO CREATE EASEMENT E-2 FOR POWER SUPPLY WHEN HAS BEEN POSSIBLE TO ACCORD WITH THE EXISTING EASEMENT. THE INTENT OF THIS EASEMENT IS TO MAINTAIN THE EXISTING ACCESS ADJACENT TO THE SUBSTATION.

ADDITIONAL EASEMENTS MAY BE REQUIRED SUBJECT TO FUTURE DETAILED BUILDING DESIGN.

SURVEY AND PLAN OF CROWN ALLOTMENT WILL BE REGISTERED AS OP 124618

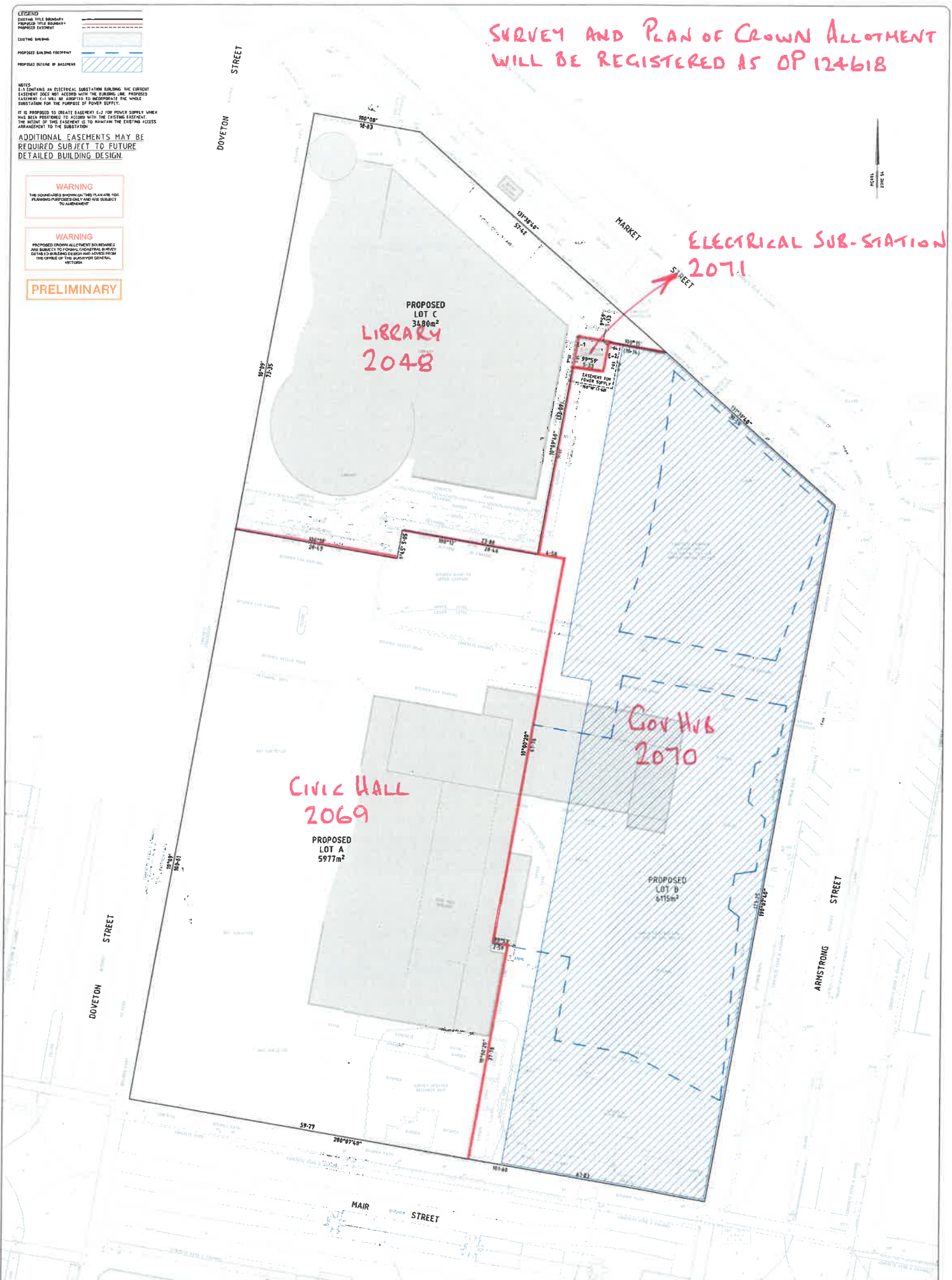
WARNING

THE BOUNDARIES SHOWN ON THIS PLAN ARE FOR PLANNING PURPOSES ONLY AND ARE SUBJECT TO ADJUSTMENT.

WARNING

PROPOSED CROWN ALLOTMENT BOUNDARIES ARE SUBJECT TO FINAL CROWN SURVEY DETAILS TO BE PROVIDED AND ADVISE FROM THE OFFICE OF THE REGISTRAR GENERAL, VICTORIA.

PRELIMINARY



CLIENT REFERENCE: MEMPHIS MEMPHIS DATE: 20/12/2019		SURVEYORS REF: 1601803 VERSION: 01 DATE: 20/12/19 SHEET: 1 OF 1	SCALE: 1:100 A0 DIMENSIONS ARE IN METRES	NOTATIONS DATE OF SURVEY: 12/12/2019 AND 14/12/2019 ALL LINES ARE REFERRED TO THE AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE STATED. MODEL AND STAKES IS APPROXIMATE ONLY. SEE SURVEY PLAN FOR ALL SURVEYED POINTS. TITLE HAS BEEN PREPARED BY USING DATUM PHOTOGRAMMETRY AND SPATIAL INFORMATION SYSTEM. LOCATION AND DIMENSIONS OF TITLE BOUNDARY ARE SUBJECT TO FORMAL EASEMENT SURVEY.	DATE: PLACES VICTORIA PROJECT: BALLARAT CIVIC HALL 300-304 MAIR STREET, BALLARAT	PLAN OF PROPOSED CROWN ALLOTMENTS
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9.8. AUDIT ADVISORY COMMITTEE MEETING - 20 JUNE 2018

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

OFFICER RECOMMENDATION

Council resolves to:

- 1. Endorse the minutes of the Audit Advisory Committee of 20 June, 2018 and adopt the resolutions made therein.**

EXECUTIVE SUMMARY

This Report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee (the Committee) held on 20 June, 2018.

RATIONALE

The Committee Terms of Reference state:

"The Audit Committee shall after every meeting forward the minutes of that meeting to the next ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes."

This Report provides the full Agenda and Attachments of the Committee as a Confidential Attachment. The items considered by the Committee at this meeting were as follows:

AC575	Safety, Risk and Compliance
AC576	Pitcher Partners – Internal Audit Report – Fraud and Corruption Control Framework
AC577	Review of Actions on Past Reports conducted by AFS and Associates
AC578	Victorian Auditor General's Office - Reports
AC579	Annual Financial Statements – Shell Accounts
AC580	Matrix of Outstanding Items

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; and
- Audit Advisory Committee Terms of Reference.

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	Yes	Yes
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 Minutes in the Council Agenda and the availability to the public will increase awareness of the activities of the Committee and could increase community involvement in decision making at Council.

Financial/Resources - As contained with the Confidential Attachment Report.

Risk Management - As contained with the Confidential Attachment Report.

OFFICERS DECLARATION 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. Minutes Audit 20 June 2018 [9.8.1]

Note: The agenda for the Audit Advisory Committee is attached as a confidential attachment.



AUDIT ADVISORY COMMITTEE

MINUTES

20 June 2018

MINUTES OF THE MEETING OF THE AUDIT ADVISORY COMMITTEE
OF THE BALLARAT CITY COUNCIL HELD IN COMMITTEE ROOM 2
TOWN HALL, STURT STREET, BALLARAT ON
WEDNESDAY 20 JUNE, 2018 AT 10:00AM

Justine Linley
Chief Executive Officer

MINUTES

ORDER OF BUSINESS:

PRESENT

Mr Michael Porter (Chair)
Mr Rex Carland
Mr Shane Bicknell
Mr Noel Perry
Cr Grant Tillett

IN ATTENDANCE

Mr Remy Szpak (Financial Audit Manager, Victorian Auditor General's Office)
Ms Natalie James (Client Director, Pitcher Partners)
Mr Joshua Kapolice (Manager, Pitcher Partners)
Mr Glenn Kallio (Director Business Services)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Ms Justine Linley (Chief Executive Officer)
Cr Samantha McIntosh (Mayor)
Cr Belinda Coates

That the apologies be accepted.

Moved Mr Shane Bicknell
Seconded Mr Noel Perry

CARRIED

DECLARATION OF CONFLICT OF INTERESTS

No Conflicts of Interest were declared.

SECTION 89 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 89(2) of the Local Government Act 1989, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council:-

Moved Mr Noel Perry
Seconded Mr Shane Bicknell

CARRIED

FRAUD CONTROL

The Director Business Services briefed the meeting on a minor investigation of fraud at one of Council's sites.

CONFIRMATION OF MINUTES

That the minutes of the Audit Advisory Committee held on 21 February, 2018, as circulated, be adopted.

Moved Mr Shane Bicknell
Seconded Mr Noel Perry

CARRIED

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AC576	PITCHER PARTNERS - INTERNAL AUDIT REPORT - FRAUD AND CORRUPTION CONTROL FRAMEWORK (RO - Glenn Kallio / Cameron Montgomery)	5
AC577	REVIEW OF ACTIONS ON PAST REPORTS CONDUCTED BY AFS & ASSOC. (RO - Glenn Kallio).....	6
AC578	VICTORIAN AUDITOR GENERAL'S OFFICE - REPORTS (RO - Glenn Kallio).....	6
AC579	ANNUAL FINANCIAL STATEMENTS - SHELL ACCOUNTS (RO - Glenn Kallio).....	6
AC580	MATRIX OF OUTSTANDING ITEMS (RO - Glenn Kallio).....	7
	GENERAL BUSINESS (RO - Amendment to Audit Plan.....	7

**AC575 SAFETY, RISK AND COMPLIANCE REPORT
FOR PERIOD 1 JANUARY 2018
(RO – Glenn Kallio)**

SUMMARY

Mr Cameron Montgomery, Executive Manager, Safety, Risk and Compliance, attended the meeting and answered questions from the meeting.

SUMMARY

This report updated the Audit Committee on Safety, Insurance, Risk and Compliance.

RESOLUTION

That the report be received and further that the proposed audit on ‘Developer Contributions’ in the adopted Audit Plan be brought forward in place of the audit on ‘Accounting/Payroll System Post Implementation’ which will move to later in the audit plan.

Moved Mr Shane Bicknell
Seconded Mr Rex Carland

CARRIED

**AC576 PITCHER PARTNERS – INTERNAL AUDIT REPORT
- FRAUD AND CORRUPTION CONTROL FRAMEWORK
(RO – Glenn Kallio)**

SUMMARY

Mr Josh Kapolice and Ms Natalie James, Internal Auditors, Pitcher Partners presented the recently completed internal audit report on Fraud and Corruption Control Framework and this was considered by the Committee.

RESOLUTION

That the report be received and the recommendations contained therein be adopted.

Moved Mr Noel Perry
Seconded Mr Shane Bicknell

CARRIED

AC577 REVIEW OF ACTIONS ON PAST REPORTS CONDUCTED BY AFS AND ASSOCIATES
(RO – Glenn Kallio)

SUMMARY

This report provided the Audit Advisory Committee with an updated report on the 'Review of Actions on Past Reports' which was prepared by its previous Internal Auditors, AFS and Associates.

RESOLUTION

That management complete an updated status and identify high risk areas such as outstanding building issues before being reviewed by Pitcher Partners and that this report be represented to the September 2018 Audit meeting.

Moved Mr Rex Carland
Seconded Mr Shane Bicknell

CARRIED

AC578 VICTORIAN AUDITOR GENERAL'S OFFICE - REPORTS
(RO – Glenn Kallio)

SUMMARY

This report provided the Audit Committee with a summary of two reports which were recently tabled in Parliament, being; Local Government and Economic Development and Managing Surplus Government Land.

For Information Only

AC579 ANNUAL FINANCIAL STATEMENTS – SHELL ACCOUNTS
(RO – Glenn Kallio)

SUMMARY

This report provided the Audit Committee with a summary of changes for the forthcoming 2017-18 Annual Financial Statements as requested at the February 2018 Audit meeting.

Mr Remy Szpak from the Victorian Auditor General's Office spoke on the changes.

It was agreed that the Director Business Services will prepare a report for the September Audit meeting, in conjunction with the Annual Financial Statements, highlighting major issues throughout the year

RESOLUTION

That the report be received.

Moved Mr Noel Perry
Seconded Mr Rex Carland

CARRIED

AC580 MATRIX OF OUTSTANDING ITEMS

(RO: Glenn Kallio)

SUMMARY

This report outlined for the information of the Audit Committee the status of outstanding items to date.

RECOMMENDATION

That the report be noted.

Moved Mr Shane Bicknell
Seconded Mr Rex Carland

CARRIED

GENERAL BUSINESS

Amendment to Audit Plan

RECOMMENDATION

That the Committee amend the Internal Audit Plan to postpone ‘Tendering and Contract Management’ and replace with an audit on two Major Projects being ‘Bonshaw Early Learning Centre’ and the ‘City Oval Redevelopment Project’.

Moved Mr Shane Bicknell
Seconded Mr Noel Perry

CARRIED

RESOLUTION:

That the Committee resolves to come out of Section 89 and adopt the resolutions made therein.

Moved Mr Noel Perry
Seconded Mr Rex Carland

CARRIED

There being no further business, the Chairperson declared the meeting closed at 11:40am

Confirmed this day of , 2018

.....

**Michael Porter
Chairperson**

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

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

OFFICER RECOMMENDATION

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Mukul Hatwal, effective as at 1 August 2018.

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
Mukul Hatwal	1 August 2018

RATIONALE

At the Council Meeting held on 14 December 2016 Council resolved R354/16 to endorse the authorisation of Mukul Hatwal under the *Planning and Environment Act 1987*. Mukul Hatwal is no longer in the role of Strategic Planning Project Manager and the authorisation requires revocation by Council resolution, to be effective as at 1 August 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

Nil

9.10. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

OFFICER RECOMMENDATION

Council resolves to:

1. **Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 23 May 2018 (R129/18).**
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 present the revised changes to the S6. Instrument of Delegation - Members of Staff (Instrument) for Council's consideration. Changes to the Instrument of Delegation since the last approved iteration include:

- changes to legislative provisions within the *Domestic Animals Act 1994*, *Heritage Act 2017* and *Planning and Environment Act 1987*; and
- provisions for the new role Coordinator Building Services under the *Residential Tenancies Act 1997*.

The revised delegation has been reviewed at officer level and is considered appropriate for the ongoing administrative efficiency of Council. The draft revised Instrument is presented at Attachment 1. Attachment 2 outlines the proposed changes and new legislative provisions

marked up that have been allocated to an appropriate Officer. Attachment 3 represents the required delegations for the new role of Coordinator Building Services.

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council meeting held on 23 May 2018 (R129/18) and endorse the revised Instrument (Attachment 1) reflecting changes to conditions and limitations within the *Planning and Environment Act 1987, Local Government Act 1989 and the Residential Tenancies Act 1997*.

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:

- This 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 chooses 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 conditions and limitations within the *Planning and Environment Act 1987, Local Government Act 1989 and the Residential Tenancies Act 1997*.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006;*
- *Planning and Environment Act 1987;*
- *Local Government Act 1989;*
- *Residential Tenancies Act 1997;*
- *Local Government (General) Regulations 2015.*

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 section 87 and 98 of the Act available to the public.

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 23 May 2018 (R129/8).

ATTACHMENTS

1. S6 Instrument of Delegation - Members of Staff **[9.10.1]**
 2. S6 Instrument of Delegation Amendments **[9.10.2]**
 3. Provisions for New Role Coordinator Building Services **[9.10.3]**
-

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:

- AOEH: Administration Officer Environmental Health
- AOSC: Administration Officer Statutory Compliance
- CAM: Coordinator Asset Management
- CBS: Coordinator Building Services
- 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
- CTT: Coordinator Traffic and Transport
- DBS: Director Business Services
- DCO: Development Contributions Officer
- DDP: Director Development and Planning
- DFAO: Development Facilitation Administration Officer
- DIE: Director Infrastructure and Environment
- DWMPO: Domestic Wastewater Management Project Officer
- EHO: Environmental Health Officer
- EMDF: Executive Manager Development Facilitation
- EMEP: Executive Manager Economic Partnerships
- EMI: Executive Manager Infrastructure
- 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
- HSO: Health Services Officer
- 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
- SAO: Subdivision Administration Officer
- SCO: Statutory Compliance Officer
- SP: Strategic Planner
- SPAO: Strategic Planning Administration Officer

- SSP: Senior Strategic Planner
- STP: Statutory Planner
- TLEH: Team Leader Environmental Health
- TLPSE: Team Leader Parking Services
- TLRATS: Team Leader Regulatory Services - Administration/Technical Support
- TOEH: Technical Officer Environmental Health

Title Groups

- KRO: Key Responsible Officer - TLPISC, MFS, MFIS, MCCH, MEH, MEM, MSTP, PNO, RBM, SACC, CCE, CAM, CID, CRC, CRM, CTT, FMS, MCM, MRPS, MSP, PC, SA, SPM, EYCF, SLW, TLC, TMHMT, RMS, RSS, CPG, CCS, TLOB, TLPS, IMA, SAA, MED, DAGB, COP, CCEP, CCI, CYD, CCD, TLB, TLSTSL, SHRO, HRBP, TLAS, COCS, MBALC, SASP, COCI, CSS, CDD, MICS, TLA, CES, SWS, CPN, SCE, SSR, SAS, DFS, ISDTL, TLCWL, CHSP, RMTL, MBI, SSC, EMPP, BSO, TLAE, CHW, CBS

3. declares that:

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

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or

(b) strategy

adopted by Council; or

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

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

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

..... Mayor/Councillor

..... Councillor

..... Chief Executive Officer

Delegation Sources

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

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)	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

Cemeteries and Crematoria Act 2003

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

s.18(3)	duty to comply with a direction from the Secretary	DIE, EMOE, EMPSFM, CPG	
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

Cemeteries and Crematoria Act 2003

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			particulars listed in s.57(2)
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	

Cemeteries and Crematoria Act 2003

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

s.73(2)	power to impose conditions on the right of interment	DIE, EMOE, EMPSFM, CPG	
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

Cemeteries and Crematoria Act 2003

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

			deceased 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; 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.	DIE, EMPSFM	may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	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	

Cemeteries and Crematoria Act 2003

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

s.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	
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	

Cemeteries and Crematoria Act 2003

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

s.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	
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 repair 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	

Cemeteries and Crematoria Act 2003

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

s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	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	
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	

Cemeteries and Crematoria Act 2003

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

s.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

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	
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	

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.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	
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

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 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
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

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 18(1)	power to approve digging or planting within a cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules
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 a Council 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, SPAO	
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, SPAO	

Environment Protection Act 1970			
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 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

Food Act 1984			
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 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, TLRSATS	where Council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	

Food Act 1984			
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.
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, TLRATS	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

Food Act 1984			
s.38A(4)	power to request a copy of a completed food safety program template	AOEH, EHO, MEH, TLEH, HSO, TLRSA	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
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, TLRSA	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).

Food Act 1984			
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	
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 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.116	power to sub-delegate Executive Director's functions, duties or powers	DDP, DIE	<p>must first obtain Executive Director's written consent</p> <p>Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation</p>
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	DDP, DIE, EMDF	
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	DDP, DIE, MSTP, EMEP, MSP, EMDF	
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, EMDF	

Planning and Environment (Fees) Regulations 2016			
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, EMDF	
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, EMDF	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.4H	duty to make amendment to Victoria Planning Provisions available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPAO, EMDF, DFAO	
s.4I	duty to keep Victorian Planning Provisions and other documents available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPAO, EMDF, DFAO	
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, EMDF	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.8A(5)	function of receiving notice of the Minister's decision	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	

Planning and Environment Act 1987		
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, EMDF
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, EMDF
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, EMDF
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, EMDF
s.12B(1)	duty to review planning scheme	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF
s.12B(2)	duty to review planning scheme at direction of Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF
s.17(1)	duty of giving copy amendment to the planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF
s.17(2)	duty of giving copy s.173 agreement	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF

Planning and Environment Act 1987			
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, SPAO, EMDF	
s.18	duty to make amendment etc. available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
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, EMEP, MSP, SPAO, EMDF	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF	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, EMDF	

Planning and Environment Act 1987			
s.21(2)	duty to make submissions available	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPAO, EMDF, DFAO	
s.21A(4)	duty to publish notice in accordance with section	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
s.22	duty to consider all submissions	CSTP, DDP, DIE, EMOE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, EMDF	
s.26(1)	power to make report available for inspection	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPAO, EMDF, DFAO	

Planning and Environment Act 1987			
s.26(2)	duty to keep report of panel available for inspection	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
s.27(2)	power to apply for exemption if panel's report not received	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.28	duty to notify the Minister if abandoning an amendment	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	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, EMDF, DFAO	
s.30(4)(b)	duty to provide information in writing upon request	CSTP, DDP, DIE, MSTP, SP, STP, EMEP, MSP, SPAO, EMDF, DFAO	
s.32(2)	duty to give more notice if required	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, EMDF	
s.33(1)	duty to give more notice of changes to an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, EMDF	

Planning and Environment Act 1987			
s.36(2)	duty to give notice of approval of amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF	
s.38(5)	duty to give notice of revocation of an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF	
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, EMDF	
s.40(1)	function of lodging copy of approved amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
s.41	duty to make approved amendment available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
s.42	duty to make copy of planning scheme available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
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

Planning and Environment Act 1987			
			provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of Councils
s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.46AW	function of being consulted by the Minister	DDP, DIE, EMEP, EMDF	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy power to endorse the draft Statement of Planning Policy	DDP, DIE, EMEP, EMDF	where Council is a responsible public entity
s.46AZC(2)	to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	where Council is a responsible public entity
s.46GI(2)(b)(i)	power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CSTP, DDP, DIE, DBS, MSTP, EMEP, EMDF	where Council is the planning authority, the

Planning and Environment Act 1987			
			municipal Council of the municipal district in which the land is located and/or the development agency
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DIE, EMDF	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	DIE, EMDF	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	DIE, DCO, EMDF	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	DIE, EMDF	
s.46GP	function of receiving a notice under s.46GO	DIE, EMDF	where Council is the collecting agency
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DIE, DCO, EMDF	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	DIE, DCO, EMDF	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	DIE, EMDF	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	DIE, EMDF	
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DIE, EMDF	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DIE, EMDF	
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DIE, DCO, EMDF	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	DIE, DCO	

Planning and Environment Act 1987			
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	DIE, DCO	
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	DIE, DBS, EMDF	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	DIE, EMDF	where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DIE, EMDF	where Council is the development agency
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DIE, EMDF	where Council is the collecting agency
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DIE, EMDF	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DIE, EMDF	where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, DCO, EMDF	where Council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DIE, EMDF	where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	DIE, DBS, DCO, EMDF	where Council is the collecting agency

Planning and Environment Act 1987			
s.46GY(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	DIE, DBS, DCO, EMDF	where Council is the collecting agency
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DIE, DBS, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	DIE, DBS, DCO, EMDF	where the Council is the planning authority this duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan this provision

Planning and Environment Act 1987			
			does not apply where Council is also the relevant development agency
s.46GZ(2)(b)	function of receiving the monetary component	DIE, DBS, DCO, EMDF	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	DIE, DBS, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF, DFAO	where Council is the collecting agency under an approved infrastructure

Planning and Environment Act 1987			
			<p>contributions plan</p> <p>this provision does not apply where Council is also the relevant development agency</p>
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DIE, DBS, DCO, EMDF	<p>where Council is the development agency specified in the approved infrastructure contributions plan</p> <p>this provision does not apply where Council is also the collecting agency</p>
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DIE, DBS, DCO, EMDF	<p>where Council is the collecting agency under an approved infrastructure contributions plan</p>

Planning and Environment Act 1987			
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, DCO, EMDF, DFAO	<p>if any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s.46GV(4)</p> <p>where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>this duty does not apply where Council is also the development agency</p>
s.46GZ(9)	function of receiving the fee simple in the land	DIE, DBS, DCO, EMDF	where Council is the development agency under an approved infrastructure contributions

Planning and Environment Act 1987			
			plan this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	DIE, DBS, DCO, EMDF	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	DIE, DBS, DCO, EMDF	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF	if the VPA is the collecting agency under

Planning and Environment Act 1987			
			<p>an approved infrastructure contributions plan</p> <p>where Council is a development agency under an approved infrastructure contributions plan</p>
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	DIE, DCO, EMDF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	DIE, DBS, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987		
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZE(2)	function of receiving the unexpended land equalisation amount	DIE, DBS, DCO, EMDF where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DIE, DBS, DCO, EMDF where Council is the collecting agency under an approved infrastructure

Planning and Environment Act 1987			
			contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DIE, DBS, DCO, EMDF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DIE, DBS, DCO, EMDF	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	DIE, DBS, DCO, EMDF	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	DIE, DBS, DCO, EMDF	where Council is the collecting

Planning and Environment Act 1987			
			agency under an approved infrastructure contributions plan
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	DIE, DBS, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DIE, DBS, DCO, EMDF	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DIE, DBS, DCO, EMDF	where Council is a collecting agency or development agency
s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)	DIE, DBS, DCO, EMDF	

Planning and Environment Act 1987			
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	CSTP, DDP, DIE, MSTP, STP, DCO, EMDF, DFAO	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	CSTP, DDP, DIE, MSTP, DCO, EMDF	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CSTP, DDP, DIE, MSTP, DCO, EMDF	
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, MSTP, DCO, EMDF	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSTP, DDP, DIE, MSTP, DCO, EMDF	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CSTP, DDP, DIE, MSTP, DCO, EMDF	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CSTP, DDP, DIE, MSTP, DCO, EMDF	
s.46Q(1)	duty to keep proper accounts of levies paid	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF, DFAO	
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, MSTP, DCO, EMDF, DFAO	
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, MSTP, DCO, EMDF, DFAO	
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, MSTP, DCO, EMDF	only applies when levy is paid to Council

Planning and Environment Act 1987			
			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, MSTP, DCO, EMDF, DFAO	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, EMDF	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	CSTP, DDP, DIE, MSTP, DCO, EMDF	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, EMDF	
s.46QD	duty to prepare report and give a report to the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	where Council is a collecting agency or

Planning and Environment Act 1987			
			development agency
s.46Y	duty to carry out works in conformity with the approved strategy plan	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
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, EMDF, 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, SPAO, EMDF, DFAO	
s.49(2)	duty to make register available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, SPAO, EMDF, DFAO	
s.50(4)	duty to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
s.50(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.50(6)	duty to make note of amendment to application in register	CSTP, DDP, DIE, MSTP, SP, STP, SSP, SAO, SPAO, EMDF, DFAO	
s.50A(1)	power to make amendment to application	CSTP, DDP, DIE, MSTP, SP, STP,	

Planning and Environment Act 1987			
		SSP, SAO, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.50A(4)	duty to note amendment to application in register	CSTP, DDP, DIE, MSTP, STP, EMEP, SAO, EMDF, DFAO	
s.51	duty to make copy of application available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, SAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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,	

Planning and Environment Act 1987			
		SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.52(3)	power to give any further notice of an application where appropriate	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	

Planning and Environment Act 1987			
s.54(1)	power to require the applicant to provide more information	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	CSTP, DDP, DIE, MSTP, STP, SSP, EMEP, EMDF	
s.54(1B)	duty to specify the lapse date for an application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
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, EMDF	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
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,	

Planning and Environment Act 1987			
		SPAO, EMDF, DFAO	
s.57(5)	duty to make available for inspection copy of all objections	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.57A(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.57A(6)	duty to note amendments to application in register	CSTP, DDP, DIE, MSTP, STP, EMEP, SPAO, EMDF, DFAO	
s.57B(1)	duty to determine whether and to whom notice should be given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.57C(1)	duty to give copy of amended application to referral authority	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPAO, EMDF, DFAO	
s.58	duty to consider every application for a permit	CSTP, DDP, DIE, MSTP, STP,	

Planning and Environment Act 1987			
		E MEP, SPAO, EMDF, DFAO	
s.58A	power to request advice from the Planning Application Committee	CSTP, DDP, DIE, MSTP, E MEP, EMDF	
s.60	duty to consider certain matters	CSTP, DDP, DIE, MSTP, SP, STP, SSP, E MEP, MSP, EMDF	
s.60(1A)	power to consider certain matters before deciding on application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, E MEP, MSP, EMDF	
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, E MEP, EMDF	
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, E MEP, MSP, EMDF	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 Planning Permit Applications involving premises licensed, or to be licensed, under the

Planning and Environment Act 1987

Liquor Control Reform Act 1998 must be determined by Council when any of the following apply:

- The Application involves licensing a proposed (new) tavern, hotel or nightclub;
- The hours of trading allowed under any licence are to be extended after 11.00pm (includes extending hours of an existing licensed venue that already operates after 11.00pm);
- The number of patrons allowed under any existing licence is to be increased;
- A licence is sought for land/premises

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adjoining land in the Residential 1 Zone; and/or
 - The Application seeks licensing of any footpath. Planning Applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the Application is owned or part owned by:
 - A Councillor or member of their immediate family;
 - A Senior Officer or member of their immediate family; and/or
 - A Council employed Statutory Planning Officer or member of their immediate family.

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Officer or member of their immediate family. For the purpose of this policy:

- A Senior Officer is as defined by the Local Government Act 1989; and
- A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person.

This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, a Council

Planning and Environment Act 1987			
			employed Statutory Planning Officer, or an immediate family member of any of the preceding.
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, EMEP, MSP, EMDF	
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, EMDF	
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, EMDF	
s.62(1)	duty to include certain conditions in deciding to grant a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.62(2)	power to include other conditions	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, EMDF	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF	

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s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, EMDF	
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, EMDF	
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, EMDF	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss.46N(1), 46GV(7) or 62(5)	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
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, EMDF	
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, SPAO, EMDF, DFAO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	CSTP, DDP, DIE, MSTP, STP, SSP, EMEP, SPAO, EMDF, DFAO	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, SPAO, EMDF, DFAO	this provision applies also to a decision to grant an amendment to a

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			permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	this provision applies also to a 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, SPAO, EMDF, DFAO	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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	if the recommending referral authority objected to the grant of the permit or the responsible

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			authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	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, SPAO, EMDF, DFAO	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not

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			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, SPAO, EMDF, DFAO	
s.69(1A)	function of receiving application for extension of time to complete development	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
s.69(2)	power to extend time	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF	
s.70	duty to make copy permit available for inspection	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPAO, EMDF, DFAO	
s.71(1)	power to correct certain mistakes	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
s.71(2)	duty to note corrections in register	CSTP, DDP, DIE, MSTP, STP, EMEP, SPAO, EMDF, DFAO	

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s.73	power to decide to grant amendment subject to conditions	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF	
s.74	duty to issue amended permit to applicant if no objectors	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	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

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			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, SPAO, EMDF, DFAO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPAO, EMDF, DFAO	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

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s.76D	duty to comply with direction of Minister to issue amended permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPAO, EMDF, DFAO	
s.83	function of being respondent to an appeal	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.83B	duty to give or publish notice of application for review	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
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, EMDF	<p>Planning Applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the Application is owned or part owned by:</p> <ul style="list-style-type: none"> - A Councillor or member of their immediate family; - A Senior Officer or member of their immediate family; and/or - A Council

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employed Statutory Planning Officer or member of their immediate family. Officer or member of their immediate family. For the purpose of this policy:

- A Senior Officer is as defined by the Local Government Act 1989; and
- A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person.

This policy relates to property owned or part owned by a company

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			whose directors include a Councillor, Senior Officer of Council, a Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.
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, EMDF	
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, EMDF	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.84AB	power to agree to confining a review by the Tribunal	DIE, DBS, DCO, EMDF	
s.86	duty to issue a permit at order of Tribunal within 3 working days	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	CSTP, DDP, DIE, MSTP, EMEP, EMDF	

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s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.91(2)	duty to comply with the directions of VCAT	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
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, EMDF	
s.93(2)	duty to give notice of VCAT order to stop development	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.95(3)	function of referring certain applications to the Minister	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
s.95(4)	duty to comply with an order or direction	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
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, EMDF	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
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, EMDF	

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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, EMDF	
s.96H(3)	power to give notice in compliance with Minister's direction	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.96J	power to issue permit as directed by the Minister	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.96K	duty to comply with direction of the Minister to give notice of refusal	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
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, EMDF, POC	
s.97C	power to request Minister to decide the application	DDP	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
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, EMDF	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	

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s.97MH	duty to provide information or assistance to the Planning Application Committee	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPAO, EMDF, DFAO	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	<p>Planning Applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the Application is owned or part owned by:</p> <ul style="list-style-type: none"> - A Councillor or member of their immediate family; - A Senior Officer or member of their immediate family; and/or - A Council employed Statutory Planning Officer

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or member of their immediate family.
 Officer or member of their immediate family. For the purpose of this policy:
 - A Senior Officer is as defined by the Local Government Act 1989; and
 - A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person.
 This policy relates to property owned or part owned by a company whose directors include a Councillor,

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			Senior Officer of Council, a Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.
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, EMDF	
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, EMDF	
s.97Q(4)	duty to comply with directions of VCAT	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, EMDF	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	CSTP, DDP, DIE, MSTP, STP, EMEP, MSP, SAO, EMDF, DFAO	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
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, EMDF	

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s.101	function of receiving claim for expenses in conjunction with claim	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.103	power to reject a claim for compensation in certain circumstances	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.107(1)	function of receiving claim for compensation	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.107(3)	power to agree to extend time for making claim	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.114(1)	power to apply to the VCAT for an enforcement order	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDF	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDF	
s.123(1)	power to carry out work required by enforcement order and recover costs	CSTP, DDP, DIE, MSTP, EMEP, EMRS, EMDF	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CSTP, DDP, DIE, DBS, MSTP, EMDF	except Crown Land
s.129	function of recovering penalties	CSTP, DDP, DIE, DBS, MSTP, EMDF	
s.130(5)	power to allow person served with an infringement notice further time	CSTP, DDP, DIE, DBS, MSTP, EMEP, EMRS, EMDF	

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s.149A(1)	power to refer a matter to the VCAT for determination	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
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, EMDF	
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, EMDF	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, EMDF	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DIE, DBS, EMDF	where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	DIE, DBS, EMDF	where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	DIE, DBS, EMDF	where Council is the development

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			agency specified in an approved infrastructure contributions plan
s.171(2)(g)	power to grant and reserve easements	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.173(1)	power to enter into agreement covering matters set out in section 174	CSTP, DDP, DIE, DBS, MSTP, MSP, EMDF	
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, EMDF	
	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, EMDF	
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, EMDF	

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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, EMDF
s.178A(1)	function of receiving application to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPAO, EMDF, DFAO
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, SPAO, EMDF, DFAO
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, SPAO, EMDF, DFAO
s.178A(5)	power to propose to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, EMDF
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, EMDF
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, EMDF
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, SPAO, EMDF, DFAO
s.178C(4)	function of determining how to give notice under s.178C(2)	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF

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

Planning and Environment Act 1987			
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, EMDF	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, EMDF	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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
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, SPAO, EMDF, DFAO	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CSTP, DDP, DIE, MSTP, MSP, EMDF	
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, SPAO, EMDF	
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, EMPSFM,	

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

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, SPAO, EMDF, DFAO	
s.184G(3)	duty to give notice as directed by the Tribunal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPAO, EMDF, DFAO	
s.198(1)	function to receive application for planning certificate	CSTP, DDP, DIE, MSTP, STP, SAO, EMDF, DFAO	
s.199(1)	duty to give planning certificate to applicant	CSTP, DDP, DIE, MSTP, STP, SPAO, EMDF, DFAO	
s.201(1)	function of receiving application for declaration of underlying zoning	CSTP, DDP, DIE, MSTP, STP, EMDF	
s.201(3)	duty to make declaration	CSTP, DDP, DIE, MSTP, EMDF	
	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, EMDF	
	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, EMDF	
	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, EMDF	
	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	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	Not Delegated	

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, EMDF	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.
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, EMDF	
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, EMDF, DFAO	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, EMDF, DFAO	where Council is not the responsible authority but the relevant land is within Council's municipal district

Planning and Environment Regulations 2015			
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, EMDF	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.
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, 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, 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, EMI	where Council is a utility under section 3

Rail Safety (Local Operations) Act 2006			
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DDP, DIE, EMOE, 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, 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
s.34E(1)(a)	duty to identify and assess risks to safety	DDP, DIE, EMOE, 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, 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, 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, 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, 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, CRM, EMI	where Council is the relevant road authority

Rail Safety (Local Operations) Act 2006			
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, CRM, EMI	where Council is the relevant road authority
s.34I	function of entering into safety interface agreements	DDP, DIE, EMOE, EMI	where Council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DDP, DIE, EMOE, 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, 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, EMI	where Council is the relevant road authority
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, MEH, TLEH, TOEH	
r.11	function of receiving application for registration	AOEH, EHO, MEH, TLEH, TOEH, HSO, TLRATS	
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	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.15(1)	function of receiving notice of transfer of ownership	AOEH, EHO, MEH, TLEH, TOEH, HSO, TLRSATS	
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	
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	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	AOEH, EHO, MEH, TLEH, TOEH, EMRS, HSO, TLRATS	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DIE, EMRS	
r.40(4)	function of receiving installation certificate	DIE, EMRS	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DIE, EMRS	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DIE, EMRS	
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, TLRATS	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MEH, EMRS	
s.142G(2)	power to enter certain information in the Rooming House Register	AOEH, EHO, MEH, TLEH, TOEH, HSO, TLRATS	
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, TLRATS	
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

Residential Tenancies Act 1997			
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, MEH, TLEH, TOEH, EMRS, CBS	
s.522(1)	power to give a compliance notice to a person	EHO, MEH, TLEH, TOEH, EMRS, CBS	
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	
s.526(5)	duty to keep record of entry by authorised officer under section 526	EHO, MEH, TLEH, TOEH, EMRS, CBS	
s.526A(3)	function of receiving report of inspection	AOEH, EHO, MEH, TLEH, TOEH, HSO, TLRATS	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MEH, TLEH, TOEH, EMRS, CBS	
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, EMSRCS, CAM, CRC, EMDF, EMI	
r.9(2)	duty to produce written report of review of road management plan and make report available	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	

Road Management (General) Regulations 2016			
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, EMSRCS, CAM, CRC, EMDF, 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, EMSRCS, CAM, CRC, EMDF, EMI	
r.13(1)	Duty to publish notice of amendments to road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, 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, EMSRCS, CAM, CRC, EMDF, EMI	
r.16(3)	power to issue permit	DIE, EMOE, CAM, EMDF, EMI	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DIE, EMOE, CAM, EMDF, EMI	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DIE, EMOE, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DIE, EMOE, CAM, EMDF, 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, EMSRCS, CAM, CRC, EMDF, EMI	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, 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, EMSRCS, CRC, EMDF, EMI	where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	DIE, EMOE, EMSRCS, CRC, EMDF, EMI	where Council is the coordinating road authority

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, EMDF, 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, EMDF, EMI	
s.11(9)(b)	duty to advise Registrar	DDP, DIE, EMOE, EMDF, EMI	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DDP, DIE, EMOE, EMDF, 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, EMDF, EMI	where Council is the coordinating road authority

Road Management Act 2004			
s.12(2)	power to discontinue road or part of a road	DDP, DIE, EMOE, MSP, EMDF, EMI	were Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DDP, DIE, EMOE, EMDF, EMI	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DDP, DIE, EMOE, EMDF, 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, EMDF, 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, EMDF, EMI	duty of coordinating road authority where it is the

Road Management Act 2004			
			discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DDP, DIE, EMOE, EMDF, EMI, DFAO	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DDP, DIE, EMOE, EMDF, 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, CTT, EMDF, EMI	
s.14(7)	power to appeal against decision of VicRoads	DDP, DIE, EMOE, CAM, CTT, EMDF, 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, CAM, EMDF, EMI	

Road Management Act 2004			
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, CAM, EMDF, EMI	
s.15(2)	duty to include details of arrangement in public roads register	DIE, CAM, EMDF, EMI, DFAO	
s.16(7)	power to enter into an arrangement under section 15	DIE, CAM, EMDF, EMI	
s.16(8)	duty to enter details of determination in public roads register	DIE, CAM, EMDF, EMI, DFAO	
s.17(2)	duty to register public road in public roads register	DIE, CAM, EMDF, EMI, DFAO	where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DIE, CAM, EMDF, 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, CAM, EMDF, EMI, DFAO	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, CAM, EMDF, EMI	where Council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	DIE, CAM, EMDF, EMI, DFAO	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)

Road Management Act 2004			
s.18(3)	duty to record designation in public roads register	DIE, CAM, EMDF, EMI, DFAO	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, CAM, EMDF, EMI, DFAO	
s.19(4)	duty to specify details of discontinuance in public roads register	DIE, CAM, EMDF, EMI, DFAO	
s.19(5)	duty to ensure public roads register is available for public inspection	DIE, CAM, EMDF, EMI, DFAO	
s.21	function of replying to request for information or advice	DIE, CAM, EMDF, EMI	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DIE, CAM, EMDF, 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, CRM, EMDF, EMI	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIE, EMOE, CRM, EMDF, EMI	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIE, EMOE, CAM, CRM, EMDF, EMI	
s.42(1)	power to declare a public road as a controlled access road	DIE, CAM, EMDF, 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, CAM, EMDF, EMI	power of coordinating road authority

Road Management Act 2004			
			and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DDP, DIE, EMOE, CAM, EMDF, 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, CTT, EMDF, EMI	where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
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, EMDF, 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, EMDF, EMI	
s.49	power to develop and publish a road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.51	power to determine standards by incorporating the standards in a road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	

Road Management Act 2004			
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.54(2)	duty to give notice of proposal to make a road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.54(6)	power to amend road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.54(7)	duty to incorporate the amendments into the road management plan	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, EMI	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIE, EMOE, EMSRCS, CAM, CRC, EMDF, 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, CAM, EMDF, EMI	where Council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority

Road Management Act 2004			
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority
s.67(3)	power to request information	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority
s.68(2)	power to request information	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DIE, EMOE, CAM, CID, CRM, CTT, EMDF, EMI, TLPSE, KRO	
s.72	duty to issue an identity card to each authorised officer	DBS, EMSRCS, SCO, AOSC, CRC	
s.85	function of receiving report from authorised officer	DIE, EMDF, EMI	
s.86	duty to keep register re section 85 matters	DIE, EMDF, EMI	
s.87(1)	function of receiving complaints	DIE, EMOE, CRM, EMDF, EMI	
s.87(2)	duty to investigate complaint and provide report	DIE, DBS, EMOE, CRM, EMDF, EMI	
s.112(2)	power to recover damages in court	DIE, EMOE, EMSRCS, CRC, CRM, EMDF, EMI	
s.116	power to cause or carry out inspection	DIE, EMOE, CRM, EMDF, EMI	
s.119(2)	function of consulting with VicRoads	DDP, DIE, EMOE, EMDF, EMI	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DDP, DIE, EMOE, EMDF, EMI	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DIE, EMOE, CRM, EMDF, EMI	

Road Management Act 2004			
s.121(1)	power to enter into an agreement in respect of works	DDP, DIE, EMOE, CAM, EMDF, EMI	
s.122(1)	power to charge and recover fees	DDP, DIE, EMOE, CAM, EMDF, EMI	
s.123(1)	power to charge for any service	DIE, DBS, EMOE, CRM, EMDF, EMI	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIE, CAM, EMDF, 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, CAM, EMDF, EMI	
Schedule 2 Clause 5	duty to publish notice of declaration	DIE, CAM, EMDF, 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, CAM, EMDF, 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, CAM, EMDF, 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, CAM, CRM, EMDF, 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, CAM, EMDF, 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, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DIE, CAM, EMDF, 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, CAM, CRM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DIE, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DIE, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 16(4)	duty to consult	DDP, DIE, EMOE, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DDP, DIE, EMOE, CAM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DDP, DIE, EMOE, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIE, CAM, EMDF, EMI	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DIE, CAM, EMDF, 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, CAM, EMDF, 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, CAM, EMDF, EMI	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIE, EMDF, EMI	power of responsible road authority where 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, EMDF, 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, EMDF, EMI	where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f), and 4	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DIE, EMDF, EMI	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)

S6 Instrument of Delegation - Members of Staff

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
31585	Domestic Animals Act 1994	s.41A(1)	power to declare a dog to be a menacing dog	Council may delegate this power to a Council authorised officer	CC, DIE, EMRS
31630	Heritage Act 2017	s.116	power to sub-delegate Executive Director's functions, duties or powers	must first obtain Executive Director is written consent Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation	DDP, DIE
31655	Planning and Environment Act 1987	s.22	duty to consider all submissions	except submissions which request a change to the items in s.22(5)(a) and	CSTP, DDP, DIE, EMOE, MSTP, SP, SSP, EMEP,

				(b)	MSP, SPPM, SPAO, PSP, EMDF, DFAO
31673	Planning and Environment Act 1987	s.46AS(ac)	power to request the Growth Victorian Areas Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria		CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF
31685	Planning and Environment Act 1987	s.46Q(4)(c)	duty to pay amount to current owners of land in the area <u>if an</u> amount of levy has been paid to a municipal council Council as a development agency for plan preparation costs incurred by the council Council or for the provision by the council Council of works, services or facilities in an area under s.46Q(4)(a)	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF, DFAO
31739	Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan <u>or an approved infrastructure contributions plan</u>		CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, PSP, EMDF

31742	Planning and Environment Act 1987	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 sections 46N(1), 46GV(7) or 62(5) or section 46N		CSTP, DDP, DIE, MSTP, EMEP, EMDF
72381	Planning and Environment Act 1987	s.46AZC(2)	duty to prepare an amendment to comply a declared area planning scheme that is inconsistent with directions issued by the Minister declared area that is expressed to be binding on the responsible public entity	where Council is a responsible public entity	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO
72382	Planning and Environment Act 1987	s.46AZK	duty not to include act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a condition function or duty or exercising a power in a permit relating relation to matters that are declared out in s.46GG(c) and (d) area	where Council is a responsible public entity	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO
72383	Planning and Environment Act 1987	s.46GI(2)(b)(i)	power to require agree to a lower rate of standard levy for a class of development of a particular type of land than the payment rate of specified an in amount of infrastructure levy to be secured to Council Minister's satisfaction direction	where Council is the planning authority, the municipal Council of the municipal district in which the land	CSTP, DDP, DIE, DBS, MSTP, EMEP, EMDF

				is located and/or the development agency	
72384	Planning and Environment Act 1987	s.46GX(1)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount <u>monetary component</u> of <u>an</u> infrastructure <u>levy</u> <u>contribution</u> payable	where Council is the collecting agency	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, DCO, EMDF
72385	Planning and Environment Act 1987	s.46GZ(2)(b)	duty to obtain forward the any agreement part of the relevant monetary development component agency that or is agencies imposed specified in the approved infrastructure contributions plan before accepting for the provision of land, works, services or facilities by to the applicant <u>development agency that is specified in the plan, as responsible for those works, services or facilities</u>	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, DCO, EMDF
72386	Planning and Environment Act 1987	s.46GZ(5)	duty to keep forward proper any accounts part of any a land equalisation amount required for the acquisition of infrastructure outer levy public paid purpose to land it as a collecting agency or by a development agency under specified part 2 of in the <u>Planning approved and infrastructure Environment contributions Act plan 1987 to that development agency</u>	where Council is the collecting agency under an approved infrastructure contributions	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF,

				planthis provision does not apply where Council is also the relevant development agency	DFAO
72387	Planning and Environment Act 1987	s.46GZ(9)	duty to forward <u>transfer the estate in fee simple in the land 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 specified in the approved infrastructure contributions plan as responsible for the use and development of that land</u>	if any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions planthis duty does not apply where Council is also the development agency	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, DCO, EMDF, DFAO

72388	Planning and Environment Act 1987	s.46GZA(2)	duty to apply <u>keep</u> levy the amount <u>levy the amount</u> accounts only and records in accordance with s.46G(3) the (a) Local and Government (b) Act 1989	where Council is a development agency under an approved infrastructure contributions plan	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF
72390	Planning and Environment Act 1987	s.46GZD(5)	duty to take <u>make</u> action payments described under s.46GZD(3) in s.46G(5)(c) accordance with (e) where s.46G ss.46GZD(5)(a) and 46GZD(5)(b) applies.	where Council is the collecting agency under an approved infrastructure contributions plan	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, DCO, EMDF
72391	Planning and Environment Act 1987	s.46GZE(2)	power <u>duty to recover</u> forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any amount part of infrastructure levy land equalisation amount paid or forwarded to a debt development agency for acquiring outer public purpose land has not been expended by the development agency to Council acquire that land at the date on which the approved infrastructure contributions plan expires	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency	CSTP, DDP, DIE, DBS, MSTP, DCO, EMDF
72392	Planning and Environment Act 1987	s.46GZI	duty to prepare report and give a report to the Minister <u>at the times required by the Minister</u>	where Council is a collecting agency or development	CSTP, DDP, DIE, MSTP, EMEP,

				agency	MSP, EMDF
180513	Planning and Environment Act 1987	s.46AAA	duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	where Council is a responsible public entity and is a planning authority note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of Councils	Not Applicable

NEW Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
200992	Local Government Act 1989	s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge		DDP, DIE, <u>EMDF</u>
200993	Planning and Environment Act 1987	s.46AW	function of being consulted by the Minister	where Council is a responsible public entity	<u>DDP, DIE,</u> <u>EMDF, EMEP</u>
200994	Planning and Environment Act 1987	s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy power to endorse the draft Statement of Planning Policy	where Council is a responsible public entity	<u>DDP, DIE,</u> <u>EMDF,</u> <u>EMEP</u>
200995	Planning and Environment Act 1987	s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans		<u>DIE, EMDF</u>
200996	Planning and Environment Act 1987	s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority		<u>DIE, EMDF</u>
200997	Planning and Environment Act 1987	s.46GN(1)	duty to arrange for estimates of values of inner public purpose land		<u>DCO, DIE,</u> <u>EMDF</u>
200998	Planning and Environment Act 1987	s.46GO(1)	duty to give notice to owners of certain inner public purpose land		<u>DIE, EMDF</u>
200999	Planning and Environment Act 1987	s.46GP	function of receiving a notice under s.46GO	where Council is the	<u>DIE, EMDF</u>

	Environment Act 1987			collecting agency	
201000	Planning and Environment Act 1987	s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land		DCO, DIE, EMDF
201001	Planning and Environment Act 1987	s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO		DCO, DIE, EMDF
201002	Planning and Environment Act 1987	s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister		DIE, EMDF
201003	Planning and Environment Act 1987	s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ		DIE, EMDF
201004	Planning and Environment Act 1987	s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general		DIE, EMDF
201005	Planning and Environment Act 1987	s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference		DIE, EMDF
201006	Planning and Environment Act 1987	s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land		DCO, DIE, EMDF
201007	Planning and Environment Act 1987	s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)		DCO, DIE
201008	Planning and Environment	s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a		DCO, DIE

	Act 1987		parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met		
201009	Planning and Environment Act 1987	s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	where Council is the collecting agency	DBS, DIE, EMDF
201010	Planning and Environment Act 1987	s.46GV(3)(b)	power to enter into an agreement with the applicant	where Council is the collecting agency	DIE, EMDF
201011	Planning and Environment Act 1987	s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	where Council is the development agency	DIE, EMDF
201012	Planning and Environment Act 1987	s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	where Council is the collecting agency	DIE, EMDF
201013	Planning and Environment Act 1987	s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area		DIE, EMDF
201014	Planning and Environment Act 1987	s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	where Council is the collecting agency	DIE, EMDF
201015	Planning and Environment Act 1987	s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	where Council is the collecting agency	DIE, EMDF
201016	Planning and Environment Act 1987	s.46GY(1)	duty to keep proper and separate accounts and records	where Council is the collecting agency	DBS, DCO, DIE, EMDF

201017	Planning and Environment Act 1987	s.46GY(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	where Council is the collecting agency	<u>DBS, DCO, DIE, EMDF</u>
201018	Planning and Environment Act 1987	s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority	<u>DBS, DCO, DIE, EMDF</u>
201019	Planning and Environment Act 1987	s.46GZ(2)(a)	function of receiving the monetary component	where the Council is the planning authority this duty does not apply where Council is also the collecting agency	<u>DBS, DCO, DIE, EMDF</u>
201020	Planning and Environment Act 1987	s.46GZ(2)(b)	function of receiving the monetary component	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency	<u>DBS, DCO, DIE, EMDF</u>

201021	Planning and Environment Act 1987	s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	where Council is the collecting agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201022	Planning and Environment Act 1987	s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency	<u>DBS, DCO, DIE, EMDF</u>
201023	Planning and Environment Act 1987	s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	where Council is the collecting agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201024	Planning and Environment Act 1987	s.46GZ(9)	function of receiving the fee simple in the land	where Council is the development agency under an approved infrastructure contributions plan this duty does	<u>DBS, DCO, DIE, EMDF</u>

				not apply where Council is also the collecting agency	
201025	Planning and Environment Act 1987	s.46GZA(1)	duty to keep proper and separate accounts and records	where Council is a development agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201026	Planning and Environment Act 1987	s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	where Council is a development agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201027	Planning and Environment Act 1987	s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	where Council is the development agency under an approved infrastructure contributions plan	<u>DCO, DIE, EMDF</u>
201028	Planning and Environment Act 1987	s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	where Council is the collecting agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201029	Planning and Environment	s.46GZE(2)	function of receiving the unexpended land equalisation amount	where Council is the collecting agency	<u>CSTP, DBS, DCO,</u>

	Act 1987			under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency	<u>DDP, DIE, EMDF, MSTP</u>
201030	Planning and Environment Act 1987	s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	where Council is the collecting agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201031	Planning and Environment Act 1987	s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	where Council is the development agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201032	Planning and Environment Act 1987	s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	where Council is the development agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>
201033	Planning and Environment Act 1987	s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	where Council is the collection agency under an approved infrastructure contributions plan	<u>DBS, DCO, DIE, EMDF</u>

				this provision does not apply where Council is also the development agency	
201034	Planning and Environment Act 1987	s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	where Council is the collecting agency under an approved infrastructure contributions plan	DBS, DCO, DIE, EMDF
201035	Planning and Environment Act 1987	s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	where Council is the collecting agency under an approved infrastructure contributions plan	DBS, DCO, DIE, EMDF
201036	Planning and Environment Act 1987	s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	where Council is the collecting agency under an approved infrastructure contributions plan	DBS, DCO, DIE, EMDF
201037	Planning and Environment Act 1987	s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	where Council is a collecting agency or development agency	DBS, DCO, DIE, EMDF
201038	Planning and Environment Act 1987	s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)		DBS, DCO, DIE, EMDF

201039	Planning and Environment Act 1987	s.84AB	power to agree to confining a review by the Tribunal		DBS, DCO, DIE, EMDF
201040	Planning and Environment Act 1987	s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	where Council is a development agency specified in an approved infrastructure contributions plan	DBS, DIE, EMDF
201041	Planning and Environment Act 1987	s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	where Council is a collecting agency specified in an approved infrastructure contributions plan	DBS, DIE, EMDF
201042	Planning and Environment Act 1987	s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	where Council is the development agency specified in an approved infrastructure contributions plan	DBS, DIE, EMDF

Provisions for Coordinator Building Services (CBS)

S6 Instrument of Delegation - Members of Staff - Residential Tenancies Act 1997		
Provision	Item Delegated	Delegate
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, MEH, TLEH, TOEH, EMRS, CBS
s.522(1)	power to give a compliance notice to a person	EHO, MEH, TLEH, TOEH, EMRS, CBS
s.526(5)	duty to keep record of entry by authorised officer under section 526	EHO, MEH, TLEH, TOEH, EMRS, CBS
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MEH, TLEH, TOEH, EMRS, CBS

9.11. OUTSTANDING QUESTION TIME ITEMS

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

RECOMMENDATION

That Council endorses 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 **[9.11.1]**
2. QT34/18 - Don Boak **[9.11.2]**
3. QT36/18 - Gerald Jenzen **[9.11.3]**
4. QT40/18 - Frank Williams **[9.11.4]**
5. QT41/18 - Tim Argall **[9.11.5]**

Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
23/05/2018 QT33/18	Open	Mr Wayne Gunn Wendouree	What is Council doing about violence and assaults that are happening in Ballarat at popular bus stops and venues?	Neville Ivey Director Community Development	Taken on notice.
13/06/2018 QT34/18	Closed	Mr Don Boak Mount Clear	I questioned earlier this year why a Blackwood tree was removed from the front of our property. We received answers which we do not agree with. The stump had begun shooting and was then ground out. Who is paying for this and for what reason was the stump ground out?	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Boak (see attached)
04/07/2018 QT36/18	Closed	Mr Gerald Jenzen Soldiers Hill	On 16 June 2018, signal mast B31 was removed for transport to its new home in Mornington. 6 signal masts from Public Transport Victoria (PTV) that used to be located in Ballarat. This kind of equipment needs to be preserved. This is not the only time that heritage items have been removed from the precinct. I understand Council has no formal control over the precinct, but I think that they need to have some input. I ask that Council make urgent requests to Heritage Victoria and PTV to stop the removal of any further heritage items within the railway precinct, until discussions have been held to determine a process that will allow the retention, protection and possible return of items that <u>are integral to the understanding and interpretation of the site.</u>	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Jenzen (see attached)
04/07/2018 QT40/18	Closed	Mr Frank Williams Invermay Park	My question relates to the footpath on the eastern side of Doveton Street North between the Library and Mair Street. I understand that over 1000 people visit the Library on a daily basis. Why were two patches of the footpath not sealed at the same time as the area surrounding the new garden beds and bustop in that same area?	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Williams (see attached)
04/07/2018 QT41/18	Closed	Mr Tim Argall Ballarat	232 When will public consultation start regarding the parking strategy?	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Argall (see attached)

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061

Mr Don Boak


Date: 4 July, 2018

Our Ref: TD:dw:bk

Your Ref: QT34/18

Enquiries: 03 5320 5500

Dear Mr Boak

**RE: PUBLIC QUESTION ASKED AT COUNCIL MEETING OF 13 JUNE 2018
REGARDING BLACKWOOD TREE CONCERNS**

I refer to your question asked at the Council Meeting of 13 June 2018 which I took on notice at the time to further investigate., *"I questioned earlier this year why a Blackwood tree was removed from the front of our property. We received answers which we do not agree with. The stump had begun shooting and was then ground out. Who is paying for this and for what reason was the stump ground out?"*

As advised in my previous letter to you in relation to these concerns, the arborist assessment was that the borer infestation was such that the tree presented a risk and as such it was recommended for removal.

As such, the stump that remained after the removal of the Blackwood tree was ground out for safety reasons as per Councils standard practice where a tree has been removed.

The shooting from the stump that you noticed was epicormic regrowth which, in stumps, has poor attachment to the root system and if left to grow to a large size will in many cases separate from the root system and fall.

The City of Ballarat budgets for stump removal as part of our normal tree maintenance processes.

Please feel free to contact Council's Acting Executive Manager, Daryl Wallis, if you have any further concerns by phoning 5320 7405.

Yours sincerely



Terry Demeo
Director Infrastructure and Environment

CC: Mayor and Councillors



PO Box 655
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AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061

Date: 16 July 2018

Our Ref: TD:nr:bk

Our Ref: QT36/18

Enquiries: 03 5320 5500

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

Mr Gerald Jenzen
[REDACTED]

Dear Mr Jenzen

**RE: PUBLIC QUESTION QT36/18 ASKED AT COUNCIL MEETING
140 & 202 LYDIARD STREET PERMIT P27470
HERITAGE NOTIFICATION BALLARAT RAILWAY STATION**

Further to your concern raised at the Council meeting held Wednesday 4 July 2018, *"On 16 June 2018, signal mast B31 was removed for transport to its new home in Mornington. 6 signal masts from Public Transport Victoria (PTV) that used to be located in Ballarat. This kind of equipment needs to be preserved. This is not the only time that heritage items have been removed from the precinct. I understand Council has no formal control over the precinct, but I think that they need to have some input. I ask that Council make urgent requests to Heritage Victoria and PTV to stop the removal of any further heritage items within the railway precinct, until discussions have been held to determine a process that will allow the retention, protection and possible return of items that are integral to the understanding and interpretation of the site."*, I advise the following.

On 18 September 2017, in response to the permit application, Council's Heritage Advisor, John Dyke wrote to Ms Joyce MacLennan of Heritage Victoria advising that City of Ballarat favours the retention of the heritage listed items and those close to the crossing points as part of a wider interpretation of the Railway Precinct. A further suggestion was provided that should "there be no alternatives, due to operational/safety reasons, then store the significant items for future restoration..." A copy of this correspondence is enclosed for your information.

We have today written Heritage Victoria and PTV seeking to stop the removal of any further heritage items within the railway precinct, until discussions have been held to determine a process that will allow the retention, protection and possible return of items that are integral to the understanding and interpretation of the site.

Should you have any questions or like to discuss further, please feel free to contact me directly on 5320 5622 or via email: terrydemeo@ballarat.vic.gov.au.

Yours sincerely

Terry Demeo
Director Infrastructure and Environment

CC: Mayor and Councillors

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061

Date: 11 July, 2018

Mr Frank Williams

Our Ref: TD:li:bk

Your Ref: QT40/18

Enquiries: 03 5320 5500

Dear Mr Williams

RE: PUBLIC QUESTION QT40/18 ASKED AT COUNCIL MEETING

Further to your question asked at the Council meeting held Wednesday 4 July 2018, "My question relates to the footpath on the eastern side of Doveton Street North between the Library and Mair Street. I understand that over 1000 people visit the Library on a daily basis. Why were two patches of the footpath not sealed at the same time as the area surrounding the new garden beds and bus stop in that same area?", I advise the following.

An inspection of the footpath has been carried out and I agree that it is a patchwork at this point and would ideally be resurfaced in the manner which we have applied in other CBD streets including the portion of Doveton Street North south of Mair Street. The patching was undertaken as part of the Civic Hall landscaping works is obviously just that, an interim patch.

With the pending Mair Street upgrade and concurrent rationalisation of overhead infrastructure it is envisaged that there will be significant work within the immediate vicinity of the intersection of Mair and Doveton Streets, with VicRoads advising that this project is likely to commence in the final quarter of this year. It was considered to commit to a major restoration of the footpath for the longer term. Rather, it was considered logically that this work would be undertaken after the Mair Street upgrade.

The path was not part of the contract works. Whilst the presentation of the path is not ideal the overall condition of the path is good and did not require any further works to be completed at this time. Council inspects footpaths on a regular basis and there is no significant history in respect to trips and falls in this location.

I trust that this satisfactorily addresses the question which you raised at the most recent Council meeting and as always, I appreciate your community engagement.

Please feel free to contact me on 5320 5622 if you wish to discuss a timeframe for these future works.

Yours sincerely



Terry Demeo
Director Infrastructure and Environment

CC: Mayor and Councillors

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061

Date: 11 July, 2018

Our Ref: TD:ab:bk

Your Ref: QT41/18

Enquiries: 03 5320 5500

Writer's
Direct Fax:

Mr Tim Argall



Dear Mr Argall

RE: PUBLIC QUESTION QT41/18 ASKED AT COUNCIL MEETING

Further to your question asked at the Council Meeting held on Wednesday 4 July 2018, "*When will public consultation start regarding the parking strategy?*" I advise the following.

A detailed consultation plan had been drafted and it is expected an 8 week consultation period will begin 6 August 2018. Detailed information will be distributed to all affected parties.

Further, Council's Executive Manager Regulatory Services, Amy Boyd, will contact you directly to discuss further.

If you would like to discuss this matter further, please feel free to contact me directly on  to arrange a time to meet.

Yours sincerely



Terry Demeo
Director Infrastructure and Environment

CC: Mayor and Councillors
Amy Boyd, Council's Executive Manager Regulatory Services

10. NOTICE OF MOTION

Nil

11. URGENT BUSINESS

12. SECTION 89 (IN CAMERA)

9.8. AUDIT ADVISORY COMMITTEE AGENDA - 20 JUNE 2018

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

(Contractual matters)

12.1. LAKE WENDOUREE WATER SUPPLY CONTRACT RENEWAL REPORT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Daryl Wallis – Acting Executive Manager Operations and Environment

(Contractual matters)

12.2. BALLARAT INTERNATIONAL FOTO BIENNALE ADDITIONAL FUNDING REQUEST

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jeff Johnson – Executive Manager Events and the Arts

(Contractual matters)

12.3. TENDER 2017/18-259 KENT STREET REHABILITATION

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administrator

(Contractual matters)

12.4. TENDER 2018/19-01 TRAFFIC MANAGEMENT WORKS AT WINTER STREET AND ADAIR STREET, NEWINGTON

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administrator

(Contractual matters)

12.5. MAV IT PROFESSIONAL SERVICES CONTRACT

Division: Business Services
Director: Glenn Kallio
Author/Position: Stuart Meerbach – Executive Manager Information Services

(Contractual matters)

12.6. NORTH BALLARAT FUNCTIONS FACILITY

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

(Contractual matters)

13. CLOSE