

## 7. Critical Success Indicators



### The City of Ballarat will achieve successful implementation of this Strategic Plan by:

- developing a whole-of-organisation approach to building intercultural relationships and social cohesion through cross-unit collaboration across program development and delivery
- supporting and empowering City of Ballarat staff to engage in genuine intercultural consultation with CALD people and all communities in the municipality, to understand the issues, opportunities and challenges of living in Ballarat
- building long-term partnerships/collaborations with government, agencies, community groups, organisations and local businesses, such as engagement with the Ballarat Regional Advocacy and Settlement Committee (BRSAC) in project delivery
- allocating resources to implement the Strategic Action Plan and to deliver effective, tailored programs to meet needs of local CALD communities
- providing resources to areas identified in the Intercultural Cities benchmarking report as opportunities for enhancement
- ongoing monitoring and evaluation of the Strategic Plan and its outcomes, and reporting back to the City of Ballarat and the community.

## 8. Implementation and Evaluation

**The Intercultural City Strategic Plan 2018–2021 will provide the City of Ballarat with the necessary framework to achieve outcomes for CALD communities over the next five years. The Community Development Division - Learning and Community Hubs is the lead business unit that will advocate for and facilitate delivery of this Strategic Plan. As a whole-of-organisation approach has been adopted, associated City of Ballarat business units will also be responsible for delivering and evaluating the objectives and actions of the Strategic Plan.**

An annual Action Plan will be developed against the four identified key priority actions of the Strategic Plan to guide specific program actions that need to be initiated. The City of Ballarat will work in partnership with the community, government and non-government agencies, business/industry and the education sector to develop and implement appropriate responses to the Strategic Plan. The Strategic Plan will adopt some elements of existing City of Ballarat strategies where relevant and appropriate, to facilitate delivery of intercultural programs and services.

The City of Ballarat's Cultural Diversity team will also:

- provide support, advice, training resources and information to assist the City of Ballarat and stakeholders
- promote the Strategic Plan throughout the organisation and the community
- monitor and review the Strategic Action Plan annually.

This Strategic Plan is intended to be a 'living' document. It will be monitored and reviewed each year by the Community Development - Learning and Community Hubs team to ensure it remains responsive and relevant. A full review will be undertaken every second year and will consider positive changes that could improve the Strategic Plan.

The Intercultural Advisory Committee has been established to provide support and advice on key intercultural issues and to enhance the implementation of this Strategic Plan.

## 9. Partners in Action

**Community, business and government partnerships will play a crucial role in supporting the City of Ballarat to achieve quality outcomes in all key priority areas of this Strategic Plan.**

The City of Ballarat acknowledges the following government, non-government entities, communities, service providers and various committees/organisations which are all potential partners in implementing Intercultural City Strategic Plan 2018-2021.

Australian Catholic University	Department of Education and Training	Mt Clear College
AFL Goldfields – Indigenous and Multicultural Steering Committee	Department of Economic Development, Jobs, Transport and Resources	Office of Multicultural Affairs and Citizenship
Ballarat Community Health Services	Ethnic Communities' Council of Victoria	Refugee Support Service Networks
Ballarat & District Aboriginal Co-operative	Federation of Ethnic Communities' Council of Australia	Regional Development Victoria
Ballarat Friends of Ainara Community Committee	Federation University	Rotary Club of Alfredton
Ballarat Neighbourhood Centre	iGen Foundation Limited	Rotary Club of Wendouree Breakfast
Ballarat Health Services	Inagawa Board of Education	Settlement Humanitarian and Refugee Enhancement Working Group
Ballarat Regional Multicultural Council	Inagawa International Association	The Courier
Ballarat Regional Settlement and Advocacy Committee	Intercultural Cities Network	The Miner
CAFS Ballarat	Intercultural Advisory Committee – City of Ballarat	Victoria Police
Central Highlands Regional Partnership	Koorie Engagement Action Group	Victorian Local Government Multicultural Issues Network
Central Highlands Sports Assembly	Koorie Services Hub	Victorian Multicultural Commission
Centre for Multicultural Youth	Local Government Victoria	VMC – Regional Advisory Committee
Centrelink	Municipal Association of Victoria	Voice FM - 99.9
Department of Human Services	Multicultural Arts Victoria	AFL Western Bulldogs
Department of Home Affairs	Multicultural Ambassadors – City of Ballarat	Women's Health Grampians



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## 10. REFERENCES

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1. *Australian Bureau of Statistics, Census of Population and Housing, 2016*
2. *Building Social Cohesion in our Communities (Online Resource) Australian Centre of Excellence for Local Government for the Australian Human Rights Commission, 2015*
3. *City of Ballarat Council Plan 2017 –2021*
4. *Local Government Act 1989*
5. *Municipal Public Health and Wellbeing Plan 2013 –2017*
6. *Redwood K., 2009 'A Short History of Migration to Ballarat' and 'City of Ballarat Cultural Diversity Issues Paper', Kate Redwood Consulting*
7. *SCOA National Settlement Services Outcomes Standards, June 2015*
8. *Settlement Data Base, August 2011-June 2016, Department of Immigration and Border Protection*
9. *The Intercultural City Step by Step, Council of Europe, January 2013*
10. *Multicultural Australia 2017 – United, Strong, Successful – Australia's Multicultural Statement*
11. *Victoria's Multicultural Policy Statement 2017*









#### **9.4. RECOMMENDATION FOR COMMISSION OF ARTWORK FOR MAIN ROAD**

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

#### **OFFICER RECOMMENDATION**

**Council resolves to:**

- **Accept the Public Art Advisory Committee Recommendation for the commission of artwork as part of the Main Road Revitalisation Project at Main Road and Humffray Street South, Ballarat.**

#### **EXECUTIVE SUMMARY**

On 26 May 2010, Council adopted the CBD Strategy, a long-term plan to guide growth and change in the Central Business District over the next 20-25 years. The Strategy includes a recommendation to “Undertake streetscape improvements to the Main Road shopping area’ to enhance the shopping strip potential and interpret significant stories of the area (p.81).

On 13 December 2017, Council adopted the Ballarat Heritage Plan (2017-2030), Our People, Culture & Place a strategy to ‘facilitate growth and change while safeguarding Ballarat’s heritage, now and into the future’. The Plan identifies a need to “Use place-based stories as a tool to sustain Ballarat’s identity and sense of place” (p.43).

Council’s Public Art Advisory Committee has recently completed a selection process for an artwork that will align with the Main Road Revitalisation Project and deliver a key component of the storytelling (heritage interpretation) project that spans the length of the shopping precinct.

#### **RATIONALE**

The Main Road Public Art Project has been allocated \$40,000 from Council’s Public Art budget for the commissioning of a public artwork to accompany upgrades to the shopping precinct in Main Road. The aim of the project is to demonstrate how heritage interpretation can help build appreciation for local heritage and enhance visitor experiences, thereby increasing visitation to areas like Main Road.

Council Officers have worked closely with the local traders to develop the overall Main Road Revitalisation Project and with heritage specialist Sue Hodges to confirm nine significant local stories for interpretation that highlight Main Road as an important historical area of Ballarat. The artist has consulted with Council’s Heritage Advisor to ensure that the proposed design meets the Heritage Overlay requirements and does not negatively impact on heritage values.

The owners of Cat Fish Thai have joined Council’s Public Art Advisory Committee (PAAC) for the April 2018 meeting to select the final design concept.

The recommended artwork is detailed in a confidential Council Report attachment.

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It is proposed that the artwork will be installed in late May 2018.

## 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?
<b>Human Rights</b>	No	No
<b>Social/cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	Yes
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	No	No

**Social/Cultural** – The concept for the artwork identifies themes and stories that are consistent with the significant status of Main Road as an historic precinct.

**Environmental/Sustainability** – The artwork will have little environmental impact and has a lifespan of 10 years+.

**Economic** – The total cost of the public art project is \$40,000. The cost of this particular artwork commission is \$18,000.

**Financial/Resources** – The project is funded by Council's Public Art budget allocation.

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

**Implementation and Marketing** – The project will be complete in line with the overall Main Road Revitalisation Project in May 2018.

## CONSULTATION

Council Officers have worked closely with Main Road traders and Council's Heritage Advisor to develop the artistic brief for the new artwork. A traders' workshop was held in January 2018 to explore project themes that were incorporated into the artist brief.

The artist and Council Officers are liaising with Wadawurrung Representatives through the Wathaurong Aboriginal Corporation to confirm that the reference to First Nations people and Wadawurrung culture is appropriate.

Community Members have joined Council's Public Art Advisory Committee for April 2018 meeting to select the final design concept.



### **OFFICERS DECLARATIONS OF INTEREST**

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

### **REFERENCE DOCUMENTS**

- Submission documents included in confidential agenda

### **ATTACHMENTS**

Nil

## 9.5. GILLIES ROAD - SPEED LIMIT AND ROAD SAFETY

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Jim Leonard - Coordinator Traffic & Transport

### OFFICER RECOMMENDATION

Council resolves to:

1. Support placement of Variable Message Signs (VMS) relative to the proposal to reduce the Gillies Road and associated network speed limits from 100km/h to 80km/h.
2. Continue to actively advocate for a reduction of the current open road 100km/h speed limit to become 80km/h on Gillies Road between Olliers Road and Kennedys Road, Cummins Road from Gillies Road to Ballarat-Maryborough Road (Howe Street), Sharpes Road from Gillies Road to Raglan Street and Kennedys Road from Gillies Road to the existing 80km/h zone.

### EXECUTIVE SUMMARY

Gillies Road is currently an open road, 100km/h speed zone, performing a traffic route function, with sparse abutting development generating multiple access points.

Regulatory Speed Limit signs are classified as Major Traffic Control Devices, the installation, removal or alteration of which Council requires formal VicRoads consent to implement. The current State Government protocol requires "significant" speed limit amendments to be ratified by the office of the Minister for Roads and Road Safety, which includes meeting a range of criteria.

### RATIONALE

Gillies Road is a sealed road under the management of the Ballarat City Council and is classified as the highest status Link Road under the current City of Ballarat Road Hierarchy.

It commences at the Western Freeway (M8), heading north until terminating at the Clunes-Creswick Road (C291). Gillies Road is an extension of Gillies Street, an arterial road (Delacombe-Wendouree Road (C307)) under the management of VicRoads. Gillies Street services extensive urban and industrial areas and has a half-diamond interchange with the Western Freeway.

Gillies Road services a substantial number of rural residential and small acreage properties, with 36 individual property access points on the 3.4km between Olliers Road and Kennedys Road.

There are six intersections, namely:

- Olliers Road – to the east only (sealed)
- Sims Road – to the east only (sealed)
- Cummins Road – to the east (sealed) and to the west (unsealed)

- Muir Road – to the west only (unsealed)
- Sharpes Road – to the west (sealed) and to the east (unformed)
- Kennedys Road to the west (sealed) and to the east (sealed)

Gillies Road consists of 2 x 3.5m wide lanes, with a 1.4m wide sealed shoulder on both sides. Other than Sims Road where a Basic Right turn treatment exists and Kennedys Road which is a channelised intersection with traffic islands in Kennedys Road, no other intersection has any safety treatment.

Gillies Road provides a number of functions, including:

- Road access to the township of Miners Rest;
- Road access to the Dowling Forest racecourse, which has extensive associated training facilities;
- Road access to Creswick, via Kennedys Road/Midland Highway, or Bald Hills Road, or Ascot-Creswick Road;
- Road access to Clunes-Creswick Road;
- A convenient alternative route for heavy vehicles due to its flatter topography than adjacent arterial roads;
- A school bus route, with bus stops immediately south of Kennedys Road and immediately south of Cummins Road;
- Road access to Sims Road, which is the sole road access to a “farm campus” of a major Ballarat private school, therefore having associated school bus turning movements at the intersection; and
- A favored training route for cyclists.

Parallel to and approximately 1km to east of Gillies Road is the arterial Midland Highway (A300), which currently has a speed limit of 100km/h. VicRoads has received funding through the Transport Accident Commission (TAC), Safe System Road Infrastructure Program (SSRIP) to undertake various road safety treatments on the Midland Highway between Ballarat and Creswick.

The project has been scoped to include the construction of 3 roundabouts (Olliers Road, Cummins Road and Kennedys Road), installation of wire rope safety barriers and lowering the speed limit to 80km/h. It can confidently be assumed that traffic volumes will increase on Gillies Road if the speed limit on Gillies Road remains at 100km/h following the reduction on Midland Highway. Further, it is proposed a logical extension to also post 80km/h speed limits west of Gillies Road for the extent of Cummins Road, Sharpes Road and the open road section of Kennedys Road.

Adding to road safety concerns relative to Gillies Road, current advice is that the VicRoads Traffic Management Plan (TMP) for the Midland Highway Project intends to detour all north-bound traffic onto Gillies Road via Olliers Road and Kennedys Road for approximately 12 months over the duration of the project. This will include all cars and freight, with public transport yet to be determined.

VicRoads advise that Regional Office approval will be granted for a Gillies Road speed limit reduction to 80km/h as part of the Project TMP. However, current State Government protocol for a permanent reduction requires Ministerial approval associated with any “major” change, principally due to the 3.4km length of road affected in this instance. Onus for achievement of the permanent reduction is to become a Council obligation, following conclusion of the VicRoads TMP assignment.

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It must be noted that should the detour not eventuate, there would be no speed limit reduction on Gillies Road associated with the Midland Highway project.

Parallel to and approximately 2km west of Gillies Road is the arterial Ballarat-Maryborough Road (C287) which, with the exception of a 60km/h section in the core township, currently has a speed limit of 80km/h from Wendouree through to north of Miners Rest. This limit was decreased from 100km/h some years ago as a consequence of extensive residential infill development between Ballarat and the township of Miners Rest.

It is evident that traffic volumes in Gillies Road have increased significantly since the lowering of the speed limit in Ballarat-Maryborough Road, as it provides a convenient alternative route to Miners Rest via either Sharpes Road (100km/h) or Kennedys Road (80km/h).

Traffic data collected on Gillies Road between Olliers Road and Sims Road during 2006 and 2017 reveal a significant, 37% increase in the midweek average daily traffic (3,427 vehicles per day (vpd) to 4,707 vpd). The commercial vehicle (trucks) percentage has also increased significantly from 6.4% to 9.7% of the total.

Council's Strategic Planning Team is currently coordinating investigations into potential long-term growth options, with one possibility being effectively a northern growth zone approximately bounded by the Western Freeway, Midland Highway, Cummins Road and east of Ballarat-Maryborough Road. Gillies Road would form the north-south spine of the zone and would be subject to increasing capacity/safety pressure under this scenario.

Council has received a number of requests from residents of the Gillies Road corridor for various works to be implemented to improve road safety during adjoining property access/egress, as well as enhanced safety of general users of the road. The main concerns expressed relate to the speed of traffic using the road and the lack of suitably wide sealed shoulders. Committee for Miners Rest also submitted a request to reduce the speed limit on the Gillies Road corridor.

Regulatory Speed Limit signs are classified as Major Traffic Control Devices, the installation, removal or alteration of which Council requires formal VicRoads consent to implement.

The following is taken from a VicRoads network design services technical update of January 2018:

*The Safe System is a road safety philosophy that requires roads to be designed and managed so that death and serious injury are avoidable. The basic principles are:*

- 1. Humans are fallible and will inevitably make mistakes when driving, riding or walking.*
- 2. Despite this, road trauma should not be accepted as inevitable. No one should be killed or seriously injured on our roads.*
- 3. To prevent serious trauma, the road system must be forgiving, so that the forces of collisions do not exceed the limits that the human body can tolerate.*

*The Safe System philosophy underpins Victoria's strategic approach to road safety. It is divided into four core interrelated pillars, namely; safer roads, safer speeds, safer vehicles and safer road users.*

**Safer Roads:** *Relates to both the road itself and the roadside. This considers ways to reduce the chance of a crash occurring as well as the consequence when one does occur.*

**Safer Speeds:** *Relates to the speed at which vehicles are likely to travel on the road. Factors that influence operating speeds include posted speed limits, level of compliance with the speed limit and physical constraints. Unsafe speeds can increase both likelihood and consequence of a crash.*

Aside from fleet considerations and promotion, Council could command little influence over safer vehicles and safer road users.

With regard to Gillies Road, Council officers have instigated the following actions:

- Formally requesting VicRoads' approval for the lowering of the speed limit between Olliers Road and Kennedys Road to 80km/h\*\*. This submission included a VLimits (VicRoads program) review, which is a VicRoads requirement to support speed limit applications.
- Investigating the vertical alignment of the road to determine if sight distances are such that "no overtaking" line-marking is required.
- Installing advanced warning signage on approaches from both directions at four stops and providing facilities to enable school buses to stop out of the travelling lane south of Cummins Road.
- Commissioning a "Safe System Assessment" of the road to identify any shortcomings and help determine any appropriate corrective measures.
- Developing concepts for intersection treatments at Cummins Road, Sharpes Road and Kennedys Road for inclusion in future Council capital works programs.
- Investigating the installation of public lighting at the Olliers Road, Cummins Road and Sharpes Road intersections.

\*\* VicRoads advises that in accordance with a State Government directive, this application will require Ministerial approval due to political sensitivities associated with the number of property owners and road users to be affected, as well in this case, the length (3.4km) of road affected.

Early advice from the imminent Safe System Assessment (SSA) together with a VLimits assessment both indicate that an 80km/h speed limit would be an appropriate treatment for the Gillies Road corridor, between Olliers Road and Kennedys Road. Further, it is proposed a logical extension to also post 80km/h speed limits west of Gillies Road for the extent of Cummins Road, Sharpes Road and the open road section of Kennedys Road.

The SSA will propose that posting a reduced speed limit alone will not likely alter driver behaviour, without vigilant enforcement and/or the installation of calming treatments at strategic locations. Placement of roundabouts at the Cummins Road, Sharpes Road and Kennedys Road intersections with Gillies Road are a preferred treatment to moderate driver behaviour and enhance safety, where staged Capital Expenditure Program funding allocations would be required.

Other potential measures along the Gillies Road corridor proposed as part of the SSA will generate Capital bids to enable delivery.

## **LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- VicRoads Traffic Engineering Manual Vol. 3 – Speed Zoning Guidelines

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**REPORTING AND COMPLIANCE STATEMENTS**

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

**Human Rights** – It is considered that this initiative improves and complements the Freedom of Movement rights of road users, including cyclists travelling this link road, traffic route.

**Social/Cultural** – It is considered that this proposal does not carry social or cultural implications.

**Environmental/Sustainability** – A reduction of the speed limit and physical measures on the corridor would help discourage a “rat run” tendency potentially generated by Midland Highway modifications. The would also become a safer cycling environment for the many recreational riders using the route.

**Economic** – It is considered that this proposal does not carry economic implications.

**Financial/Resources** – Signage, line-marking and minor works could be delivered from operating budgets, while significant intersection treatments (e.g. roundabouts) would form the bases of Capital Program submissions, for consideration relative to all candidate sites.

**Risk Management** – A reduction in traffic speed would help to reduce the incidence and severity of road trauma, while intersection treatments would physically moderate speed and behavior, delivering safety benefits on the network.

**Implementation and Marketing** – Posting of speed limit signs require VicRoads (and Ministerial) approval and installation would follow once the relevant consent is awarded. It is considered that any line-marking to prohibit overtaking and improve safety identified as part of the Safe System Assessment could also follow immediately. Capital Program advertising would highlight any intersections awarded funding.

**Evaluation and Review** – Data has been collected on the various segments of Gillies Road, which will enable post any treatment comparisons including volumes, speeds, modes (trucks etc.). Sufficient time would be required before further collection, to allow a transition to new conditions.

**CONSULTATION**

Abutting property owners and the Committee for Miners Rest have lodged formal submissions to Council, requesting a speed limit reduction to 80km/h. Capturing a wider community/commuter base could require posting the potential speed limit reduction using (electronic) variable message signs.

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## **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**

- VicRoads Traffic Engineering Manual Vol. 3 – Speed Zoning Guidelines
- Vlimits - which is a VicRoads software package used to assist practitioners to determine appropriate speed limits
- Safe System – Network Design Services Technical Update

## **ATTACHMENTS**

Nil

## **9.6. STATE AND FEDERAL ELECTIONS POLICY**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

### **OFFICER RECOMMENDATION**

**Council resolves to:**

- 1. Adopt the State and Federal Elections Policy.**

### **EXECUTIVE SUMMARY**

This report recommends that Council approves the State and Federal Elections Policy (the Policy).

The intent of the Policy is to provide options and guidance for Councillors in the event of nomination as a candidate to contest a State or Federal seat covering an area located within Council's municipal district.

Councillors must exercise due care and diligence in fulfilling their roles as a Councillor and Candidate as they are two distinct roles. In particular, they must ensure that they do not act in matters where they have a conflict of their roles due to being both a Councillor and a Candidate; that they do not misuse their position as a Councillor to advance their role as a Candidate; and they continue to adhere to the Councillor Code of Conduct in respect to their role as a Councillor.

### **RATIONALE**

In 2014, both the MAV and Local Government Victoria established a set of guidelines for Councillors who are running for office at a State or Federal election. The guidelines set out a number of recommendations that Councillors who are pre-selected by a political party, and / or nominated to run for office at a State or Federal election are to follow. The MAV guidelines for Councillors who become candidates are as follows:

1. A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then advise all Councillors.
2. A Councillor who is a Prospective Candidate, should declare his/her intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO pursuant to Guideline 1.
3. A Councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), should apply for leave of absence from the council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who

is on a leave of absence should not attend meetings of the council or otherwise act as a Councillor.

4. Any Councillor / staff relationship protocol which the council has in place in respect of the caretaker period prior to a council election, should be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting for the election.
5. A Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should approve that application.
6. A Councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between his/her role as a State or Federal election candidate and role as a Councillor when making public comment.
7. A Councillor who is a Prospective Candidate or a Nominated Candidate, should not use Council resources, including Council equipment and facilities in relation to his/her candidacy.
8. A Councillor who is a Prospective Candidate or a Nominated Candidate, should not use Council activities, including Committee meetings and Council-related external activities in relation to his/her candidacy.

The guidelines highlight the distinction between the two roles, being a Councillor and that of a candidate, and the need for separation when exercising their functions. Where a Councillor is nominated for election there is potential for conflicting interests when a matter is being considered by Council. As such, Councillors who are candidates may wish to take leave or declare a conflict of interest in accordance with s79B of the *Local Government Act 1989*. This provides clarity for the community that the role of a Councillor and the role of a Candidate in undertaking their role have access to resources and confidential information intended to be used for Council purposes. It is important that Councillors do not use these resources or information to further their election campaigns. As such, Councillors who are Candidates should continue to abide by the Councillor Code of Conduct.

The Policy has been developed based on the recommendations outlined above and this also provides alignment toward achieving the principles as set out in Goal 4: Accountability as detailed in City of Ballarat Council Plan 2017-2021, to provide strong and decisive leadership and transparent governance for the community.

Once adopted by Council, the Policy will provide guidance to Councillors in circumstances where they are nominated to contest a State or Federal Election.

## **LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

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



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**REPORTING AND COMPLIANCE STATEMENTS**

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	No
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	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 Policy aims to prevent the perception arising from a Councillor using their position as campaign platform by a Candidate in a Federal or State Election.

**Financial/Resources** – This Policy provides clear guidance on the use of Council resources by a Councillor who is nominated as a Candidate to contest a State or Federal Election.

**Risk Management** – The Policy provides recommended options for the Councillors in the event of nomination as a candidate to contest a State or Federal Election.

**Implementation and Marketing** – The policy once adopted, will be added to the City of Ballarat website for public viewing.

**Evaluation and Review** – Review of the policy is scheduled for 2020 unless required sooner.

**CONSULTATION**

The State and Federal Elections Policy has been reviewed by the Councillors of the City of Ballarat.

**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**

- MAV Policy Position - Candidature of Councillors State or Federal Elections
- Local Government Victoria Circular No. 13/2014

**ATTACHMENTS**

1. DRAFT State and Federal Elections Policy [9.6.1]
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# **State and Federal Elections Policy**

**SRC – 02  
Corporate Compliance**

**BALLARAT CITY COUNCIL  
Town Hall  
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Ballarat VIC 3350  
Tel. 5320 5500**

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## 1 DOCUMENT CONTROL INFORMATION

### DOCUMENT CONTROL

<b>Policy Name</b>	<i>Federal and State Election Policy</i>
<b>Business Unit</b>	Safety, Risk and Compliance
<b>File Location</b>	<i>TRIM</i>
<b>Document status</b>	<i>Final</i>
<b>Version</b>	1.0
<b>Version Date</b>	2018
<b>Next Review date</b>	<i>30 May 2020</i>

### DOCUMENT HISTORY

	Version	Date	Author
<b>Final Draft</b>	1	2 May 2018	Cameron Montgomery
<b>Approved Leadership Team</b>	1	2 May 2018	Leadership Team
<b>Approved Council</b>	1	23 May 2018	
<b>Review Draft</b>			
<b>Review Final</b>			
<b>Approved</b>			

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## 2 POLICY STATEMENT

### Intent:

This policy outlines Council's expectations of a Councillor who becomes a *Prospective candidate* and *Nominated candidate* in a State or Federal election.

By complying with this policy, it is expected that Councillors will avoid the appearance that their position as a Councillor is being used as a platform for their campaign in the relevant State or Federal election.

### Objectives:

- Provide a consistent approach for Councillors who are a *Prospective candidate* or *Nominated candidate* in a State or Federal election.

### Statement:

- To ensure good governance at Ballarat prior to and in an election campaign period, this policy has been created to assist Councillors and officers to act in the best interests of the community, whilst undertaking normal business, including the pursuit of legitimate advocacy in an unbiased manner.

## 3 OWNER

The owner of this policy is the Chief Executive Officer.

All enquiries regarding this policy should be directed to the Executive Manager Safety, Risk & Compliance Services.

## 4 APPLICABILITY

This Policy applies to all Councillors where a Councillor becomes a *Prospect candidate* and *Nominated candidate* to contest a State or Federal seat covering an area located wholly or partly within the municipal boundaries of the City of Ballarat.

## 5 DEFINITIONS

**Council:** means Ballarat City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.

**Councillors:** means the individuals holding the office of a member of Ballarat City Council.

**Council Officer:** means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

**Candidate:** a Councillor who is endorsed as a candidate for election by a political party or who if not a member of a political party has announced their intention to nominate as a candidate in an election.

**Election:** the Federal or Victorian State election, or a by-election for either parliament.

**Formal nomination date:** date set by the relevant electoral commission at which nominations to be candidates in an election close.

## 6 PROCEDURE AND GUIDANCE NOTES

### 6.1 Councillor to declare their candidacy in an election

As soon as practicable after becoming a candidate in an election, a Councillor must advise the CEO in writing. The CEO must advise in writing all Councillors as soon as practicable. A Councillor who is a candidate for a State or Federal election should declare this at a meeting of the Council as soon as practicable after the formal nomination date.

### 6.2 Leave of absence

A Councillor who becomes a Nominated candidate for a State or Federal election should apply for leave of absence from the Council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election and conclude no earlier than the close of voting for the election.

During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

### 6.3 Council Resources – use by Councillors

Council resources, including officers and support staff, hospitality services, equipment (eg mobile telephones, smart phones and computers), photographs taken at or for official Council business and stationery, should be used exclusively for normal Council business at all times, and must not be used in connection with an election campaign.

A Councillor, who is a Prospective or Nominated candidate should not use Council related activities, including Advisory Committee meetings in relation to his / her candidacy.

### 6.4 Improper Use of Position by Councillors

Sections 76D and 76E of the Local Government Act 1989 (the Act) prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

A Councillor who is a Prospective or Nominated candidate for State or Federal election should not participate in any way in the decision-making processes of the Council, where they are campaigning in relation to a matter before the Council. This includes being present at Council Briefings, Ordinary and Special Council Meetings and interacting with Council officers on the matter.

A campaign means where a Councillor makes public their views as a Prospective or Nominated candidate on a matter before the Council (before or after it has been resolved) by way of letters, fliers, social media posts and other communication avenues.

A Councillor who is a Prospective or Nominated candidate should at all times avoid campaigning on (opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position.

### **6.5 Functions and Events**

Councillors, including those standing as candidates, may continue to attend functions and events.

Speeches will continue to be prepared for the Mayor's official functions and if requested, speeches will be distributed to the media at the discretion of the CEO. During this time, the Mayor will not delegate to any Councillor who is standing as a candidate any responsibility to represent him or her.

### **6.6 Media Advice and Releases**

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves Councillors standing as candidates.

Media releases will not refer to specific Councillors in their capacity as candidates. Councillors standing as candidates are not eligible to be Council's official spokesperson on Council's advocacy priorities. Council will nominate an alternative Councillor to be Council's advocacy spokesperson where required.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing for election. Photos of and references to Councillors standing as candidates will only feature in Council's publications where it is related to usual Council business, functions or events.

Where Council's My Ballarat magazine is due to be issued within six weeks of an election, Ward specific news will be held over, and alternative methods of communicating ward news (Eg. advertorial) will be arranged at the conclusion of the election.

### **6.7 Councillor candidates commenting on Council issues**

Where a Councillor comments on Council issues as a candidate in an election, the Councillor should clearly identify this fact.

### **6.8 Advocacy by Council**

It is recognised that the community expects that Council will advocate prior to a State or Federal election for actions and projects for the benefit of the Ballarat community.

In undertaking advocacy, Council will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Ballarat community.

Refer to 6.6 for advice on advocacy spokespeople.

### **6.9 Councillor/Officer protocols**

Communication protocols will apply. Where required, the CEO will review if any additional provisions are required.

### **6.10 Customer Requests**

Customer requests escalated from Councillors in their capacity as a candidate rather than Councillor must be referred to the CEO in writing for action.

### **6.11 Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

DRAFT



## 7 COMPLIANCE RESPONSIBILITIES

### Chief Executive Officer

The Chief Executive Officer ensures professional, relevant and timely information is provided to the Council and support to the role of Mayor and Councillors through the provision of compliance and administrative support services.

### Councillors

To know, understand and comply with this policy.

## 8 CHARTER OF HUMAN RIGHTS COMPLIANCE

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

## 9 REFERENCES AND RELATED POLICIES

The *Local Government Act 1989* and *Local Government (General) Regulations 2015* were referenced during the preparation of this policy.

	<b>Include - Name, Reference and location of reference</b>
Acts	<i>Local Government Act 1989</i>
Regulations	<i>Local Law No.18 – Meeting Procedure</i> <i>Local Government (General) Regulations 2015</i>
Codes of Practice	
Guidance notes	MAV Policy Position - Candidature of Councillors State or Federal Elections VLGA - Councillors as Candidates in State or Federal Elections
Australian Standards	
Related Policies	<a href="#">Councillor and Staff Interactions Policy</a> <a href="#">Councillor Code of Conduct</a> <a href="#">Councillor Communications Equipment Policy</a> <a href="#">Councillor Expenses Entitlement Policy</a> <a href="#">Councillor Professional Development Policy</a> <a href="#">Election Period Policy</a> <a href="#">Information Request Register</a>

**9.7. HERITAGE RESTORATION LOAN APPLICATION - 803 MACARTHUR STREET, BALLARAT CENTRAL**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Susan Fayad - Coordinator Heritage and Cultural Landscapes

**OFFICER RECOMMENDATION****Council resolves to:**

- 1. Endorse the provision of a heritage loan of \$9,280 for the property at 803 Macarthur Street, Ballarat Central, in accordance with the Ballarat Heritage Restoration Loans Policy.**

**EXECUTIVE SUMMARY**

The Ballarat Heritage Advisory Committee has received and recommended an application for a Heritage Loan for \$9,280 from the owner of 803 Macarthur Street, Ballarat Central. The application is to replace roof cladding, guttering and downpipes in galvanised iron. This loan will supplement a heritage grant through the Ballarat Heritage Restoration Fund, enabling the works to proceed. The Ballarat Heritage Advisory Committee asks for Council's endorsement of their recommendation.

**RATIONALE**

Under the Terms of Reference of the Ballarat Heritage Advisory Committee (the Committee) it is required to consider applications for loans for the Ballarat Heritage Restoration Loans Scheme and make recommendations to Council.

A loan application has been received to supplement a successful grant application to the Ballarat Heritage Restoration Fund. The loan will enable the works to proceed. The loan application was assessed at the Committee's Management sub-committee on 9 April 2018 and endorsed for recommendation to Council by the Ballarat Heritage Advisory Committee on 9 April 2018. There are sufficient funds in the Heritage Restoration Loans Scheme budget to progress this request and the applicant has confirmed that they can provide a bank guarantee as required by the loans scheme policy. As the property is residential, an interest rate of 0% will apply.

**803 Macarthur Street, Ballarat Central**

To replace roof cladding, guttering and downpipes in galvanised iron.

*Heritage Loan request: \$9280*

*Successful BHRF heritage grant (pending loan): \$7,000*

*Total cost of works: \$16,280*

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- Ballarat Heritage Restoration Loans Policy;
- Our People, Culture & Place. A plan to sustain Ballarat's heritage 2017-2030;
- Today, Tomorrow, Together: The Ballarat Strategy 2015;
- Ballarat Planning Scheme; and
- *Planning and Environment Act 1987*.

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	Yes	Yes
<b>Economic</b>	Yes	Yes
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	Yes	Yes
<b>Evaluation and Review</b>	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 City of Ballarat provides low or zero interest loans for heritage places to assist those who wish to restore, repair or conserve heritage places in the municipality. Conservation of Ballarat's built heritage has significant positive social and cultural implications: Ballarat's heritage assets are a 'public good', contributing to the city's culture, liveability and community wellbeing and Ballarat's citizens listed the city's architectural heritage as one of their most loved elements (Ballarat Imagine 2013).

**Environmental/Sustainability** – Low interest Heritage Loans are designed to restore, protect and conserve Ballarat's significant heritage fabric. These works fall into two main categories:

- Works that enhance the appearance of the property, especially those visible to the community; e.g. reconstruction of roofs, repainting in appropriate heritage colours and appropriate restoration works; and
- Works that repair and maintain the property so that it stays in existence, e.g. rewiring, re-stumping, re-cladding etc.

There are positive implications for the environment through application of the heritage loans scheme. The retention and conservation of heritage places has an important part to play in our actions to protect the environment and resources, creating vibrant communities and sustaining local economies.

**Economic** – Ballarat's built heritage is an asset that contributes to the city's economy through the real estate market, insurance services and local jobs (e.g. heritage trades and building). It is also core to the attractiveness and appeal of Ballarat, providing the context for local tourism, arts and recreation and an ideal backdrop for events. Ballarat's heritage is the city's competitive edge for a more diverse economy.

**Financial/Resources** – There are sufficient funds in the Heritage Loans Bank Account to fund this loan. It is therefore considered that there are no unreasonable financial risk implications associated with this report.

**Risk Management** – As required in the Ballarat Heritage Restoration Loans Policy, potential applicants of heritage loans are required to lodge a Bank Guarantee for the total value of the loan to mitigate the financial risk to Council. Potential applicants must also have all relevant permits approved before submitting application. It is therefore considered that there are no unreasonable risk management implications associated with this report.

**Implementation and Marketing** – Information outlining the criteria for eligibility for low interest or zero interest Heritage Loans is provided on Council’s website.

**Evaluation and Review** – Evaluation and review occurs through site visits to inspect work and evaluate proposal.

## **CONSULTATION**

Consultation regarding this loan application has been undertaken with the Ballarat Heritage Advisory Committee and their Management Subcommittee. Information on the heritage restoration loans scheme is provided via direct consultation, heritage advisory service and on Council’s website. Additionally, information on the loans is available through the heritage grants program.

## **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 Heritage Restoration Loans Policy
- Ballarat Planning Scheme

## **ATTACHMENTS**

Nil

**9.8. TERMS OF REFERENCE - HER MAJESTY'S THEATRE**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Daniel Henderson –Manager Her Majesty's Ballarat

**RECOMMENDATION**

**Council resolves to:**

- 1. Revoke the Terms of Reference for the Her Majesty's Theatre Board as endorsed by Council on 28 August 2013 by resolution R322/13.**
- 2. Endorse the Terms of Reference for the Section 86 Special Committee for Her Majesty's Ballarat.**
- 3. Sign and seal the endorsed Terms of Reference for the Section 86 Special Committee.**

**EXECUTIVE SUMMARY**

The purpose of this report is to adopt the revised Terms of Reference document for Her Majesty's Ballarat Special Committee.

**RATIONALE**

Following a review of the Section 86 Special Committees of Council, the Her Majestys Ballarat Terms of Reference document has been reviewed and amended to ensure the Committee has a clear framework to operate within to achieve its purpose and objectives.

The Terms of References has been reviewed and the following changes are recommended:

- Insert additional text to item 3.3 to read "Stimulate community dialogue and debate through raising contemporary issues with staff, patrons, users and consistent with all Council policies;
  - Insert item 3.4 to read "Develop and oversee the implementation of a strategy for the Theatre that provides for a range of cultural experiences that support Ballarat and district residents and stakeholders, including local theatre companies and Royal South Street Society";
  - Insert text to item 4.1 to include "as permitted by the instrument of delegation";
  - Remove item 4.3 "Stimulate community dialogue and debate through the raising of contemporary issues with staff and Council";
  - Insert item 4.3 to read "Ensure the Theatre provides a safe and welcoming environment for staff, users and patrons consistent with all Council Policies;
  - Insert item 4.4 to read Develop and oversee the implementation of a strategy for Her Majesty's Ballarat that provides for a range of cultural experiences that support Ballarat and district residents and stakeholders, including local theatre companies and the Royal South Street Society;
  - Replace 4.8 to read Support the work of Council in developing partnerships with the wider community and government sector to promote and develop the performing arts within Ballarat.
-



- Insert additional text to item 6.4 to read “Council officers who attend the meetings of the Board are to provide advice and support to the Board and are not considered Board members and therefore do not have voting rights”;
- Replace item 6.5 to read “Each member of the Board has and may exercise one equal vote on any question before the Board for determination”;
- Replace item 6.6 to read “Council will review the membership and voting rights of each Board member within one year of a new Council election (ie, every four (4) years)”;
- Insert a new item 6.9 to read “If the Chairperson is absent from a Board meeting, the Board will select a temporary Chairperson to chair the Board meeting” (Note additional item to sequence);
- Replace item 6.12 to read “Membership is for a three (3) year period, Board members have an option to reapply to the Board for a further 3-year term with the approval of Council, with a limitation of 2 consecutive terms, with the exception of the Royal South Street Society CEO who may serve additional terms”;
- Insert a new item 6.13 to read “Where a Board member retires within their three (3) year term, their replacement will serve out the remaining term of the retiring Board member”;
- Remove item 7.7 “Board members may abstain from voting. Should this occur it must be noted in the minutes”;
- Remove item 7.8 “Sub committees may meet between general meetings and as authorised by the full Board. Sub committees do not have any delegated powers”;
- Insert a new item 8.1 to read “The Board is responsible for taking proper minutes of all meetings and preparing reports for the Board’s consideration in accordance with:”;
- Insert a new item 8.1.1 to read “Council’s Meeting Procedure Local Law (as amended from time to time and adopted by Council)”;
- Insert a new item 8.1.2 to read “Division 2, Part 4, of the Local Government Act 1989; and”;
- Insert a new item 8.1.3 to read “The Board’s discretion, as exercised from time to time”;
- Replace item 8.2 to read “Minutes of Board meetings must be forwarded to the Statutory Compliance Unit of Council immediately after adoption by the Board. The Council officer will write a report for Council so as the minutes can be noted” .;
- Replace item 8.3 to read “The Board must prepare and present to Council a report of its activities upon being required to do so by Council and, in any event, at least once per year” .;
- Replace item 8.4 to read “The Board will brief Council at least twice each calendar year on broad policy and strategic issues relevant to the City of Ballarat’s performing arts policy and strategy and the direction of Her Majesty’s Ballarat’ .;
- Replace item 8.5 to read “Where requested by Council, the Board must report its activities and performance to a meeting of Council” .;
- Replace Schedule to reflect the powers and functions reflected in the Instrument of delegation endorsed by Council 23 August 2017.

The revised Instrument is attached:

- Her Majesty’s Ballarat Special Committee.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *City of Ballarat Council Plan 2017 – 2021*
- *Local Government Act 1989*
- *Local Government (General) regulations 2015*
- *City of Ballarat Committee Policy*

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	Yes	Yes
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	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 community members in Special Committees increase awareness of the activities of Council. The Terms of Reference outline the inclusion and access of Community members to the Committee.

**Financial/Resources** – Special Committees are required to provide copies of their financial accounts.

**Risk Management** – The endorsement of the Terms of Reference ensures that Special Committees function within a framework meeting essential legislative requirements.

## CONSULTATION

There has been consultation with Officers and the Her Majesty's Ballarat Special Committee to ensure that the Terms of Reference the committee to achieve its purpose.

## 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

- Instrument of Delegation to Her Majesty's Theatre Board Special Committee 23 August 2017
- Her Majesty's Theatre Board Terms of Reference 23 August 2013

**ATTACHMENTS**

1. Her Majesty's Theatre Board Special Committee ToR **[9.8.1]**

# HER MAJESTY'S THEATRE BOARD SPECIAL COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1. By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Her Majesty's Theatre Board Special Committee (**Board**) pursuant to Section 86 of the *Local Government Act* 1989 (**LGA**). The Board is established to provide advice on matters relating to the performing arts in Ballarat and the management of Her Majesty's Theatre.
- 1.2. The Board has the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Board can make decisions for and on behalf of Council.
- 1.3. These Terms of Reference are authorised by a resolution [(insert resolution number after the Council meeting)] of Council passed on [insert date of the Council meeting the ToR were endorsed, after the Council meeting].

### 2. PURPOSE

The Board is established for the purpose of:

- 2.1. Providing strategic direction regarding Her Majesty's Theatre;
- 2.2. Providing industry advice on the performing arts; and
- 2.3. Setting the priorities for performing arts activities at Her Majesty's Ballarat and other venues that will enhance Ballarat as a place for the performing arts.

### 3. OBJECTIVES

The objectives of the Board are to:

- 3.1. Provide a critical link between Council, staff, the people of Ballarat, and the performing arts community;
- 3.2. Contribute advice from a skills-based perspective to ensure that Council's policies, strategies and programs are relevant to Her Majesty's Theatre and the performing arts;
- 3.3. Stimulate community dialogue and debate through raising contemporary issues with staff, patrons, users and consistent with all Council policies;
- 3.4. Develop and oversee the implementation of a strategy for the Theatre that provides for a range of cultural experiences that support Ballarat and district residents and stakeholders, including local theatre companies and Royal South Street Society;
- 3.5. Advise and advocate for the central importance of performing arts to the Ballarat community;
- 3.6. Provide advice and guidance around programming and events to ensure they are managed in a financially responsible manner; and
- 3.7. Support the City of Ballarat in its leadership role in the performing arts.

#### **4. ROLES AND RESPONSIBILITY**

The role of the Board is to:

- 4.1. Exercise Council's powers and carry out Council's duties and functions in accordance with these Terms of Reference for Her Majesty's Ballarat and as permitted by the Instrument of Delegation;
- 4.2. Provide strategic guidance to Council and Council officers on the management of Her Majesty's Theatre;
- 4.3. Ensure the Theatre provides a safe and welcoming environment for staff, users and patrons consistent with all Council Policies;
- 4.4. Develop and oversee the implementation of a strategy for Her Majesty's Ballarat that provides for a range of cultural experiences that support Ballarat and district residents and stakeholders, including local theatre companies and the Royal South Street Society;
- 4.5. Provide advice and recommendations to Council on the development of strategies, policies and projects pertaining to Her Majesty's Theatre and the performing arts in Ballarat;
- 4.6. Promote the participation of Her Majesty's Theatre and the performing arts in strategic planning and development of activities within Ballarat;
- 4.7. Ensure the Theatre operates in a financially responsible manner and delivers good value to all stakeholders; and
- 4.8. Support the work of Council in developing partnerships with the wider community and government sector to promote and develop the performing arts within Ballarat.

#### **5. DELEGATION OF POWERS, DUTIES AND FUNCTIONS**

- 5.1. In order to fulfil and carry out its purposes and objectives Council delegates to the Board, pursuant to Section 86(3) of the *Local Government Act 1989*, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 23 August 2017 (R280/17) and attached to these Terms of Reference.
- 5.2. The powers, duties and functions of Council conferred on the Board by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt; and
- 5.3. Board Members are at all times expected to act in accordance with their responsibilities as set out in Part 4, Division 1A of the *Local Government Act 1989*.

#### **6. MEMBERSHIP**

- 6.1. The Board is constituted to achieve a balance between developing the skills of members who contribute through democratic committee structures, maintaining a working knowledge of the Theatre, recent debates and decisions relating to the performing arts and ensuring that membership of the Board is invigorated with new ideas and perspectives on a regular basis.
- 6.2. All Board members will receive an induction into the City of Ballarat process, the purpose of the Board and the operations of the Board.



- 6.3. The Board will consist of 10 (Ten) members comprising:
- 6.3.1 Four (4) external skills-based community members, sought through publicly invited Expressions of Interest;
  - 6.3.2 Four (4) members nominated by the Royal South Street Society Inc.;
  - 6.3.3 One (1) User Group representative nominated by consensus of local user groups; and
  - 6.3.4 One (1) Councillor appointed by the City of Ballarat.
- 6.4. Council officers who attend the meetings of the Board are to provide advice and support to the Board and are not considered Board members and therefore do not have voting rights.
- 6.5. Each member of the Board has and may exercise one equal vote on any question before the Board for determination.
- 6.6. Council will review the membership and voting rights of each Board member within one year of a new Council election (ie, every four (4) years).
- 6.7. The Councillor appointed to the Committee will be the Chairperson of the Board.
- 6.8. In the event the appointed Councillor declines the role as Chairperson, the Board will elect a Chairperson from the members of the Board.
- 6.9. If the Chairperson is absent from a Board meeting, the Board will select a temporary Chairperson to chair the Board meeting.
- 6.10. The Board will elect a Deputy Chairperson from the Members of the Board.
- 6.11. All Board members must submit Primary and Ordinary Returns to Council.
- 6.12. Membership is for a three (3) year period, Board members have an option to reapply to the Board for a further 3-year term with the approval of Council, with a limitation of 2 consecutive terms, with the exception of the Royal South Street Society CEO who may serve additional terms.
- 6.13. Where a Board member retires within their three (3) year term, their replacement will serve out the remaining term of the retiring Board member.
- 6.14. Terms of membership will expire in December on a triennial basis.
- 6.15. The Councillor representative is elected for their term in office.
- 6.16. Any member who is unable to attend three (3) meetings in a calendar year without an approved leave of absence will be deemed to have resigned from the Board.

## **7. MEETINGS**

- 7.1 Unless Council resolves otherwise, Board meetings will be conducted in accordance with:
- 7.1.1 Council Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the LGA; and
  - 7.1.3 The Board's discretion, as exercised from time to time.

- 7.2 The Board will meet at least six (6) times per year or as agreed by the Board from time to time.
- 7.3 A quorum of the Board will be half the membership plus one (1).
- 7.4 Voting will be by a majority of votes on a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote.

## **8. REPORTING**

- 8.1 The Board is responsible for taking proper minutes of all meetings and preparing reports for the Board's consideration in accordance with:
  - 8.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 8.1.2 Division 2, Part 4, of the Local Government Act 1989; and
  - 8.1.3 The Board's discretion, as exercised from time to time;
- 8.2 Minutes of Board meetings must be forwarded to the Statutory Compliance Unit of Council immediately after adoption by the Board. The Council officer will write a report for Council so as the minutes can be noted.
- 8.3. The Board must prepare and present to Council a report of its activities upon being required to do so by Council and, in any event, at least once per year.
- 8.4. The Board will brief Council at least twice each calendar year on broad policy and strategic issues relevant to the City of Ballarat's performing arts policy and strategy and the direction of Her Majesty's Ballarat.
- 8.5. Where requested by Council, the Board must report its activities and performance to a meeting of Council.

**9. CREATION AND DISSOLUTION**

By these Terms of Reference the:

- 9.1. Board is established (or continued); and
- 9.2. Powers, duties and functions of the Board, as set out in this Instrument, are delegated;
- 9.3. These Terms of Reference and the Instrument of Delegation:
  - 9.3.1 Come into force immediately the Common Seal of Council is affixed to it; and
  - 9.3.2 Remain in force until Council determines to vary or revoke it;
- 9.4. The Board can be dissolved by Resolution of Council.
- 9.5. These terms of Reference must be reviewed in the 12 months following a general election.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

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

..... MAYOR/COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

## SCHEDULE

### Powers and functions

Her Majesty's Theatre Board Special Committee has been established by Council to provide industry advice regarding the Her Majesty's Theatre and on priorities for performing arts activities that will enhance the role of Ballarat as a place for performing arts. The Board also makes recommendations to Council for funding projects through the Arts Grants program.

1. to function in accordance with the Council sealed Terms of Reference;
2. to provide advice and recommendations to Council on the development of strategies, policies and projects pertaining to Her Majesty's Theatre and the performing arts in Ballarat;
3. to promote the participation of Her Majesty's Theatre and the performing arts in strategic planning and development activities within the municipality;
4. to support the City of Ballarat in its leadership role in the performing arts;
5. to support the work of the Council, in particular Her Majesty's Theatre and the performing arts in developing partnerships with the wider community and government sector to promote and develop the performing arts in the municipality; and
6. to make recommendations regarding the expenditure of grant monies and contracts undertaken to further Her Majesty's Theatre and the performing arts activities in the municipality.

### Exceptions, conditions and limitations

The Board is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure for any amount which exceeds the approved budget; and
2. exercise the powers which, by force section 86 of the *Local Government Act 1989* cannot be delegated.

**9.9. ADOPTION OF THE S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

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

**OFFICER RECOMMENDATION**

Council resolves to:

1. **Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 4 April 2018 (R79/18).**
2. **Exercise Councils 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. **Remains in force until varied or revoked;**
  3. **Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
  4. **Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
5. **Sign and affix Council’s Common Seal to the S6. Instrument of Delegation - Members of Staff.**

**EXECUTIVE SUMMARY**

The purpose of this report is to enable Council to revoke the S6. Instrument of Delegation - Members of Staff (Instrument) that was endorsed at the Council meeting held on 4 April 2018 (R79/18) and to endorse the revised Instrument reflecting changes to conditions and limitations within the *Food Act 1984* and *Planning and Environment Act 1987*.

## 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 *Food Act 1984* and the *Planning and Environment Act 1987*.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

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

## REPORTING AND COMPLIANCE STATEMENTS

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

**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 4 April 2018 (R79/18)

## **ATTACHMENTS**

1. S6 Instrument of Delegation - Members of Staff **[9.9.1]**

***S6. Instrument of Delegation - Members of Staff***

**Ballarat City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## S6 Instrument of Delegation - Members of Staff

### Preamble

Instrument of Delegation

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

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

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

- AOEH: Administration Officer Environmental Health
- AOSC: Administration Officer Statutory Compliance
- CAM: Coordinator Asset Management
- CC: Compliance Coordinator
- CID: Coordinator Infrastructure Delivery
- CO: Compliance Officer
- CPG: Coordinator Parks and Gardens
- CRC: Coordinator Risk and Compliance
- CRM: Coordinator Road Maintenance
- CSTP: Coordinator Statutory Planning
- 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
- GAO: Governance Administration Officer
- 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
- PSP: Principal Strategic Planner
- SAO: Subdivision Administration Officer
- SCO: Statutory Compliance Officer

- SP: Strategic Planner
- SPAO: Strategic Planning Administration Officer
- SPPM: Strategic Planning Project Manager
- SSP: Senior Strategic Planner
- STP: Statutory Planner
- TLEH: Team Leader Environmental Health
- TLP: Team Leader Parking
- TLRATS: Team Leader Regulatory Services - Administration/Technical Support
- TOEH: Technical Officer Environmental Health

### Title Groups

- KRO: Key Responsible Officer - CPS, MFS, MFIS, MBS, 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, SSA, FMC, MED, DAGB, COP, CCEP, CCI, CYD, CCD, TLB, TLSTSL, SHRO, HRBS, TLAS, COCS, MBALC, SASP, COCI, CSS, CDD, MICS, TLA, CES, SWS, CPN, SCE, SSR, SAS, DFS, ISDTL, TLCWL, CHSP, TLRM, SSC, MPP

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

## S6 Instrument of Delegation - Members of Staff

<b>Cemeteries and Crematoria Act 2003</b>			
[##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)			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.8(1)(a)(ii)	power to manage one or more public cemeteries	DIE, EMOE, EMPSFM, CPG	
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DIE, EMOE, EMPSFM, CPG	where council is a Class B cemetery trust
s.12(2)	s.12(2) duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	DIE, EMOE, EMPSFM, CPG	where council is a Class B cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	DIE, EMOE, EMPSFM, CPG	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DIE, EMOE, EMPSFM, CPG	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DIE, EMOE, EMPSFM, CPG	
s.15(4)	duty to keep records of delegations	DBS, EMSRCS, CRC	
s.17(1)	power to employ any persons necessary	DIE, EMPSFM	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	DIE, EMOE, EMPSFM, CPG	
s.17(3)	power to determine the terms and conditions of employment or engagement	DIE, EMPSFM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DIE, EMOE, EMPSFM, CPG	

**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.19	power to carry out or permit the carrying out of works	DIE, EMOE, EMPSFM, CPG	
s.20(1)	duty to set aside areas for the interment of human remains	DIE, EMOE, EMPSFM, CPG	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DDP, DIE, EMOE, EMPSFM, CPG	
s.20(3)	power to set aside areas for those things in paragraphs (a) - (e)	DDP, DIE, EMOE, EMPSFM, CPG	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	DIE, EMOE, EMPSFM, CPG	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	DIE, EMOE, EMPSFM, CPG	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	DIE, EMOE, EMPSFM, CPG	subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	DIE, EMOE, EMPSFM, CPG	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DBS	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DIE, EMOE, EMPSFM, CPG	report must contain the particulars listed in s.57(2)



**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.59	duty to keep records for each public cemetery	DIE, EMOE, EMPSFM, CPG	
s.60(1)	duty to make information in records available to the public for historical or research purposes	EMSRCS, CRC	
s.60(2)	power to charge fees for providing information	DBS	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DIE, EMOE, EMPSFM, CPG	
s.64B(d)	power to permit interments at a reopened cemetery	DIE, EMOE, EMPSFM, CPG	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DIE, EMOE, EMPSFM, CPG	the application must include the requirements listed in s.66(2)(a)-(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DIE, EMPSFM	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DIE, EMOE, EMPSFM, CPG	
s.70(2)	duty to make plans of existing place of interment available to the public	DIE, EMOE, EMPSFM, CPG	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DIE, EMOE, EMPSFM, CPG	
s.71(2)	power to dispose of any memorial or other structure removed	DIE, EMOE, EMPSFM, CPG	
s.72(2)	duty to comply with request received under section 72	DIE, EMOE, EMPSFM, CPG	
s.73(1)	power to grant a right of interment	DIE, EMOE, EMPSFM, CPG	
s.73(2)	power to impose conditions on the right of interment	DIE, EMOE, EMPSFM, CPG	

**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.75	power to grant the rights of interment set out in subsections (a) and (b)	DIE, EMOE, EMPSFM, CPG	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DIE, EMOE, EMPSFM, CPG	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DIE, EMPSFM	
s.80(1)	function of receiving notification and payment of transfer of right of interment	DIE, EMOE, EMPSFM, CPG	
s.80(2)	function of recording transfer of right of interment	DIE, EMOE, EMPSFM, CPG	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DBS	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DBS	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DIE, EMOE, EMPSFM, CPG	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DIE, EMOE, EMPSFM, CPG	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DIE, EMOE, EMPSFM, CPG	the notice must be in writing and contain the requirements listed in s.85(2)
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DIE, EMOE, EMPSFM, CPG	does not apply where right of interment relates to remains of a deceased veteran.
s.85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;	DIE, EMPSFM	may only be exercised where

**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)

	remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.		right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DIE, EMPSFM	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	DIE, EMPSFM	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DIE, EMPSFM	
s.86(5)	duty to provide notification before taking action under s.86(4)	DIE, EMPSFM	
s.86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	DIE, EMPSFM	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DIE, EMPSFM	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	DIE, EMPSFM	
s.91(1)	power to cancel a right of interment in accordance with this section	DIE, EMPSFM	
s.91(3)	duty to publish notice of intention to cancel right of interment	DIE, EMOE, EMPSFM, CPG	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DIE, DBS, EMOE, EMPSFM, CPG	

**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.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	
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	

<b>Cemeteries and Crematoria Act 2003</b>			
[##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.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 repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DIE, EMPSFM	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DIE, EMOE, EMPSFM, CPG	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DIE, EMOE, EMPSFM, CPG	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DIE, EMOE, EMPSFM, CPG	
s.110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DBS	

**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.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	
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	

**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)

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
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**Food Act 1984**

Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, MEH, TLEH	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, MEH, TLEH	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DIE, EHO, MEH, TLEH	If section 19(1) applies  Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DIE	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, MEH, TLEH	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, MEH, TLEH	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, MEH, TLEH	where council is the registration authority

<b>Food Act 1984</b>			
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, TLRATS	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MEH	except for an assessment required by a declaration under section 19C or an inspection under



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

<b>Food Act 1984</b>			
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, TLRATS	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	DIE, EHO, MEH, TLEH	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	DIE, EHO, MEH, TLEH	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	DIE, EHO, MEH, TLEH	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	DIE, EHO, MEH, TLEH	where council is the registration authority only if satisfied of matters in

<b>Food Act 1984</b>			
			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
<b>Domestic Animals Act 1994</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.41A(1)	power to declare a dog to be a menacing dog	CC, DIE, EMRS	Council may delegate this power to an authorised officer
<b>Environment Protection Act 1970</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>

<b>Environment Protection Act 1970</b>			
s.53M(3)	power to require further information	CSTP, DWMPO, DDP, DIE, EHO, EMOE, MEH, MSTP, SP, STP, TLEH, TOEH, SSP, MSP, SPPM, SPAO, PSP	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CSTP, DWMPO, DDP, DIE, EHO, EMOE, MEH, MSTP, SP, STP, TLEH, TOEH, SSP, MSP, SPPM, SPAO, PSP	
s.53M(5)	duty to approve plans, issue permit or refuse permit	DWMPO, EHO, MEH, TLEH, TOEH	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	DWMPO, EHO, MEH, TLEH, TOEH	refusal must be ratified by 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
<b>Heritage Act 1995</b>			
Note: this Act is to be repealed on the day the Heritage Act 2017 comes into force, which is 1 November 2017, unless proclaimed earlier			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>

<b>Heritage Act 1995</b>			
Note: this Act is to be repealed on the day the Heritage Act 2017 comes into force, which is 1 November 2017, unless proclaimed earlier			
s.84(2)	power to sub-delegate Executive Director's functions	DDP, DIE	must obtain Executive Director's written consent first.
<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
s.12(2)	power to discontinue road or part of a road	DDP, DIE, EMOE, MSP, EMDF, EMI	where 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

<b>Road Management Act 2004</b>			
			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 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

<b>Road Management Act 2004</b>			
			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	
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	

<b>Road Management Act 2004</b>			
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)
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	



<b>Road Management Act 2004</b>			
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 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

<b>Road Management Act 2004</b>			
			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	
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	

<b>Road Management Act 2004</b>			
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
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, KRO, TLP	

<b>Road Management Act 2004</b>			
s.72	duty to issue an identity card to each authorised officer	DBS, EMSRCS, SCO, AOSC, CRC, GAO	
s.85	function of receiving report from authorised officer	DIE, 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	
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	

<b>Road Management Act 2004</b>			
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
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

<b>Road Management Act 2004</b>			
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
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

<b>Road Management Act 2004</b>			
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
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

<b>Road Management Act 2004</b>			
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DIE, 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)
<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SPPM, SPAO, PSP, EMDF, DFAO	
s.4I	duty to keep Victorian Planning Provisions and other documents available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	



<b>Planning and Environment Act 1987</b>			
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	
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	

<b>Planning and Environment Act 1987</b>			
s.17(1)	duty of giving copy amendment to the planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF	
s.17(2)	duty of giving copy s.173 agreement	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF	
s.18	duty to make amendment etc. available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the

<b>Planning and Environment Act 1987</b>			
			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	
s.21(2)	duty to make submissions available	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.21A(4)	duty to publish notice in accordance with section	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.22	duty to consider all submissions	CSTP, DDP, DIE, EMOE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	

<b>Planning and Environment Act 1987</b>			
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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, SPPM, PSP, EMDF	
s.26(1)	power to make report available for inspection	CSTP, DDP, DIE, MSTP, SP, SSP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.26(2)	duty to keep report of panel available for inspection	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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,	

<b>Planning and Environment Act 1987</b>			
		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, SPPM, PSP, EMDF	
s.33(1)	duty to give more notice of changes to an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, PSP, EMDF	
s.36(2)	duty to give notice of approval of amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF	
s.38(5)	duty to give notice of revocation of an amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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, SPPM, PSP, EMDF	

<b>Planning and Environment Act 1987</b>			
s.40(1)	function of lodging copy of approved amendment	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.41	duty to make approved amendment available	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.42	duty to make copy of planning scheme available	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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 provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will effect a limited number of councils

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

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



<b>Planning and Environment Act 1987</b>			
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 as a

<b>Planning and Environment Act 1987</b>			
			'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 development agency

<b>Planning and Environment Act 1987</b>			
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, SPPM, SPAO, PSP, EMDF, DFAO	
s.50(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, PSP, EMDF	
s.50(6)	duty to make note of amendment to application in register	CSTP, DDP, DIE, MSTP, SP, STP, SSP, SAO, SPPM, SPAO, PSP, EMDF, DFAO	
s.50A(1)	power to make amendment to application	CSTP, DDP, DIE, MSTP, SP, STP,	

<b>Planning and Environment Act 1987</b>			
		SSP, SAO, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM,	

<b>Planning and Environment Act 1987</b>			
		SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	
s.52(3)	power to give any further notice of an application where appropriate	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, 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,	

<b>Planning and Environment Act 1987</b>			
		SSP, EMEP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	
s.54(1)	power to require the applicant to provide more information	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, 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, SPPM, PSP, EMDF	
s.54(1B)	duty to specify the lapse date for an application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, 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, SPPM, PSP, 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,	

<b>Planning and Environment Act 1987</b>			
		SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	
s.57(5)	duty to make available for inspection copy of all objections	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	
s.57A(5)	power to refuse to amend application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP,	

<b>Planning and Environment Act 1987</b>			
		SPPM, PSP, 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, SPPM, PSP, EMDF	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, PSP, EMDF	
s.57C(1)	duty to give copy of amended application to referral authority	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDF, DFAO	
s.58	duty to consider every application for a permit	CSTP, DDP, DIE, MSTP, STP, EMEP, SPAO, EMDF, DFAO	
s.58A	power to request advice from the Planning Application Committee	CSTP, DDP, DIE, MSTP, EMEP, EMDF	
s.60	duty to consider certain matters	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, PSP, EMDF	



<b>Planning and Environment Act 1987</b>			
s.60(1A)	power to consider certain matters before deciding on application	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, MSP, SPPM, PSP, 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, EMEP, SPPM, PSP, 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, EMEP, MSP, SPPM, PSP, EMDF	<p>the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Planning Permit Applications involving premises licensed, or to be licensed, under the Liquor Control Reform Act 1998 must be determined by Council when any of the following apply: - The Application</p>

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		<p>involves licensing a proposed (new) tavern, hotel or nightclub;</p> <ul style="list-style-type: none"> <li>- 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);</li> <li>- The number of patrons allowed under any existing licence is to be increased;</li> <li>- A licence is sought for land/premises adjoining land in the Residential 1 Zone; and/or</li> <li>- The Application seeks licensing of any footpath.</li> </ul> <p>Planning Applications</p>
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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.

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

- A Senior Officer is as defined by the Local

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			<p>Government Act 1989; and</p> <p>- 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.</p> <p>This policy relates to property owned or part owned by a company 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.</p>
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,	

<b>Planning and Environment Act 1987</b>			
		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, SPPM, PSP, 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, SPPM, PSP, EMDF	
s.62(2)	power to include other conditions	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, PSP, EMDF	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, PSP, EMDF	

<b>Planning and Environment Act 1987</b>			
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, SPPM, PSP, 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, SPPM, PSP, 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 section 62(5) or section 46N	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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	CSTP, DDP, DIE, MSTP, SP, STP,	this provision applies also to a

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		SSP, EMEP, SPPM, SPAO, PSP, EMDF, DFAO	decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended

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			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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDF, DFAO	



<b>Planning and Environment Act 1987</b>			
s.69(1A)	function of receiving application for extension of time to complete development	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF, DFAO	
s.69(2)	power to extend time	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF	
s.70	duty to make copy permit available for inspection	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SAO, SPPM, SPAO, PSP, EMDF, DFAO	
s.71(1)	power to correct certain mistakes	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF, DFAO	
s.71(2)	duty to note corrections in register	CSTP, DDP, DIE, MSTP, STP, EMEP, SPAO, EMDF, DFAO	
s.73	power to decide to grant amendment subject to conditions	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF	
s.74	duty to issue amended permit to applicant if no objectors	CSTP, DDP, DIE, MSTP, SP, STP,	

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		SSP, EMEP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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 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,	if the recommending referral authority

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		SAO, SPPM, SPAO, PSP, EMDF, DFAO	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, SPPM, SPAO, PSP, 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
s.76D	duty to comply with direction of Minister to issue amended permit	CSTP, DDP, DIE, MSTP, SP, STP, SSP, EMEP, SPPM, SPAO, PSP, EMDF, DFAO	
s.83	function of being respondent to an appeal	CSTP, DDP, DIE, MSTP, STP, EMEP, EMDF	

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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"> <li>- A Councillor or member of their immediate family;</li> <li>- A Senior Officer or member of their immediate family; and/or</li> <li>- A Council employed Statutory Planning Officer or member of their immediate family.</li> </ul> <p>Officer or member of their immediate family. For the</p>

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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 employed Statutory Planning Officer, or an immediate

<b>Planning and Environment Act 1987</b>			
			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.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	
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	

<b>Planning and Environment Act 1987</b>			
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	
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	

<b>Planning and Environment Act 1987</b>			
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	
s.97MH	duty to provide information or assistance to the Planning Application Committee	CSTP, DDP, DIE, MSTP, SP, SSP, EMEP, MSP, SPPM, SPAO, PSP, 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	Planning Applications must be referred to an Ordinary Council meeting for decision where the



**Planning and Environment Act 1987**

		<p>property that is the subject of the Application is owned or part owned by:</p> <ul style="list-style-type: none"> <li>- A Councillor or member of their immediate family;</li> <li>- A Senior Officer or member of their immediate family; and/or</li> <li>- A Council employed Statutory Planning Officer or member of their immediate family.</li> </ul> <p>Officer or member of their immediate family. For the purpose of this policy:</p> <ul style="list-style-type: none"> <li>- A Senior Officer is as defined by the Local Government Act 1989; and</li> <li>- A member of immediate family means</li> </ul>
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Planning and Environment Act 1987			
			<p>the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person.</p> <p>This policy relates to property owned or part owned by a company 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.</p>
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	

<b>Planning and Environment Act 1987</b>			
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	
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	

<b>Planning and Environment Act 1987</b>			
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	
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.171(2)(g)	power to grant and reserve easements	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	

<b>Planning and Environment Act 1987</b>			
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	
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, SPPM, SPAO, PSP, EMDF, DFAO	

<b>Planning and Environment Act 1987</b>			
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	
s.178A(5)	power to propose to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, EMDF	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, EMDF	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	

<b>Planning and Environment Act 1987</b>			
s.178C(4)	function of determining how to give notice under s.178C(2)	CSTP, DDP, DIE, MSTP, EMEP, MSP, EMDF	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, 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, SPPM, PSP, 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, SPPM, PSP, 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, SPPM, PSP, 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, SPPM, PSP, 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,	After considering

<b>Planning and Environment Act 1987</b>			
		SSP, MSP, SPPM, PSP, EMDF	objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, PSP, 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, SPPM, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, EMDF, DFAO	



<b>Planning and Environment Act 1987</b>			
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, SPPM, SPAO, PSP, 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, SP, STP, SSP, MSP, SPPM, SPAO, PSP, 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, SPPM, PSP, EMDF	

<b>Planning and Environment Act 1987</b>			
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, 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, SPPM, SPAO, PSP, 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, SPPM, PSP, EMDF	
s.184G(2)	duty to comply with a direction of the Tribunal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, EMDF, DFAO	
s.184G(3)	duty to give notice as directed by the Tribunal	CSTP, DDP, DIE, MSTP, SP, STP, SSP, MSP, SPPM, SPAO, PSP, 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	

<b>Planning and Environment Act 1987</b>			
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, SPPM, PSP, 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	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	Not Delegated	
<b>Rail Safety (Local Operations) Act 2006</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

<b>Rail Safety (Local Operations) Act 2006</b>			
			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
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

<b>Rail Safety (Local Operations) Act 2006</b>			
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
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 Act 1997**

<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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,	

<b>Residential Tenancies Act 1997</b>			
		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
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	
s.522(1)	power to give a compliance notice to a person	EHO, MEH, TLEH, TOEH, EMRS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DIE	
s.525(4)	duty to issue identity card to authorised officers	AOSC, GAO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	EHO, MEH, TLEH, TOEH, EMRS	
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	
<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP, DIE, MSTP, EMEP, MSP, EMDF	where Council is not the planning authority and the amendment affects land within Council's

Planning and Environment Regulations 2015			
			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
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

<b>Planning and Environment Regulations 2015</b>			
			planning scheme to designate Council as an acquiring authority.
<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
r.15(1)	function of receiving notice of transfer of ownership	AOEH, EHO, MEH, TLEH, TOEH, HSO, TLRATS	
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	



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

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DIE, EMRS	
<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	

**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	
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	

**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.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
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

**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 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
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	EMOE, EMPSFM, CPG	see note above regarding model rules

**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	
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

<b>Road Management (General) Regulations 2016</b>			
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	

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

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

#### OFFICER RECOMMENDATION

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Emily Hobbs, effective as at 23 May 2018.
2. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for David Dwight, effective as at 23 May 2018.
3. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Lily Garrod, effective as at 23 May 2018.
4. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

#### EXECUTIVE SUMMARY

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

Name of Employee	Date Authorisation to be revoked
Emily Hobbs	23 May 2018
David Dwight	23 May 2018

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

Name of Employee	Date of Authorisation
Lily Garrod	23 May 2018

#### RATIONALE

At the Council Meeting held on 8 February 2017 Council resolved R156/17 to endorse the authorisation of Emily Hobbs under the *Planning and Environment Act 1987*. Emily Hobbs is no longer in the role of Strategic Planner and the authorisation requires revocation by Council resolution, to be effective as at 23 May 2018.

At the Council Meeting held on 9 August 2017 Council resolved R263/17 to endorse the authorisation of David Dwight under the *Planning and Environment Act 1987*. David Dwight is no longer in the role of Satutory Planner and the authorisation requires revocation by Council resolution, to be effective as at 23 May 2018.

Lily Garrod holds the position of Development Facilitation Administration Officer and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the Officer to undertake duties authorised by Council, to be effective as at 23 May 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?
<b>Human Rights</b>	Yes	No
<b>Social/Cultural</b>	No	No
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial/Resources</b>	No	No
<b>Risk Management</b>	Yes	Yes
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	Yes	Yes

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

**Risk Management** - It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate Officers have the power to carry out their duties lawfully. This is a key component in Council meeting its legislative compliance obligations.

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

## CONSULTATION

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

## OFFICERS DECLARATIONS OF INTEREST

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

## ATTACHMENTS

1. Lily Garrod - Development Facilitation Administration Officer [9.10.1]



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

**Ballarat City Council**

**Instrument of Appointment and Authorisation  
for Lily Garrod**

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

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

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

Lily Garrod

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

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

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

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

Dated:

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

..... Mayor/Councillor

..... Councillor

..... Chief Executive Officer

**9.11. OUTSTANDING QUESTION TIME ITEMS**

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

**RECOMMENDATION**

**That Council endorses the Outstanding Question Time report.**

**EXECUTIVE SUMMARY**

This report provides Council with an update of responses 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. QT17/18 & QT18/18 - Mr Frank Williams **[9.11.2]**

## Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
4/4/2018 QT17/18	Closed	Mr Frank Williams Invermay Park	My question relates to the Capital works program in Heinz lane. In relation to two capital work projects in the North Ward, why is the City of Ballarat removing an existing footpath, that was perfectly sound, 1 metre to the south and the gutter 25cm to the North in Invermay Park? All other footpaths in the Invermay area are in the middle of the nature strip. This footpath was in alignment and now it's not.	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Williams (see attached)
4/4/2018 QT18/18	Closed	Mr Frank Williams Invermay Park	Why did City of Ballarat realign the Cambridge and Forest Street footpath for the third time in three years?	Terry Demeo Director Infrastructure and Environment	Mr Terry Demeo provided a written response to Mr Williams (see attached)

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061

Date: 27 April, 2018

Our Ref: TD:bk

Your Ref: QT17/18 & QT18/18

Enquiries: 03 5320 5500

Writer's  
Direct Fax:

Mr Frank Williams  


Dear Mr Williams

**RE: PUBLIC QUESTIONS ASKED AT COUNCIL MEETING HELD ON 4 APRIL 2018**

Questions Asked: *"My question relates to the Capital works program in Heinz lane. In relation to two capital work projects in the North Ward, why is the City of Ballarat removing an existing footpath, that was perfectly sound, 1 metre to the south and the gutter 25cm to the North in Invermay Park? All other footpaths in the Invermay area are in the middle of the nature strip. This footpath was in alignment and now it's not."*

*"Why did City of Ballarat realign the Cambridge and Forest Street footpath for the third time in three years?"*

Further to your questions asked at the Council meeting held on 4 April 2018 and our discussion on Tuesday 24 April 2018, I now confirm my advice.

**Heinz Lane Reconstruction**

In relation to the removal of the existing kerb as part of the construction project, I confirm that this was considered appropriate given the age and condition of the kerb and it is in line with good construction techniques to replace this kerb at the time the road is reconstructed.

In relation to the footpath, again as I advised when we met the footpath has been replaced as part of the construction project to ensure that pedestrian safety is managed in a best practice manner accordingly.

I appreciate that the new and old footpaths do not match at this point in time. This will be rectified when the stage 2 Heinz Lane Reconstruction is progressed. For your convenience I have attached a copy of the plan for the Heinz Road Project.

**Cambridge Street**

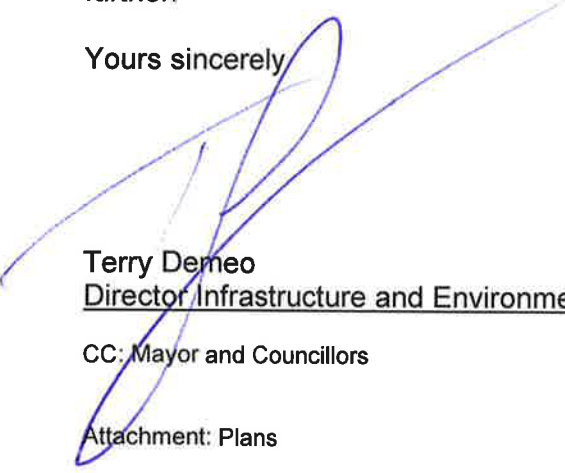
Without reiterating all that we spoke about at our meeting I can confirm my advice that the prioritisation of our civil works capital spend is under review to maximise the effectiveness of the program in light of the issues of aging infrastructure and limited dollars.

I trust that with this explanation and the benefit of our discussions I have adequately addressed the questions raised at Council.

2.

Please feel free to contact me directly on [REDACTED] or [REDACTED] if you wish to discuss further.

Yours sincerely



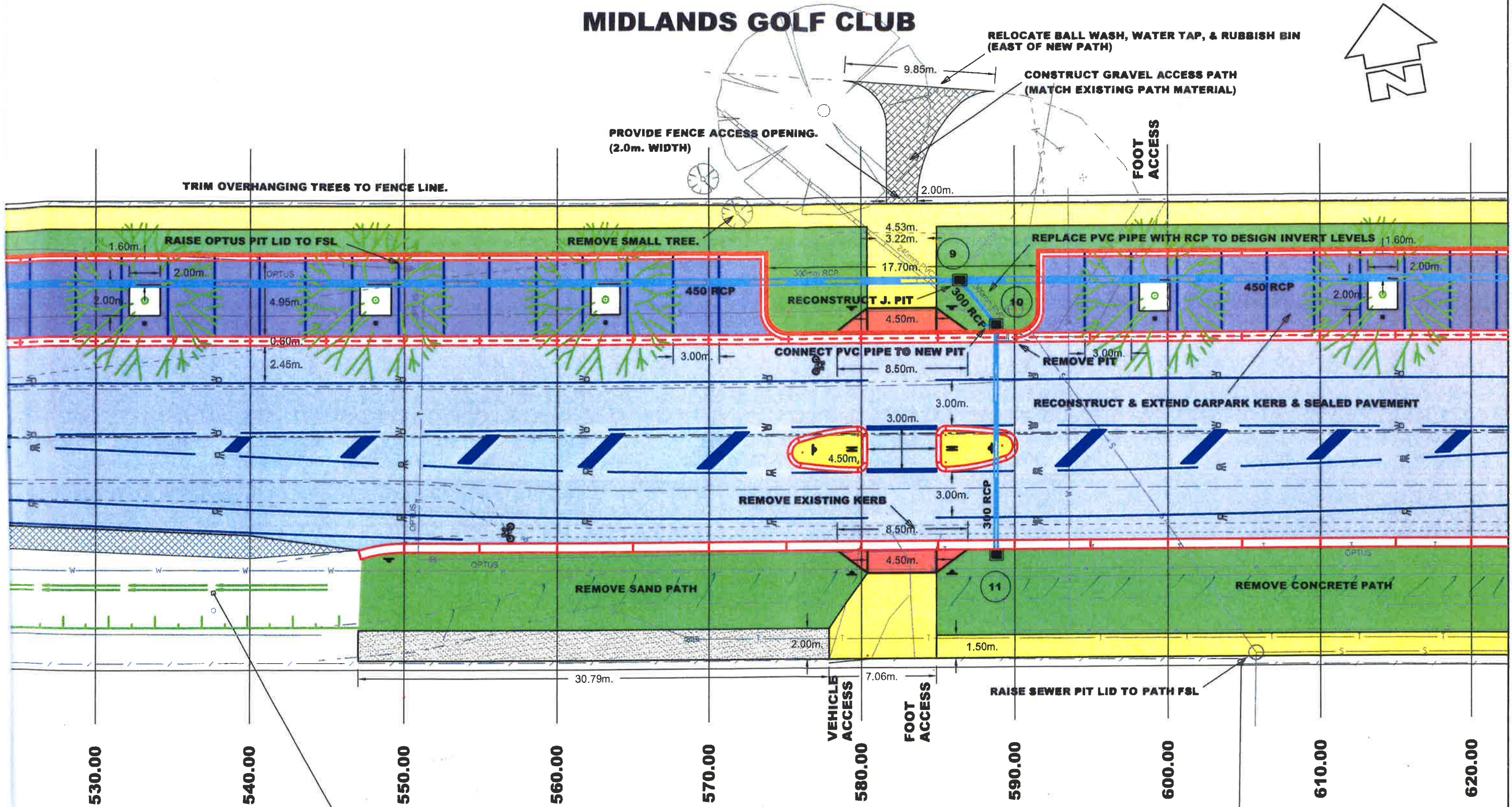
Terry Demeo  
Director Infrastructure and Environment

CC: Mayor and Councillors

Attachment: Plans



# MIDLANDS GOLF CLUB



STN - PEG 13  
 E. 752396.925  
 N. 5842657.600  
 R.L. 450.178

# MIDLANDS GOLF CLUB

## DESIGN PLAN 5



**CITY OF BALLARAT**  
**HEINZ LANE RECONSTRUCTION**  
 EAST OF RAILWAY TO FAIRWAY COURT  
 INVERMAY PARK

SURVEY	R.B.	DATE: 5 / 17	CHECKED	APPROVED	DRAWING NUMBER
DRAWN	G. R.	DATE: 6 / 17	<i>P. Bates</i>	<i>[Signature]</i>	2017 - 46
DESIGNED	G. R.	DATE: 6 / 17	TEAM LEADER DESIGN & SURVEY	MANAGER INFRASTRUCTURE DEVELOPMENT	SHEET 6 OF 30 SHEETS
CAD FILES	HEINZR906.DWG				

EVERY CARE HAS BEEN TAKEN TO ENSURE THAT THE INFORMATION OWN ON THIS DRAWING IS ACCURATE, HOWEVER SOME VARIATIONS FROM RECORDS MAY EXIST, AND COMPLETE ACCURACY CANNOT BE GUARANTEED. SIGN DETAILS SHALL NOT BE ALTERED DURING CONSTRUCTION WITHOUT APPROPRIATE APPROVAL.



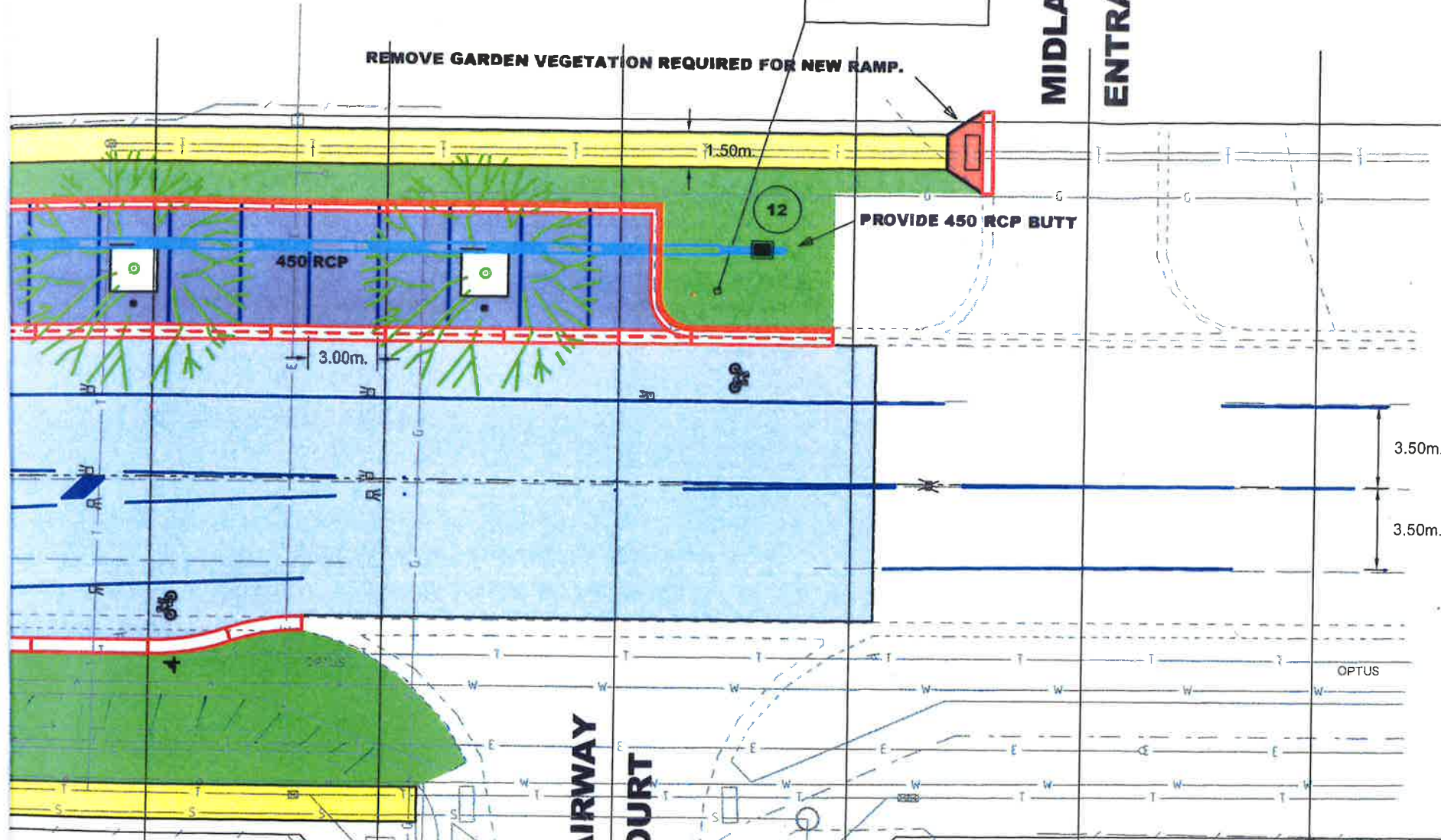
# MIDLANDS GOLF CLUB



STN - PEG 14  
E. 752514.981  
N. 5842656.393  
R.L. 453.420

**MIDLANDS  
ENTRANCE**

REMOVE GARDEN VEGETATION REQUIRED FOR NEW RAMP.



**HEINZ LANE**

**FAIRWAY  
COURT**

630.00  
#327

640.00

650.00

660.00

670.00

680.00

#1

AMENDMENT	DATE

## DESIGN PLAN 6

### SCALES

HORIZ. 0 5 10

CITY OF BALLARAT  
**HEINZ LANE RECONSTRUCTION**  
EAST OF RAILWAY TO FAIRWAY COURT  
INVERMAY PARK

CARE HAS BEEN TAKEN TO ENSURE THAT THE INFORMATION ON THIS DRAWING IS ACCURATE, HOWEVER SOME VARIATIONS RECORDS MAY EXIST, AND COMPLETE ACCURACY CANNOT BE GUARANTEED.  
4 DETAILS SHALL NOT BE ALTERED DURING CONSTRUCTION IT APPROPRIATE APPROVAL.

WARNING: THE LOCATION OF UNDERGROUND SERVICES SHOWN IS BASED ON INFORMATION SUPPLIED BY OTHER AUTHORITIES AND SHOULD BE PROVEN ON SITE. ALL WORKS NEAR SERVICES SHALL COMPLY WITH THE REQUIREMENTS OF THE RELEVANT AUTHORITY.

SURVEY	R.B.	DATE: 5 / 17
DRAWN	G.R.	DATE: 6 / 17
DESIGNED	G.R.	DATE: 6 / 17
CAD FILES	HEINZRFP07.DWG	

CHECKED  
*P. Bats*  
TEAM LEADER DESIGN & SURVEY

APPROVED  
*[Signature]*  
MANAGER INFRASTRUCTURE DEVELOPMENT

DRAWING NUMBER  
**2017 - 46**  
SHEET **7** OF **30** SHE



**10. NOTICE OF MOTION**

**11. URGENT BUSINESS**

**12. SECTION 89 (IN CAMERA)**

**9.5. RECOMMENDATION OF ARTWORK FOR MAIN ROAD**

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

(Contractual matters)

**12.1. NORTH BALLARAT FUNCTIONS FACILITY**

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

(Contractual matters)

**13. CLOSE**