

## URBAN HERITAGE

### Boundaries

The main urban heritage area of Ballarat East extends along the ridges and creek lines associated with the development of gold mining in the area and the subsequent residential and commercial development. It not surprisingly forms an irregular area encapsulating the ridge lines of Barkly Street, Magpie Street, Eureka Street, and Victoria Street. The high spots of Sovereign Hill and Black Hill form the major landforms at the southern and northern boundaries respectively and the Yarrowee River corridor forms the western boundary; Main Road and Stawell Street the eastern boundary. The area falls into 6 sub-character areas: Humffray Street North; Eureka; Humffray Street South; Mount Pleasant and Golden Point; Sovereign Hill; and the Yarrowee River Corridor.

### Overall character

The historic core highlights the early growth of Ballarat East from the largely unplanned impetus of the gold rush to the gradual planned layout of residential areas and associated facilities. The area is close to the centre of Ballarat and has notable landmarks and significant heritage-built form. Maintaining the quality and character of existing streetscapes and vistas is a priority.

### Key attributes

#### Landform

- A varied landform taking in ridges, hill tops, low-lying creek lines and flatter areas with many and varied vistas and panoramic views over Ballarat East and the wider city landscape. Main components include:
- In the north, a largely flat, early residential area between Victoria Street and Yarrowee Creek at the foot of Black Hill with Humffray Street the main thoroughfare.

- In contrast, south of Victoria Street the ground undulates between creek lines and ridges affording the early residential grid pattern streets to gain opportune views out to the Canadian Forest, back to Black Hill and down to Golden Point.
- In the south, the high ground between Barkly Street and Magpie Street and around Sovereign Hill forms a major physical feature which dominates the visual setting of Ballarat East.
- The Yarrowee River corridor and particularly the escarpment on its western boundary forms another major landscape feature contributing to the visual amenity of the area.

### Development patterns

- The indigenous landforms and early historical development of the area has dictated the subsequent layout of housing, commerce and recreation.
- The overall pattern includes industry along the Yarrowee River corridor, and at Sovereign Hill, Black Hill and on the flats of Golden Point with residential and commercial development along the main road corridors and infill behind.
- A grid pattern of narrow streets, angled in areas to navigate local variations in topography, characterise the residential neighbourhoods. Minor back streets and lanes are often unsurfaced.
- Landform as well as former mining sites dictate street patterns. The largely regular street patterns of Eureka follow the main ridges which run in parallel between the creek lines of Specimen Vale and Warrenheip, whereas the flatter areas of Humffray Street display a more irregular pattern of narrow streets.

### Historical identity

- The area displays a strong historical identity through its spaces, streetscapes and landmark features and is recognised by designated historic precincts with many contributory buildings.
- The area's identity is reflected in the range and high quality of its heritage buildings especially along the main road corridors such as Victoria Street, Barkly Street, but also in many other locations.
- Old style corner shops on the main road junctions are a particular important feature of this local neighbourhood identity, as are many individual buildings and places celebrated by the community.

- Significant reminders of the gold era remain, Sovereign Hill being an exemplar, and these former mining areas have given way to today's recreational spaces such as along Yarrowee River and Black Hill.
- Sunnyside Mill, with its landmark chimney, the man-made bluestone channels and brick lined walls of Yarrowee River and Canadian Creek as well as many other surviving items of historic fabric.

### Built environment

- A mix of residential styles with many older weatherboard properties. Streetscapes with established trees, well maintained grass verges and bluestone drainage channels. Tree planting varies from mature oak and other exotics to more recent native species.
- Mostly single-storey weatherboard cottages dominate the general residential areas along Humffray Street both north and south, and in Eureka. Housing lots are generally small with small front gardens and larger rear gardens, many of which feature modern extensions to the former historic dwellings.
- Modern housing enclaves also populate the area, alongside the creeks and particularly on the higher eastern fringes of Mount Pleasant.
- A mix of commercial buildings along the main road corridors, particularly Main Road, and many fine buildings, both residential and civic along Victoria Street and Barkly Street.

### Open space and vegetation

- There are a number of significant open spaces within the urban heritage area:
  - o The rail corridor with wide tree-lined reserves on either side forms a strong feature within the area.
  - o Specimen Vale and Warrenheip Creek create a ribbon of open green space in the shallow valleys between the housing areas and the main roads on the ridges. The creeks have largely been channelled with bluestone bases and brick lined walls. Some such as Canadian Creek along Steinfeld Street feature mature avenue trees.
  - o Another special feature is the Eureka Stockade Memorial Park and the recently reimagined Eureka Centre.

- o Llanberis Reserve and neighbouring Sovereign Hill Reserve with its lookout and adjacent Magpie Street Reserve provide popular recreational and tourist venues along the Mount Pleasant ridgeline.
- o The wide corridor formed by the Yarrowee Creek channel forms a major green spine along the western boundary of the area.
- Mature avenue trees are a particular feature of some streets including the main ‘boulevard like’ approach along Victoria Street. Avenue trees are a mix of exotic and native species and established garden trees are particularly important in helping to create a green and much-loved environment. Classic residential streets include George Street and Joseph Street in Eureka.

### Access

- The main vehicular routes through the historic core are along Humffray Street, Victoria Street, Eureka Street, Main Road and Barkly Street, each with contrasting streetscape character.
- The rail corridor along Scott Parade forms an important communication route and cycleway, as well as valuable open space, with connections along the old ‘Bunny’ track to Eureka and beyond.
- Green links along the creeks and drainage channels in the historic core are particularly important for pedestrians and cyclists.

### Key views

- Significant views from Black Hill of the city skyline and to Sovereign Hill and the Canadian Forest. Black Hill also forms a major landform dominated by mature conifers.
- Significant views of the city from the upper slopes of Sovereign Hill.
- Views up to the treed skyline of Sovereign Hill and surrounding high ground from a number of locations within the city centre. Significant landmarks include the treed outcrop above the former mining site now occupied by the East Ballarat Bowling Club.
- Views out to the CBD and the Yarrowee River escarpment from the high ground along Barkly Street and parallel residential streets particularly where road junctions open up the views.

## Values

- Established heritage streetscapes throughout the historic core are particularly valued by the local community. There are many examples, such as the varied heritage architecture of Victoria Street but also the many smaller, lesser known residential streets such as Trevor Street in Eureka.
- The diversity of building types of all ages is celebrated with special mention of the quirkiest buildings and features like the Old Curiosity Shop on Queen Street and the Tammy fence on Eureka Street.
- The heritage value of the railway reserve and its features, including the gates and tunnels.
- The Eureka Precinct, including the pool, playground and reserve gardens.
- Sovereign Hill and significant views from both the western and eastern slopes.
- Local stories and values embedded in the spaces, views and built fabric of Ballarat East.



# CENTRAL NEIGHBOURHOOD

## Boundaries

This is a diverse area of later residential and commercial/ industrial development, along with remnant areas of former gold mining, located between the high grounds of Sovereign Hill and the historic streets of Golden Point and Eureka, and the Canadian Forested Ridge. The area falls into 4 sub character areas.

**Charlesworth:** A largely discrete character area north of Eureka Street with a mix of recent residential development and an older industrial zone.

**Pennyweight:** A diverse area of housing, with large post-WW2 development, amongst areas of open space and remnant features from the gold mining period. The area is bordered by the older Eureka precinct to the north and rises up to the tree canopied ridge to the east.

**Elsworth East:** A largely low-lying area centred between Main Road and Lal Lal Street to the north and Elsworth Street to the south and gently rising to Kline Street to the east. Dominated by industrial areas, with pockets of isolated housing.

**Elsworth West:** A steeply sloping area of recent housing development on the southern fringes of Mount Pleasant. The area is bounded by the Yarrowee River corridor to the west and gives way to the old and current mining areas to the south and east, including Sovereign Hill.

## Overall character

The Central Neighbourhood is between the inner urban heritage area and the surrounding rural and forested areas and maintaining the balance between the built and landscape environment is the priority. Several open spaces and reserves, such as Pennyweight Park and Lake Esmond, together with street and garden trees add greatly to the character of this area.

## Key attributes

### Landform

- North of Eureka Street the landform is gently undulating and generally enclosed with the dominant form of Mount Xavier overlooking the area from the east.
- The Pennyweight area slopes down to Main Road from the high ground of the forested ridge in an east-west direction and filters out to the large industrial zone to the south.
- In Elsworth West the high ground to the east slopes down to the Yarrowee River affording panoramic views from many vantage points over to Sebastopol and the western plains beyond.

### Development patterns

- The area has been slowly cleared for agricultural and forestry and the needs of the gold mining industry and now features a mix of predominantly residential areas of different eras and separate industrial zones.
- The main residential areas are post WW2 with pockets of modern-day residential infill and with some pre-war housing and scattered older buildings in other areas.
- There is a strong grid pattern of streets orientated north-south/east-west, laid out on the pronounced undulating landform.
- Examples of housing development include:
  - Earlier housing along the main streets, such as York and Clayton Streets, plus the infill areas behind; largely single-storey with relatively large gardens and generous road verges.
  - More recent housing estates such as below Victoria Street where their density presents an enclosed landscape with no borrowed landscape or views out.
  - Modern court and close development in southern part with limited garden space and tree planting within the development. Street trees on the main street verges compensate to an extent.
  - Subdivisions such as 'Canadian Views' beginning to 'etch' into the open space – currently no tree planting.
- In Elsworth West the area of former farming land between mining sites is slowly being developed for residential use with housing developed around areas of former open space which have been left for public reserves. Most developments have taken place since the late 1970s

including a number of dead-end courts in the 1980s, 90s and into the early 2000s – the latter on former mining ground. Areas to the south are still being sub-divided.

- In contrast, Elsworth East is a medium to coarse-grain mix of industrial units with large areas of hard-standing, rough ground and unsightly fences. Open storage/dumping also unsightly, especially along Elsworth Street with corner of Joseph Street particularly ugly.
- The other main industrial zone off Charlesworth Street, a wide, largely tree-lined street, is largely un-utilised apart from the corner with Stawell Street and the more recently developed units along Fussell Street. The industrial lots and open fields are largely hidden behind housing development on Eureka Street, with earlier houses giving way to 1950s brick dwellings between Ross and Fussell Streets.

### Historical identity

- The remnant pattern of former gold mining is evident within the street patterns and open spaces particularly alongside Main Road. Now forming a network of public and private open spaces such as Lake Esmond, CGT Dam and open ground and Soapy's Dam.
- Also, an occasional old cottage and remnant cypress trees indicate former pastoral landholdings in this area.

### Built environment

- The central neighbourhood has a diversity of building types of all ages with areas of older residential styles with established mature street trees amongst the later housing periods with native trees and wide grass verges.
- Housing types vary within the area and include:
  - In the north the gated entrance to Balmoral Drive, off Fussell Street leads to a dense layout of single storey dwellings developed between 1995 and 1998. Mainly brick built houses with dark tile or coloured corrugated metal roofs with narrow front gardens and garages dominant. Narrow roads with cars parking on grass verges with relatively few trees. There is poor connectivity as mostly court style layouts.
  - Hemsley Park Retirement Village, accessed off Stawell Street, is densely laid out with narrow streets, narrow verges planted with rows of exotic deciduous trees and very little private garden space.
  - The Pennyweight area is mostly post-WW2 single storey housing, a mix of weatherboard and brick with tiled roofs and reasonable areas of private garden.

- o There are many new court areas off the main roads with less space for front gardens, usually dead ends with no connectivity. Narrow verges with single species exotic tree planting and dominant garages. Housing largely the same design with only the occasional different form; brick and low-pitched, tiled roofs being common.
  - In Elsworth West the building styles are almost entirely single storey brick dwellings with low pitch tiled roofs and very uniform.
  - In the industrial zone of Elsworth East shed architecture equivalent to two-storey domestic buildings dominates. There is poor public realm, favouring the car user in this area with parking / congestion along Elsworth Street a particular issue.
  - There are isolated areas of housing amongst the extensive industrial units – usual court developments but smaller in scale than in the Pennyweight character area. Mostly brick built and single storey on flat ground with few trees in gardens. Streets are wide with concrete kerbs.
  - Older housing properties close to Main Road are individual and varied with bluestone gutters and largely tree-less.
- Significant open spaces include:
    - o Pennyweight Park a much-valued open space surrounded by housing with a parkland appearance of scattered native tree planting. Nearby school grounds add to the open space
    - o Lake Esmond a major open space with large dam, native planting, play area, and disturbed hillock above now revegetated. It links with the large area to south owned by the Ballarat Gold Project (CGT). Here the large dam creates a major feature despite being enclosed by chain link fencing with good tree cover and a mix of native and mature cypress and pine. Further south there is open access to Soapy's Dam another major landscape feature/open space that is well vegetated.
    - o In the north the creek that bisects the industrial zone at Chatsworth is lined with vegetation and forms a major landscape feature and open space. Random stretches of screen planting, poplars, cypress hedges etc break up the fields and there appears to be no access to its centre. The irregular layout and presence of disused sites leads to a discordant layout and character.
    - o Ballarat Orphanage site in the north west corner has its own character, currently an extensive open area fronting Victoria Street – with almost no tree cover – and sloping southwards to the recently developed retirement village.

### Open space and vegetation

- The area features a network of parks and open spaces including creeks, lakes and channels, reflecting the pattern of former gold mining. Major drainage channels running east-west cut across the high ground and form major landscape features in themselves and include:
  - o Warrenheip Gully, a well-treed linear feature – mainly natives with cycle/pedestrian access.
  - o Grasstree Creek, another major landscape feature that eventually runs down to Pennyweight Park. It forms a major open space within the centre of the area. Undeveloped with some horse paddocks, clumps of mature pines and the remnant embankment of the former Buninyong railway line.
  - o Canadian creek corridor running parallel to Main Road which forms an important green link on the western boundary.
- On the main residential streets occasional large mature eucalypts dominate plus occasional rows of more recent native planting, but mostly there are not the formal avenues of the historic core with Clayton Street being the exception.
- Along Kline Street which rises to several elevated high spots, the street trees are mature, mainly native and contrast with the exotic ornamental trees found with the enclosed court housing. The street trees really add to the character.
- There is very little tree cover within the industrial units, but large areas of the private CGT land provide major landscape / vegetation cover and add interest to the area.

### Access

- Clayton Street, like Eureka Street, is an earlier 'zig zag' alignment following the higher ground between creeks. Earlier housing starts out from Main Road and housing character changes as development proceeds up towards the forested ridge. Bluestone channels and mature oaks line the lower reaches of the street.
- York street and parallel streets such as Wilson Street are important routes into the city.
- Pedestrian and cycle routes developed along the many creek/drainage lines.
- New court-style sub-divisions however, have little connectivity.

### Key views

- Good linear views along the main east-west streets that run down from the forest edge, such as York and Wilson Streets, to the CBD and beyond.
- In the north, views from Victoria Street over the Ballarat Orphanage site focus on recent development which appears as closely spaced rows of housing dominated by uniform, low pitched roofs, darkly coloured with little relief.
- In the south the high ground of Elsworth West slopes down to the Yarrowee River affording panoramic views from many vantage points over to Sebastopol and the western plains beyond.
- Good views across to Sovereign Hill from the CGT site. The dam and mature tree cover form an important visual element within the Main Road corridor.
- The conifer dominated Mount Xavier forms a commanding backdrop to the northern areas.

### Values

- Semi-rural / country town feel of the streets; lack of concrete, wide grass verges and network of open spaces.
- The sense of being close to nature, the rural landscape and forest edge.
- Night sky and sense of openness.
- Connectivity via creek lines and pedestrian and cycle routes; both to the city and out to the forest edge.



## FOREST EDGE

### Boundaries

The Forest Edge character area occupies the high ground on the eastern boundary of the City of Ballarat. The rail corridor forms the northern boundary and in the south the area merges into the main part of the Woowookarung Regional Park. The area divides into 3 sub character areas: Mount Xavier; Pax Hill; and Woowookarung.

### Overall character

The Forest Edge is predominantly within a rural and forested setting. The Woowookarung Regional Park provides a distinct and visually prominent ridgeline. It forms part of an extensive forested ridge defining the eastern boundary of this part of the city. On the lower slopes the forest gives way to large, semi-rural residential blocks and infill areas of more recent residential development. Valuable open space is provided by a number of drainage channels and reserves such as Sparrow Ground Reserve, the Ballarat Wildlife Park and Mt Xavier golf course. Landscape character is the predominant element and allotment size and extent of tree cover are important in its protection.

## Key attributes

### Landform

- An elevated wide ridge running north-south along the edge of the City of Ballarat. The terrain is highly variable with enclosed valleys, high spots and very undulating topography in places; Pryor Park being a good example.
- Remnant scarred landforms – ridges and gullies – found within the regenerating bushland areas.

### Development patterns

- Extensive forest cover, both native forest and plantations, largely continuous along the ridge area. Rural residential blocks mainly enclosed within the forest areas. Continues the regular grid pattern that defines the Central Neighbourhood, but with larger blocks. Small paddock areas sporadically break the forest canopy, particularly on the fringes.
- Older style residential development is characterised by large plots, often steep and undulating with major tree canopy and extensive private garden areas. Features such as dams and paddocks amongst the mature bushland promote a rural living environment.
- Newer development within the area include denser, court-style layouts in complete contrast to the overriding semi-rural character.

### Historical identity

- Historically, the area was cleared for mining, forestry and commercial timber with large, former plantation areas now given over to regenerating forest.
- Within the bushland on the western fringes of the forest, early clearances were made for rural properties and this early pattern of development is largely intact.

### Built environment

- The large residential plots feature a varied and individual range of built forms set within large grounds and enclosed in bushland or edged with mature trees.
- Modern development ranges from large single plots to dense court schemes with low pitch roofs, large windows, brick and render and some double-storey. Mostly out of character with surrounding area.
- At the northern end, where most new development appears to be concentrated, there are areas of disturbed ground currently up for sale.

### Open space and vegetation

- The Woowookarung Regional Park forms a major part of the Forest Edge character area. Over half of the forest cover is classified as Heathy Dry Forest with around 40% of the area regenerating former plantations. There are small areas of Valley Grassy Forest, considered to be a vulnerable habitat in the bioregion, with a locally significant population of Austral Grass-tree (*Xanthorrhoea australis*).
- The other major open space with contrasting character is Pryor Park and Mount Xavier Golf Course.
- Mount Xavier Golf Course is heavily treed with steep landforms and forms a major high ground with views into Specimen Vale Creek and across to Pryor Park. Noted for its major pine plantations on the higher ground.
- St Francis Xavier Primary School grounds and the rail corridor extend the area of open space.
- Pryor Park has large plantations with mature Redwoods and Pines along its main drive. The park was established in the 1930s when initial tree planting took place. Native trees planted by 'People for Pryor Park' in recent years.
- Other open spaces include:
  - Ballarat Wildlife Park occupying very high ground with mostly mature native tree canopy with exotic pines lining Grasstree Creek below.
  - Sparrow Ground Bushland Reserve with its sporting oval and playground
- Native and indigenous trees and shrubs along the road corridors with generous street verges.
- Areas dense with mature garden and street trees – mix of native and some exotic – are a dominant feature of most residential areas.
- In contrast, few trees in court developments – some random native tree planting on verges and little garden space both front and back.
- Arthur Kenny Avenue of Honour – young oak trees.

**Access**

- The main access streets into the area from the central neighbourhood are along York Street, Wilson Street and Bennet Street.
- Access from Eureka Street on the northern boundary is along Fussell Street forming another important link into the area.
- Many multi-use tracks within Woookarung Regional Park.

**Key views**

- Areas of high ground with vistas along main streets back over Ballarat East and up to the forest ridge.
- Filtered views from several road junctions and high spots out to Mount Xavier, Black Hill and the CBD.
- Large areas of enclosed forest cover.

**Values**

- Indigenous values and conservation, in particular Woookarung Regional Park, formerly Canadian Forest Regional Park, the traditional lands of the Wadawurrung Aboriginal people – a ‘place of plenty’.
- Rural living character amongst the bushland is especially valued.
- Opportunities for outdoor recreation so close to the city.



# APPENDIX B: OPTIONS FOR STRENGTHENING AND PROTECTING VALUES THROUGH THE PLANNING SYSTEM



Opportunity to strengthen protection	Options in the Ballarat Planning Scheme
Protect existing large mature trees that contribute significantly to the character of Ballarat East and provide habitat to local fauna	<ul style="list-style-type: none"> <li>Apply an overlay to require a planning permit to remove large mature trees</li> </ul>
Encourage the retention of existing vegetation and the planting of more vegetation in new developments	<ul style="list-style-type: none"> <li>Introduce planning policy and neighbourhood character objectives that discourage the removal of existing vegetation and encourage the planting of trees and gardens</li> <li>Introduce zone schedules that require new development to provide adequate space for trees and gardens on lots</li> <li>Introduce an overlay to restrict the removal of large mature trees on private property</li> <li>Require arboricultural assessments and concept landscape plans at the planning permit application stage, specifying the desired types of vegetation planting (trees but also shrubs, groundcovers etc), as well as requiring that new development has enough space around buildings to plant vegetation and ensure that existing vegetation is not damaged during and by buildings through identifying tree protection zones</li> </ul>
Encourage/require ecologically sustainable development (ESD) for all new development	<ul style="list-style-type: none"> <li>Introduce an ESD planning policy in the Ballarat Planning Scheme</li> </ul>
Encourage/require new development to consider impacts to waterways	<ul style="list-style-type: none"> <li>Introduce a planning policy and/or design guidelines to improve the interface between new development and waterways</li> <li>Ensure that all public land adjacent to waterways is within the Public Park and Recreation Zone, as appropriate</li> </ul>
Ensure that new development does not inappropriately impact natural floodplains	<ul style="list-style-type: none"> <li>Apply overlays over flood-affected land in line with the outcomes of the flood modelling currently under way</li> </ul>

Opportunity to strengthen protection	Options in the Ballarat Planning Scheme
Ensure that new development reflects the valued neighbourhood character of Ballarat East	<ul style="list-style-type: none"> <li>• Introduce a policy in the Ballarat Planning Scheme which outlines the character and valued attributes of Ballarat East</li> <li>• Introduce zone schedules that specify building siting requirements (such as site coverage, setbacks, minimum private open space areas and landscaping)</li> </ul>
Implement the neighbourhood character findings of the Dynamic Neighbourhood and Landscape Character	<ul style="list-style-type: none"> <li>• Introduce a policy in the Ballarat Planning Scheme</li> <li>• Introduce neighbourhood character objectives in the zone schedules</li> </ul>
Ensure that the valued views and vistas across Ballarat East are protected and enhanced	<ul style="list-style-type: none"> <li>• Introduce a policy in the Ballarat Planning Scheme</li> </ul>
Ensure that land use diversity in Ballarat East is conserved and enhanced	<ul style="list-style-type: none"> <li>• Introduce updated Heritage Overlay controls to allow for the re-invigoration of corner shops and other historically commercial buildings that currently sit within residential areas</li> </ul>
Identify significant strategic redevelopment sites and provide guidance on potential redevelopment options	<ul style="list-style-type: none"> <li>• Introduce a local policy in the Ballarat Planning Scheme</li> </ul>
Encourage new residential development closer to the Ballarat CBD/ in proximity to public transport networks	<ul style="list-style-type: none"> <li>• Apply the residential growth zone to areas closest to the CBD</li> </ul>
Discourage increased density on the fringes of Ballarat East, at the interface with the forest	<ul style="list-style-type: none"> <li>• Introduce minimum lot sizes to areas that interface with the forest</li> </ul>
Ensure that sensitive uses do not encroach into buffer zones around land that is currently used for productive industrial and commercial activity	<ul style="list-style-type: none"> <li>• Reinforce zone boundaries and ensure that buffer zones (such as the Industrial 3 Zone) are appropriately applied to ensure that sensitive uses are separated from heavy industrial activity</li> </ul>

# NOTES







# IMAGINE BALLARAT EAST

## Background Paper Neighbourhood and Landscape Character and Study

April 2019

## Table of Contents

Introduction.....	4
The starting point .....	4
Neighbourhood and Landscape Character .....	6
Ballarat East Character Areas .....	12
A. Civic Heart .....	14
Values .....	16
B. Urban Heritage .....	18
Overall character .....	19
Key attributes .....	19
Values .....	21
B1 Humffray Street North.....	22
Victoria Street Corridor .....	24
B2 Eureka.....	25
B3 Humffray Street South – Key Characteristics and Features.....	28
B4 Mount Pleasant and Golden Point .....	31
Main Road Corridor .....	33
B5. Sovereign Hill.....	36
B6. Yarrowee River Corridor .....	38
C. Central Neighbourhood .....	40
Overall character .....	41
Key attributes .....	41
Values .....	44
B. Ballarat East Fringe – living corridor .....	45
C1. Charlesworth .....	46
C2 Pennyweight.....	49
C3. Elsworth East .....	52
C4 Elsworth West.....	54
D. Forest Edge.....	56
Overall character .....	57
Key attributes .....	57
Values .....	59

C. Outer Ballarat East – the forest edge .....	60
D1. Mount Xavier .....	62
D2 Pax Hill .....	64
D3. Woovookarung .....	67
Viewing Ballarat East .....	69
Issues and Threats .....	73
Introduction .....	73
Heritage .....	73
Built environment .....	73
Quality and character of new development .....	73
Treatment of main approaches and thoroughfares .....	74
Civic space .....	74
Open green space .....	74
Environmental change .....	74
Significant views .....	74

**To Do:**

- Update Canadian Forest to Woovookarung Regional Park
- Include 'General Description' for Character Area A
- Ensure all images have figure titles
- Update formatting for figure titles
- Expand dot points under Issues and Threats where required
- Potential include Opportunities with issues and threats
- Include Summary of Key Findings before contents

# Introduction

## The starting point

This draft background paper builds on previous character assessment work undertaken for the City of Ballarat and in particular for Ballarat East. Previous studies and initiatives, which are summarised below, include:

- *Mapping Ballarat's Historic Urban Landscape, Context*, September 2013
- *East Ballarat: a character appraisal and landscape assessment*, Dr. Malcolm Borg, 2016
- *Imagine East Ballarat Discussion Paper: is this your East Ballarat?* Planning Australia Consultants, May 2016

## Mapping Ballarat's Historic Urban Landscape 2013

Thirteen indicative character areas within Ballarat's urban core were identified in this study and incorporated into the Ballarat Strategy 2015, with four of the areas covering Ballarat East including:

- *Bakery Hill*
- *Ballarat East*
  - *Black Hill*
  - *Eureka*
  - *Golden Point*
- *Mount Pleasant*
- *Canadian Valley*

In addition, one of the character areas for the whole municipality, *Creswick and Canadian Forested Ridge*, covered the eastern fringe of Ballarat East.

A general description was given for each indicative character area along with key characteristics and features and reference made to community comments gathered as part of the Ballarat Imagine initiative. This assessment work provides a starting point to this background paper.

## Ballarat East: a character appraisal and landscape assessment 2016

The scope of this report was to assess and valorise the Ballarat East landscape to inform the development of the Imagine Ballarat East: Local Area Plan and to integrate the Historic Urban landscape methodology into the process. As well as undertaking a character appraisal the report looked at assessing vulnerability i.e., where the dynamic character of Ballarat East is vulnerable to change and where potential future planned activities may have a negative impact on the natural and man-made environmental values of Ballarat East.

## Imagine Ballarat East Discussion Paper 2016

This report brought together the values espoused in a Community Mapping Project which sought to *“identify community values, landscape values and acceptable levels of change for sensitive neighbourhoods, to provide certainty to residents and developers as to what types of development to attract and support.”* Consultation responses were grouped under key headings including; settlement pattern, creeks and gullies, native vegetation, heritage, visual quality, public facilities and the variety of accommodation in Ballarat East. These findings have been incorporated into this background paper.



*Figure 1: View of Ballarat East from the Black Hill viewpoint*

# Neighbourhood and Landscape Character

What makes Ballarat East's character - spirit of place

*"The absence of medium and high rise has maintained the vistas, the views onto the City and the hills and afforested environs. The characteristic gabled roofed skylines with the occasional spire are the true historic landscape which contributes to the unobstructed views onto the City and a window onto history."*<sup>1</sup>

*"Diverse housing, lovely old tree lined streets, the corridors that the creeks make, streets reflect the hills and gullies, it has character."*<sup>2</sup>

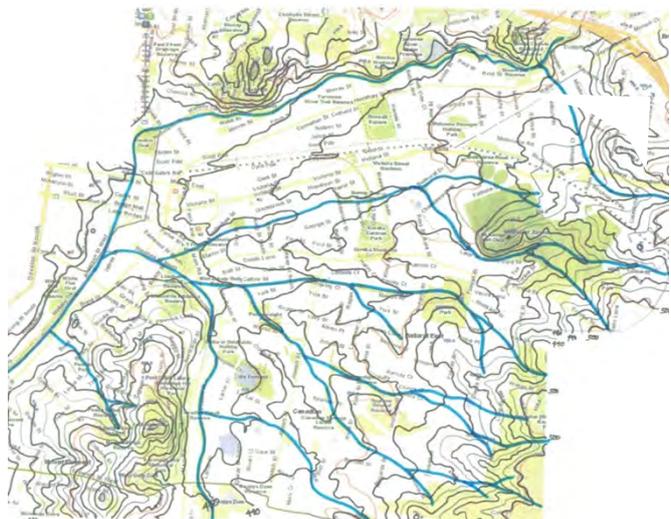
## Introduction

Ballarat East has evolved into a complex urban landscape known for its 'higgledy piggledy' layout of streets and for its diversity in scale and architectural design of its heritage buildings. The sense of its 'unplanned' urban character contrasts with the grid layouts of West Ballarat and its intact streetscapes, private gardens, creeks and public spaces provide a sense of openness and greenness that often gets referred to as giving Ballarat East a semi-rural feel. The undulating landform provides a range of views from its elevated streets across the whole city and the forested ridge of the Canadian Forest Park creates a well-loved backdrop. Collective community stories from its early goldfields history together with its natural environment celebrate this part of Ballarat's unique character.

## The lie of the land

The underlying geology and subsequent landforms and drainage patterns have had a major impact on the development and therefore character of Ballarat East. The ridge line above the western side of Yarrowee Creek provides a striking boundary between east and west Ballarat and this is reciprocated on the eastern side of the Ballarat East area by the broad ridge of the Canadian Forest Regional Park. To the north, the heavily treed hills of Black Hill and Brown Hill form another defining edge to the area. Further to the east, Mount Warrenheip provides a dominant focal point, framed in many street views within the area.

Within Ballarat East the undulating landform with alternating ridges and vales (indicated



<sup>1</sup> *East Ballarat: a character appraisal and landscape assessment*, Dr. Malcolm Borg, 2016

<sup>2</sup> Individual quote from the Community Mapping Project

Figure 2: The lie of the land showing drainage channels and high ground.

in Figure 2 showing contours and creek lines) creates a strong character feature that helps make Ballarat East distinct from the rest of the city. The high ground of Mount Pleasant and Sovereign Hill forms another dominant topographic feature overlooking both the Yarrowee and Canadian Creeks and the flatlands of Golden Point below Bakery Hill.

The 1852 Township map shows the grid pattern over the CBD which starts to determine the modelling of Ballarat East in terms of lining up with the main CBD streets (Mair, Sturt, Dana, Eyre streets) but, *“Although the imposition of the grid is still evident what develops is a more adaptable plan which exploits and works with the contours unlike Central Ballarat.”*<sup>3</sup>

## The mark of the gold rush

The 1852 Township Map when overlain on the modern-day street pattern (see Visualising Ballarat) also locates the main digging area in Ballarat East, along with ‘the Flat Diggings’, the ‘wash pools’ the site of the Commissioner’s Tent and stables and the all-important lookout (in the vicinity of Peake Street just below Grant Street above the Llanberris Athletics Reserve).

The 1858 Geology map, as well as showing outcrops and ridgelines, also gives useful information on early place names referencing the gold mining activity (see plan...). It wasn’t long before the East Ballarat Town Council was formed (1859) and acquisitioned land in what was to become the Barkly Street civic area and build the East Ballarat Town Hall along with a Free Library next door and the Ballarat fire station, all in a commanding position overlooking the city. The Town Hall was demolished in 1936, although the gates and remnants of the old gardens remain along with the Fire Station and Library building.

The early settlement patterns and subsequent development of Ballarat East can be charted through a series of maps and photos and these are shown below...

## Today’s Ballarat East

Through a combination of history, environment and people Ballarat East retains a distinctive character and the local community have a strong sense of connection to the area and an understanding of its landscape. The higgledy-piggledy nature of the remnant mining landscape and streetscapes, the variety of housing styles and roof forms, and the contribution of street trees are all part of the valued character. Winding roads through a hilly landscape provide glimpses of the historic city centre, across a neighbourhood or into the surrounding forested areas. The semi-rural feel is very important featuring the unsealed road shoulders and grassy verges, the interconnecting trails and parks and the relatively low level of light pollution revealing the stars at night.

Dr Malcolm Borg describes Ballarat East in terms of:

- the Acropolis, (Barkly Street civic area)
- the Agora (marketplace), (Golden Point)
- the Temple City, (churches along Victoria Street and elsewhere)

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<sup>3</sup> See pages 20-21 in *Ballarat East: A Character Appraisal and Landscape Assessment*, by Dr Malcolm Borg, 2016

- the Gymnasium and Academia (schools along Victoria Street and elsewhere plus open spaces such as Russell Square)
- Ballarat represents the mining city, the industrial city, the city of services and commerce and the city in transit as well as the green interface... *“East Ballarat as seen in earlier sections and plans has developed alongside mining activity. It would be more precise to add that it was established following the mining areas and its plan modelled around the interconnecting areas. The high concentration of mine shafts in East Ballarat is an essential part of its development.”*
- The Processional Way (Victoria Street)
- The Gate and the Bridge (Ballarat East is the City of Gates and Bridges) (train bridges especially)
- Lakes and water bodies (the Yarrowee River has determined the shape of Ballarat East along with other creeks and drainage lines plus later development into recreational bodies such as Lake Esmond).
- Parks, Gardens and Reserves (dominant areas are; Mount Xavier, the Canadian Reserve, the Wildlife Park, Warrenheip Gully Reserve, Brittainia Reserve, McKenzie Reserve, Webb Avenue Park, Balmoral Reserve and Russell Square.

The diversity of Ballarat East, *“is further accentuated in through its terraced systems and the undulating and rhythmic movement of roads and streets, which are full of crests and troughs. This brings with it elements of surprise.”*



Figure 3: View of Ballarat East from Black Hill



Figure 4: Typical corner shop



Figure 5: Yarrowee Creek Channel

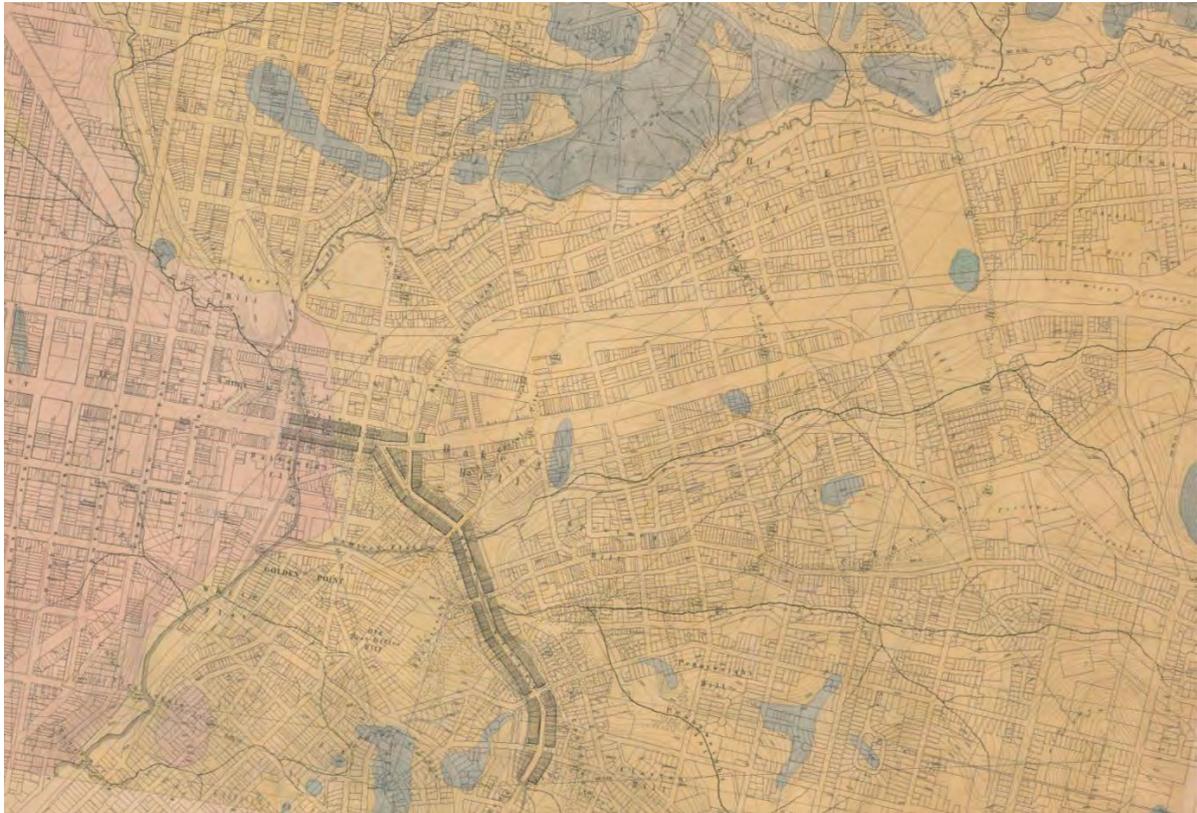


Figure 6: An example of one of many street and garden trees that contribute to Ballarat East's character

1852 Township enlarged



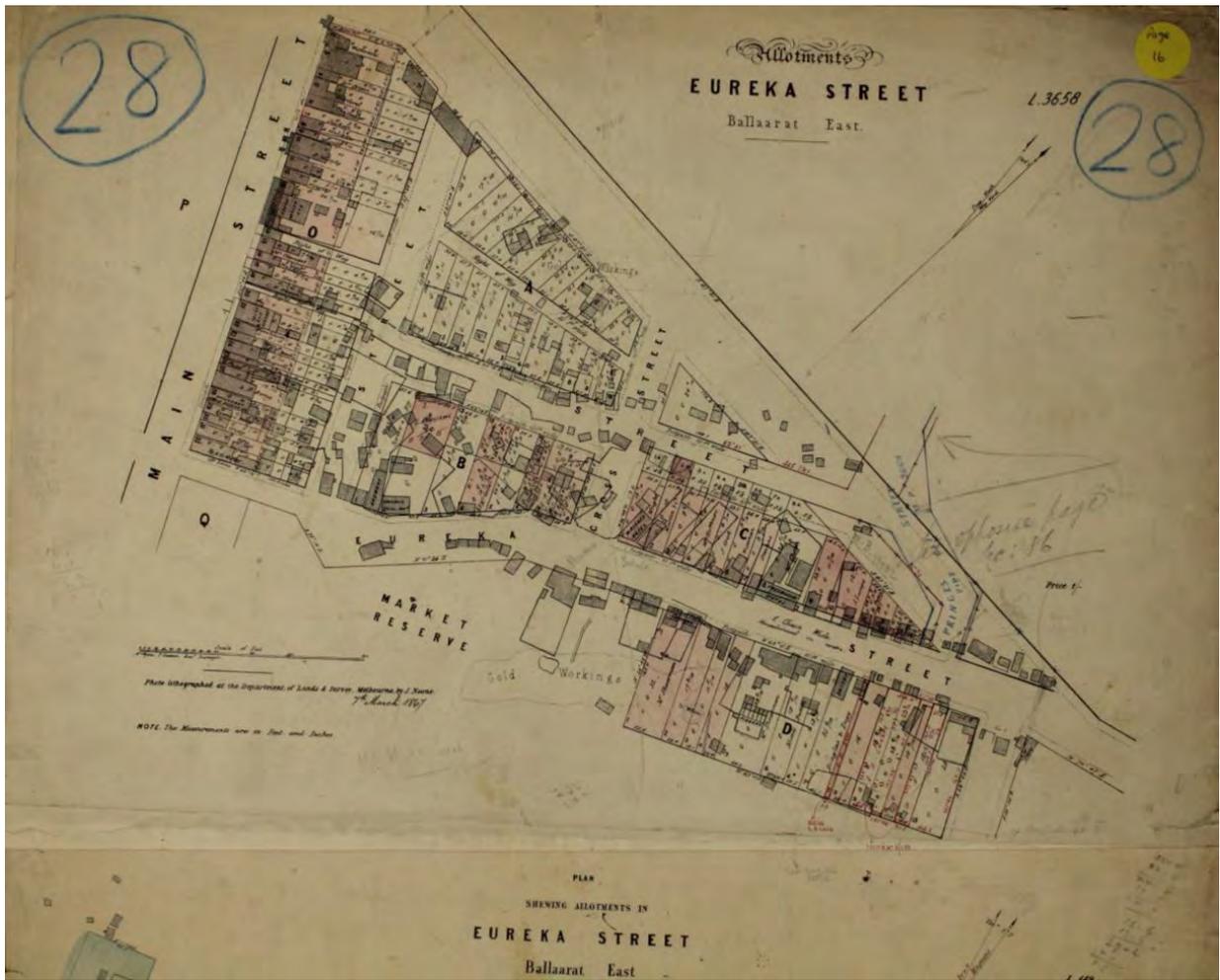
1858 Geology Map (with information on early place names)



1933 air photo enlarged



The Eureka Street area during the gold era and today



# Ballarat East Character Areas

Ballarat East forms a highly diverse and rich area of the city with a number of significant features. The area has a varied and undulating landform (in contrast to the western area of Ballarat) and has a distinct character with its irregular streets, smaller land parcels, mainly weatherboard dwellings, the waterways and its street trees with a great sense of variety, grand in places, patchy in others.

Based on landform, landcover and historical development Ballarat East can be defined in four broad zones shown on the plan below. Each broad zone has a number of smaller precincts and these are described and assessed in this background paper. Character areas include:

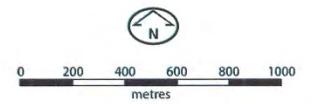
- Civic Heart
- Urban Heritage
  - Humffray Street North
  - Eureka
  - Humffray Street South
  - Mount Pleasant and Golden Point
  - Sovereign Hill
  - Yarrowee River Corridor
- Central Neighbourhood
  - Charlesworth
  - Pennyweight
  - Elsworth East
  - Elsworth West
- Forest Edge
  - Mount Xavier
  - Pax Hill
  - Woowookarung

**LEGEND**

-  Key Landmark or Feature
-  View / Vista
-  Key Boulevard
-  Prominent High Ground & Ridgeline
-  Character Area
-  A: Civic Heart
-  B: Urban Heritage
-  C: Central Neighbourhood
-  D: Forest Edge



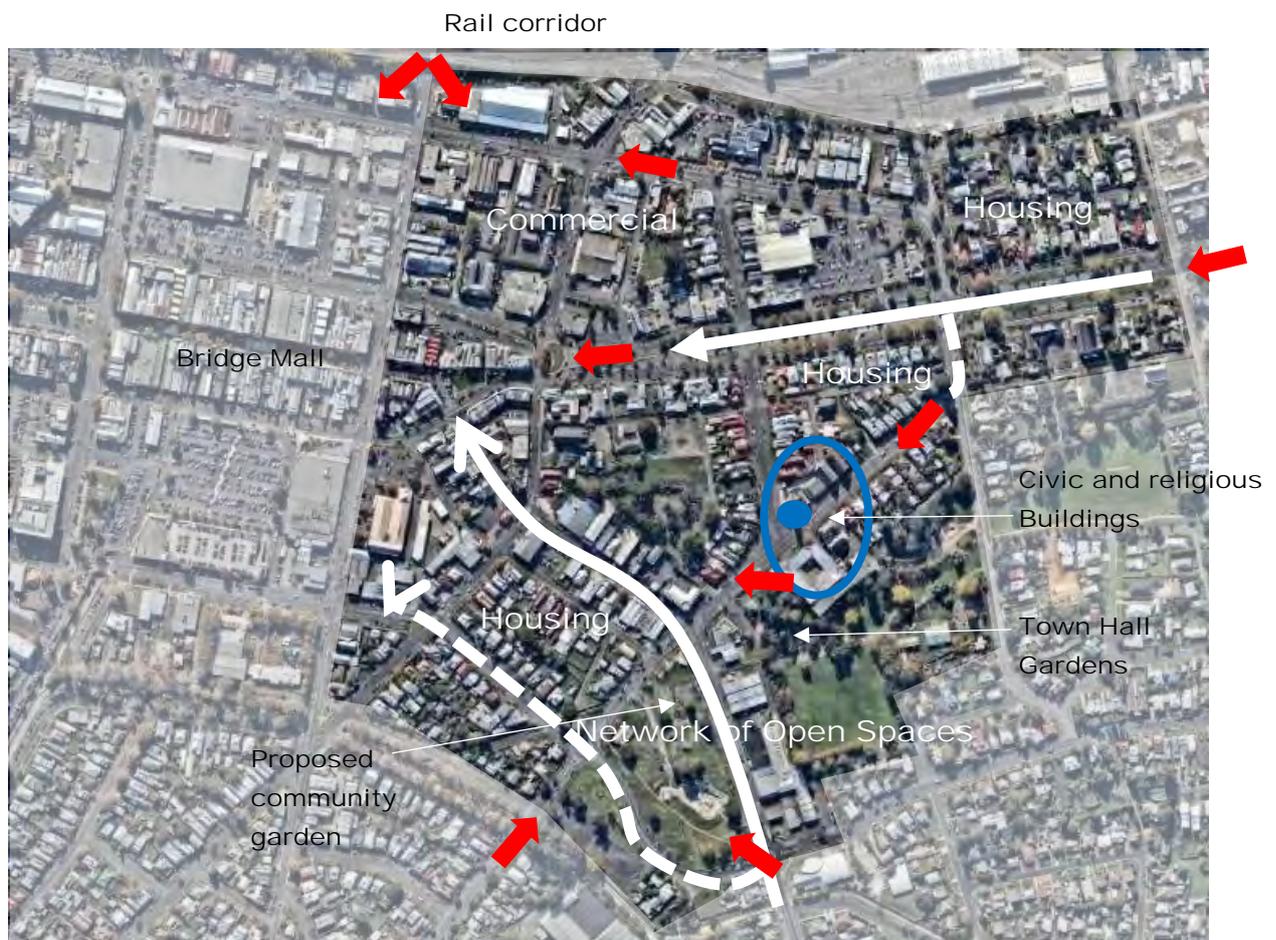
**BALLARAT EAST  
CHARACTER AREA PLAN**



## A. Civic Heart

### Boundaries

Ballarat East's civic heart is bounded by Peel Street and Bridge Mall to the west, inner Ballarat residential development to the east, Canadian Creek to the south, and the railway corridor to the north. The area is centred on the raised ground of Bakery Hill, St Pauls and adjoining areas affording significant views over the CBD skyline.



### Overall character

The Civic Heart is the area closest to the Ballarat CBD and includes the commercial areas of Bakery Hill. This area has real diversity of building styles with modern commercial development interspersed with historic buildings. Maintaining views of the city skyline from the top of Bakery Hill is a priority, as is improving the public environment, particularly the former Town Hall Gardens site and the Len T Fraser Reserve.

## Key attributes

### Landform

- The elevated ground on approaching from the east gives way to the more low-lying, flatter areas associated with the wider corridor of the Yarrowee River. This lower area defines the transition from the more irregular landforms of the east to the more uniform plateau of the west. The area is centred on the raised ground of Bakery Hill, St Pauls and adjoining areas, affording significant views over the CBD skyline.

### Development patterns

- The irregular pattern of development reflects the early gold mining history of the Civic Heart area and contrasts greatly with the regular grid pattern of the CBD and western and northern suburbs of Ballarat.
- The early gold mining has left a legacy of open spaces and organically derived street patterns and a mix of dense residential and commercial development within that framework.
- Whilst a mix of open spaces and early single-storey housing generally characterise the southern portion of the area, the northern and eastern areas display a blend of modern commercial building stock of varied quality. Supermarkets, offices, shops, recreation venues and industrial units dominate particularly along the Mair Street and Peel Street corridors.

### Historical identity

- The civic heart of Ballarat East developed around the civic institutions on Barkly Street. The historic fire station with its iconic tower, the former Ballarat East Free Library, the site of the former Town Hall, now occupied by college buildings, the substantial remains of the Town Hall Gardens all contribute to a sense of civic pride and retention of historic and cultural identity.

### Built environment

- A mix of building types and eras...representing civic, commercial and residential development from the early days of gold mining through to present day developments along Main Road and on infill sites.
- Several historic overlays with a wealth of contributory buildings come together in the Civic Heart. A range of historic styles and detailing, including street furniture, add to the richness of the area.

### Open space and vegetation

- The Specimen Vale Creek and associated vegetation cover forms a significant feature linking a network of major open public spaces that characterise the southern part of the Civic Heart.
- The open spaces resulting from former mining operations, civic and educational uses now form a complex of valuable open spaces close to the city centre.

### Access

- Victoria Street forms a major processional way into the city centre characterised by formal avenue tree planting, wider ornamental verges, service roads and many significant heritage buildings. (Along with Sturt Street considered a major asset to the city.)

- In contrast Main Road forms a more organic and idiosyncratic approach through the Civic Heart to the city with few trees and contrasting passages of built form.
- Specimen Vale Creek presents an important connection through the Civic Heart for both cyclists and pedestrians, with the potential to link to the CBD, Sovereign Hill, Eureka Centre and the wider landscape.

### Key views

- Significant views of the CBD skyline from the high ground of Bakery Hill, particularly on approach from Victoria Street and Mair Street.
- Dynamic views along Barkly Street in both directions. From the south the linear and undulating alignment of the street focuses views from several vantage points on the iconic Fire Station tower. From the direction of Victoria Street, the vista is contained by the heritage streetscape featuring many historic buildings. A similar intact streetscape can be experienced on Main Road between the roundabout on Humffray Street South and the entrance to Bridge Mall.
- Panoramic views over the Civic Heart and the whole Ballarat East landscape from trains travelling over the elevated Peel Street Bridge.
- Expansive view of the city skyline opens out on approach from Buninyong and Sovereign Hill at the junction of Main Road and Eureka Street. The mix of uses in the foreground can detract from the appreciation of this view.
- Historic views from the former Town Hall site, which was orientated to face west and Ballarat Town Hall. In contrast, attempts were made to screen the 'chaotic landscape' of the adjacent gold mines and associated activity to the south and south-west (Britannia and Llanberis).

### Values

- Pride in the civic buildings of Barkly Street, the tree lined grandeur and floral bedding of Victoria Street, and the historic buildings lining sections of Main Road.
- An appreciation of the open spaces and their contribution to the character and liveability of the area, despite some perceptions of neglect and untidiness. The former Town Hall gardens and the L.T. Fraser Reserve are especially valued.
- The range of cultural stories encapsulated in the architecture and spaces of the area, including the many aspects of the early gold mining activity, and the potential for greater exposure and interpretation.

## *Representative Photographs*

The following show a range of features within this area.



*Figure 7: Barkly Street*



*Figure 8: Ballarat East Library*



*Figure 9: L.T. Fraser Reserve*



*Figure 10: Main Road*

## B. Urban Heritage

### Boundaries

The main urban heritage area of Ballarat East extends along the ridges and creek lines associated with the development of gold mining in the area and the subsequent residential and commercial development. It not surprisingly forms an irregular area encapsulating the ridge lines of Barkly Street, Magpie Street, Eureka Street, and Victoria Street. The high spots of Sovereign Hill and Black Hill form the major landforms at the southern and northern boundaries respectively and the Yarrowee River corridor forms the western boundary; Main Road and Stawell Street the eastern boundary. The area falls into 6 sub-character areas: Humffray Street North; Eureka; Humffray Street South; Mount Pleasant and Golden Point; Sovereign Hill; and the Yarrowee River Corridor.



## Overall character

The historic core highlights the early growth of Ballarat East from the largely unplanned impetus of the gold rush to the gradual planned layout of residential areas and associated facilities. The area is close to the centre of Ballarat and has notable landmarks and significant heritage-built form. Maintaining the quality and character of existing streetscapes and vistas is a priority.

## Key attributes

### Landform

- A varied landform taking in ridges, hill tops, low-lying creek lines and flatter areas with many and varied vistas and panoramic views over Ballarat East and the wider city landscape. Main components include:
- In the north, a largely flat, early residential area between Victoria Street and Yarrowee Creek at the foot of Black Hill with Humffray Street the main thoroughfare.
- In contrast, south of Victoria Street the ground undulates between creek lines and ridges affording the early residential grid pattern streets to gain opportune views out to the Canadian Forest, back to Black Hill and down to Golden Point.
- In the south, the high ground between Barkly Street and Magpie Street and around Sovereign Hill forms a major physical feature which dominates the visual setting of Ballarat East.
- The Yarrowee River corridor and particularly the escarpment on its western boundary forms another major landscape feature contributing to the visual amenity of the area.

### Development patterns

- The indigenous landforms and early historical development of the area has dictated the subsequent layout of housing, commerce and recreation.
- The overall pattern includes industry along the Yarrowee River corridor, and at Sovereign Hill, Black Hill and on the flats of Golden Point with residential and commercial development along the main road corridors and infill behind.
- A grid pattern of narrow streets, angled in areas to navigate local variations in topography, characterise the residential neighbourhoods. Minor back streets and lanes are often unsurfaced.
- Landform as well as former mining sites dictate street patterns. The largely regular street patterns of Eureka follow the main ridges which run in parallel between the creek lines of Specimen Vale and Warrenheip, whereas the flatter areas of Humffray Street display a more irregular pattern of narrow streets.

### Historical identity

- The area displays a strong historical identity through its spaces, streetscapes and landmark features and is recognised by designated historic precincts with many contributory buildings.
- The area's identity is reflected in the range and high quality of its heritage buildings especially along the main road corridors such as Victoria Street, Barkly Street, but also in many other locations.

- Old style corner shops on the main road junctions are a particular important feature of this local neighbourhood identity, as are many individual buildings and places celebrated by the community.
- Significant reminders of the gold era remain, Sovereign Hill being an exemplar, and these former mining areas have given way to today's recreational spaces such as along Yarrowee River and Black Hill.
- Sunnyside Mill, with its landmark chimney, the man-made bluestone channels and brick lined walls of Yarrowee River and Canadian Creek as well as many other surviving items of historic fabric.

### **Built environment**

- A mix of residential styles with many older weatherboard properties. Streetscapes with established trees, well maintained grass verges and bluestone drainage channels. Tree planting varies from mature oak and other exotics to more recent native species.
- Mostly single-storey weatherboard cottages dominate the general residential areas along Humffray Street both north and south, and in Eureka. Housing lots are generally small with small front gardens and larger rear gardens, many of which feature modern extensions to the former historic dwellings.
- Modern housing enclaves also populate the area, alongside the creeks and particularly on the higher eastern fringes of Mount Pleasant.
- A mix of commercial buildings along the main road corridors, particularly Main Road, and many fine buildings, both residential and civic along Victoria Street and Barkly Street.

### **Open space and vegetation**

- There are a number of significant open spaces within the urban heritage area:
  - The rail corridor with wide tree-lined reserves on either side forms a strong feature within the area.
  - Specimen Vale and Warrenheip Creek create a ribbon of open green space in the shallow valleys between the housing areas and the main roads on the ridges. The creeks have largely been channelled with bluestone bases and brick lined walls. Some such as Canadian Creek along Steinfeld Street feature mature avenue trees.
  - Another special feature is the Eureka Stockade Memorial Park and the recently reimagined Eureka Centre.
  - Llanberis Reserve and neighbouring Sovereign Hill Reserve with its lookout and adjacent Magpie Street Reserve provide popular recreational and tourist venues along the Mount Pleasant ridgeline.
  - The wide corridor formed by the Yarrowee Creek channel forms a major green spine along the western boundary of the area.
- Mature avenue trees are a particular feature of some streets including the main 'boulevard like' approach along Victoria Street. Avenue trees are a mix of exotic and native species and established garden trees are particularly important in helping to create a green and much-loved environment. Classic residential streets include George Street and Joseph Street in Eureka.

## Access

- The main vehicular routes through the historic core are along Humffray Street, Victoria Street, Eureka Street, Main Road and Barkly Street, each with contrasting streetscape character.
- The rail corridor along Scott Parade forms an important communication route and cycleway, as well as valuable open space, with connections along the old 'Bunny' track to Eureka and beyond.
- Green links along the creeks and drainage channels in the historic core are particularly important for pedestrians and cyclists.

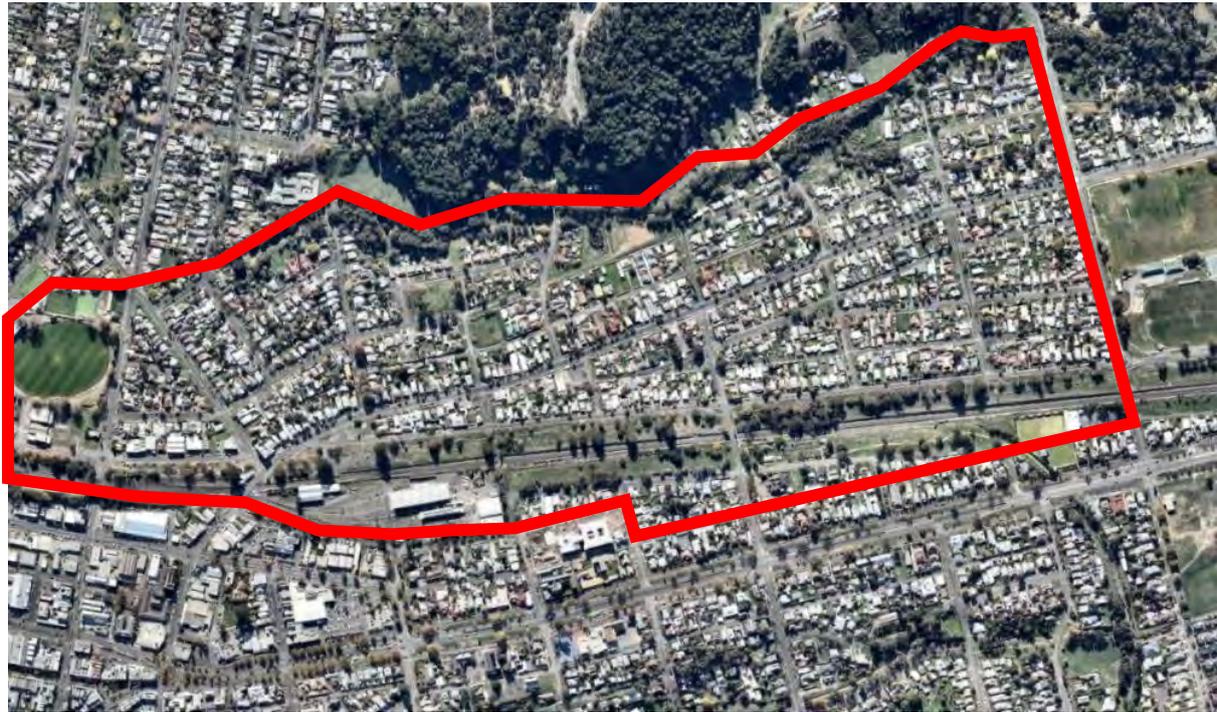
## Key views

- Significant views from Black Hill of the city skyline and to Sovereign Hill and the Canadian Forest. Black Hill also forms a major landform dominated by mature conifers.
- Significant views of the city from the upper slopes of Sovereign Hill.
- Views up to the treed skyline of Sovereign Hill and surrounding high ground from a number of locations within the city centre. Significant landmarks include the treed outcrop above the former mining site now occupied by the East Ballarat Bowling Club.
- Views out to the CBD and the Yarrowee River escarpment from the high ground along Barkly Street and parallel residential streets particularly where road junctions open up the views.

## Values

- Established heritage streetscapes throughout the historic core are particularly valued by the local community. There are many examples, such as the varied heritage architecture of Victoria Street but also the many smaller, lesser known residential streets such as Trevor Street in Eureka.
- The diversity of building types of all ages is celebrated with special mention of the quirkier buildings and features like the Old Curiosity Shop on Queen Street and the Tammy fence on Eureka Street.
- The heritage value of the railway reserve and its features, including the gates and tunnels.
- The Eureka Precinct, including the pool, playground and reserve gardens.
- Sovereign Hill and significant views from both the western and eastern slopes.
- Local stories and values embedded in the spaces, views and built fabric of Ballarat East.

## B1 Humffray Street North



### Key Characteristics and Features

#### *Landscape Environs*

- A largely flat area between Victoria Street and Yarrowee River at the foot of Black Hill with Humffray Street the main thoroughfare.
- An area of early residential and some commercial development, particularly along Humffray Street, with more recent subdivisions of the earlier larger lots mainly along the back streets.
- Significant views of the city skyline and to Sovereign Hill and the Canadian Forest from the top of Black Hill, a major landform dominated by its mature conifers.

#### *Open Space and Vegetation*

- The Yarrowee River corridor on the northern boundary provides a continuous and well-treed linear park with walking and cycling trail and access to Black Hill Reserve.
- The rail corridor with wide tree-lined reserves on either side forms a strong feature within the area.
- The Eastern Oval provides a major recreational space at the western, CBD end of the area.
- A few informal green spaces exist within the housing grid including Webb Avenue Park.

#### *Built Environment*

- Streetscapes mainly consist of grass verges and concrete kerbs with some areas of tree planting, both deciduous and native trees, and occasional bluestone drainage channels.
- Architecture consists of a mix of Victorian, Edwardian and Interwar detached dwellings with post-war and later buildings eras occupying individual lots along the minor roads especially between Humffray Street and Yarrow River.

- Mostly weatherboard cottages in a grid pattern of narrow streets angled at locations to navigate variations in local topography.

### *Representative Photographs*

The following show a range of features within this area.



*Figure 11: Looking towards Black Hill*



*Figure 12: Typical Street- Gent Street*



*Figure 13: Older Cottages (Morres Street)*



*Figure 14: Railway reserve on right*

## B2 Eureka



### Key Characteristics and Features

#### *Landscape Environs*

- An undulating, early residential area south of Victoria Street giving rise to opportune views out to the Canadian Forest and down to Golden Point.
- 
- Development pattern / historical identity / access
- Key views

#### *Open Space*

- Specimen Vale and Warrenheip Creek create a ribbon of open green space in the shallow valleys between the housing areas and the main roads on the ridges. The creeks have largely been channelled with bluestone bases and brick lined walls.
- The Eureka Stockade Reserve forms a significant open space, housing the Eureka Centre along with the landscaped park, swimming pool complex and the caravan park.
- 
- Gardens
- Street trees
- Road treatments

#### *Built Environment*

- A mix of residential styles with many older weatherboard properties. Streetscapes with established trees, well maintained grass verges and bluestone drainage channels. Tree planting varies from mature oak and other exotics to more recent native species.
- Modern housing enclaves also populate the area, alongside the creeks and particularly on the higher eastern fringes.

## Representative Photographs

The following show a range of features within this area.



Figure 15: Typical street



Figure 16: Mature oak trees lining Joseph Street



Fig 17: Bluestone channels



Figure 18: The 'Tammy' fence on Eureka Street



Figure 19: Eureka Centre and Eureka Stockade Reserve



Figure 20: Autumn colour in George Street

## B3 Humffray Street South - Key Characteristics and Features



### Key Characteristics and Features

- A mix of formal and informal recreation space and older housing areas on the former Ballarat Flats.
- A largely irregular pattern of narrow streets with grass verges and occasional street trees and a mix of older building types.
- Mature avenue trees line either side of the main Yarrowee Creek channel which forms a dominant feature within the area.
- Llanberis Reserve and neighbouring skateboard park provide popular recreational venues alongside Main Road.
- A mix of residential styles with many older weatherboard properties. Streetscapes with established trees, well maintained grass verges and bluestone drainage channels. Tree planting varies from mature oak and other exotics to more recent native species.
- Specimen Vale and Warrenheip Creek create a ribbon of open green space in the shallow valleys between the housing areas and the main roads on the ridges. The creeks have largely been channelled with bluestone bases and brick lined walls.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 21: Typical street in Golden Point*



*Figure 22: Weatherboard cottages on Humffray Street South*



*Figure 23: Junction of Canadian Creek and Yarrowee River channels*



*Figure 24: Streetscape character alongside Yarrowee River Channel*

## B4 Mount Pleasant and Golden Point



### Key Characteristics and Features

- A largely elevated area of Ballarat East sloping down to the Yarrowee Creek.
- A mix of residential styles with many older weatherboard and brick built properties on the lower ground.
- Streetscapes with established trees, well maintained grass verges and bluestone drainage channels. Tree planting varies from mature exotics to more recent native species.
- Areas of modern housing.
- Significant views of the city skyline from the upper slopes of Sovereign Hill.
- The wide corridor formed by the Yarrowee Creek channel forms a major green spine along the western boundary of the area.

## Representative Photographs

The following show a range of characteristics within this area...



Figure 25: Barkly Street vista



Figure 26: Barkly Street corner shops



Figure 27: Corner park – Gladstone Reserve



Figure 28: One of many local views of the CBD skyline from Mount Pleasant

B5. Sovereign Hill



## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 29: View to Sovereign Hill from Tress Street*



*Figure 30: Housing on Magpie Street, Sovereign Hill*



Figure 31: More recent housing on Magpie Street

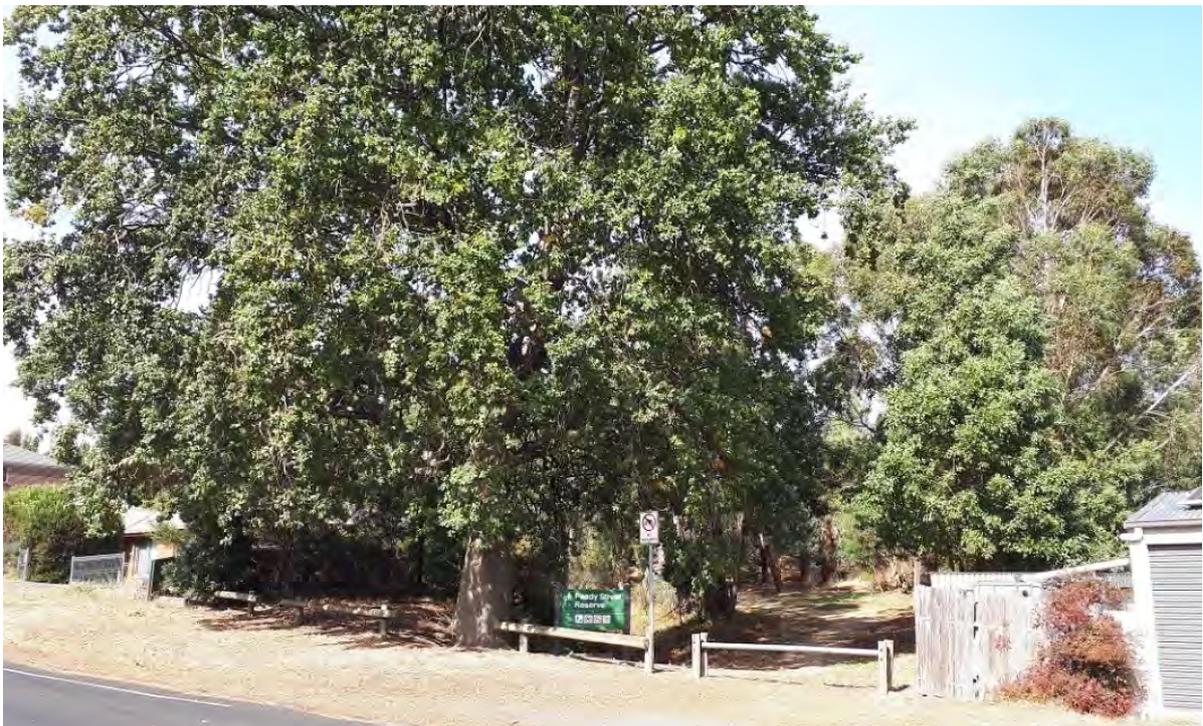


Figure 32: Entrance to Peady Reserve on Gladstone Street – a green link to Sovereign Hill

B6. Yarrowee River Corridor



## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 33: View over the Yarrowee River corridor from Fawcner Street*



*Figure 34: Yarrowee River bluestone channel leading to Sunnyside Mill on Hill Street*



*Figure 35: View over the wide river plain to the Redan escarpment from the southern end of Humffray Street South*



*Figure 36: Yarrowee River adjacent to the Wallaby Track south of Prest Street*

## C. Central Neighbourhood

### Boundaries

This is a diverse area of later residential and commercial/industrial development, along with remnant areas of former gold mining, located between the high grounds of Sovereign Hill and the historic streets of Golden Point and Eureka, and the Canadian Forested Ridge. The area falls into 4 sub character areas.

**Charlesworth:** A largely discrete character area north of Eureka Street with a mix of recent residential development and an older industrial zone.

**Pennyweight:** A diverse area of housing, with large post-WW2 development, amongst areas of open space and remnant features from the gold mining period. The area is bordered by the older Eureka precinct to the north and rises up to the tree canopied ridge to the east.

**Elsworth East:** A largely low-lying area centred between Main Road and Lal Lal Street to the north and Elsworth Street to the south and gently rising to Kline Street to the east. Dominated by industrial areas, with pockets of isolated housing.



Elsworth West: A steeply sloping area of recent housing development on the southern fringes of Mount Pleasant. The area is bounded by the Yarrowee River corridor to the west and gives way to the old and current mining areas to the south and east, including Sovereign Hill.

## Overall character

The Central Neighbourhood is between the inner urban heritage area and the surrounding rural and forested areas and maintaining the balance between the built and landscape environment is the priority. Several open spaces and reserves, such as Pennyweight Park and Lake Esmond, together with street and garden trees add greatly to the character of this area.

## Key attributes

### Landform

- North of Eureka Street the landform is gently undulating and generally enclosed with the dominant form of Mount Xavier overlooking the area from the east.
- The Pennyweight area slopes down to Main Road from the high ground of the forested ridge in an east-west direction and filters out to the large industrial zone to the south.
- In Elsworth West the high ground to the east slopes down to the Yarrowee River affording panoramic views from many vantage points over to Sebastopol and the western plains beyond.

### Development patterns

- The area has been slowly cleared for agricultural and forestry and the needs of the gold mining industry and now features a mix of predominantly residential areas of different eras and separate industrial zones.
- The main residential areas are post WW2 with pockets of modern-day residential infill and with some pre-war housing and scattered older buildings in other areas.
- There is a strong grid pattern of streets orientated north-south/east-west, laid out on the pronounced undulating landform.
- Examples of housing development include:
  - Earlier housing along the main streets, such as York and Clayton Streets, plus the infill areas behind; largely single-storey with relatively large gardens and generous road verges.
  - More recent housing estates such as below Victoria Street where their density presents an enclosed landscape with no borrowed landscape or views out.
  - Modern court and close development in southern part with limited garden space and tree planting within the development. Street trees on the main street verges compensate to an extent.
  - Subdivisions such as 'Canadian Views' beginning to 'etch' into the open space – currently no tree planting.
- In Elsworth West the area of former farming land between mining sites is slowly being developed for residential use with housing developed around areas of former open space which have been left for public reserves. Most developments have taken place since the late

1970s including a number of dead-end courts in the 1980s, 90s and into the early 2000s – the latter on former mining ground. Areas to the south are still being sub-divided.

- In contrast, Elsworth East is a medium to coarse-grain mix of industrial units with large areas of hard-standing, rough ground and unsightly fences. Open storage/dumping also unsightly, especially along Elsworth Street with corner of Joseph Street particularly ugly.
- The other main industrial zone off Charlesworth Street, a wide, largely tree-lined street, is largely un-utilised apart from the corner with Stawell Street and the more recently developed units along Fussell Street. The industrial lots and open fields are largely hidden behind housing development on Eureka Street, with earlier houses giving way to 1950s brick dwellings between Ross and Fussell Streets.

### **Historical identity**

- The remnant pattern of former gold mining is evident within the street patterns and open spaces particularly alongside Main Road. Now forming a network of public and private open spaces such as Lake Esmond, CGT Dam and open ground and Soapy's Dam.
- Also, an occasional old cottage and remnant cypress trees indicate former pastoral landholdings in this area.

### **Built environment**

- The central neighbourhood has a diversity of building types of all ages with areas of older residential styles with established mature street trees amongst the later housing periods with native trees and wide grass verges.
- Housing types vary within the area and include:
  - In the north the gated entrance to Balmoral Drive, off Fussell Street leads to a dense layout of single storey dwellings developed between 1995 and 1998. Mainly brick built houses with dark tile or coloured corrugated metal roofs with narrow front gardens and garages dominant. Narrow roads with cars parking on grass verges with relatively few trees. There is poor connectivity as mostly court style layouts.
  - Hemsley Park Retirement Village, accessed off Stawell Street, is densely laid out with narrow streets, narrow verges planted with rows of exotic deciduous trees and very little private garden space.
  - The Pennyweight area is mostly post-WW2 single storey housing, a mix of weatherboard and brick with tiled roofs and reasonable areas of private garden.
  - There are many new court areas off the main roads with less space for front gardens, usually dead ends with no connectivity. Narrow verges with single species exotic tree planting and dominant garages. Housing largely the same design with only the occasional different form; brick and low-pitched, tiled roofs being common.
- In Elsworth West the building styles are almost entirely single storey brick dwellings with low pitch tiled roofs and very uniform.
- In the industrial zone of Elsworth East shed architecture equivalent to two-storey domestic buildings dominates. There is poor public realm, favouring the car user in this area with parking / congestion along Elsworth Street a particular issue.
- There are isolated areas of housing amongst the extensive industrial units – usual court developments but smaller in scale than in the Pennyweight character area. Mostly brick built and single storey on flat ground with few trees in gardens. Streets are wide with concrete kerbs.

- Older housing properties close to Main Road are individual and varied with bluestone gutters and largely tree-less.

### **Open space and vegetation**

- The area features a network of parks and open spaces including creeks, lakes and channels, reflecting the pattern of former gold mining. Major drainage channels running east-west cut across the high ground and form major landscape features in themselves and include:
  - Warrenheip Gully, a well-treed linear feature – mainly natives with cycle/pedestrian access.
  - Grasstree Creek, another major landscape feature that eventually runs down to Pennyweight Park. It forms a major open space within the centre of the area. Undeveloped with some horse paddocks, clumps of mature pines and the remnant embankment of the former Buninyong railway line.
  - Canadian creek corridor running parallel to Main Road which forms an important green link on the western boundary.
- Significant open spaces include:
  - Pennyweight Park a much-valued open space surrounded by housing with a parkland appearance of scattered native tree planting. Nearby school grounds add to the open space
  - Lake Esmond a major open space with large dam, native planting, play area, and disturbed hillock above now revegetated. It links with the large area to south owned by the Ballarat Gold Project (CGT). Here the large dam creates a major feature despite being enclosed by chain link fencing with good tree cover and a mix of native and mature cypress and pine. Further south there is open access to Soapy's Dam another major landscape feature/open space that is well vegetated.
  - In the north the creek that bisects the industrial zone at Chatsworth is lined with vegetation and forms a major landscape feature and open space. Random stretches of screen planting, poplars, cypress hedges etc break up the fields and there appears to be no access to its centre. The irregular layout and presence of disused sites leads to a discordant layout and character.
  - Ballarat Orphanage site in the north west corner has its own character, currently an extensive open area fronting Victoria Street – with almost no tree cover – and sloping southwards to the recently developed retirement village.
- On the main residential streets occasional large mature eucalypts dominate plus occasional rows of more recent native planting, but mostly there are not the formal avenues of the historic core with Clayton Street being the exception.
- Along Kline Street which rises to several elevated high spots, the street trees are mature, mainly native and contrast with the exotic ornamental trees found with the enclosed court housing. The street trees really add to the character.
- There is very little tree cover within the industrial units, but large areas of the private CGT land provide major landscape / vegetation cover and add interest to the area.

### **Access**

- Clayton Street, like Eureka Street, is an earlier 'zig zag' alignment following the higher ground between creeks. Earlier housing starts out from Main Road and housing character changes as development proceeds up towards the forested ridge. Bluestone channels and mature oaks line the lower reaches of the street.

- York street and parallel streets such as Wilson Street are important routes into the city.
- Pedestrian and cycle routes developed along the many creek/drainage lines.
- New court-style sub-divisions however, have little connectivity.

### **Key views**

- Good linear views along the main east-west streets that run down from the forest edge, such as York and Wilson Streets, to the CBD and beyond.
- In the north, views from Victoria Street over the Ballarat Orphanage site focus on recent development which appears as closely spaced rows of housing dominated by uniform, low pitched roofs, darkly coloured with little relief.
- In the south the high ground of Elsworth West slopes down to the Yarrowee River affording panoramic views from many vantage points over to Sebastopol and the western plains beyond.
- Good views across to Sovereign Hill from the CGT site. The dam and mature tree cover form an important visual element within the Main Road corridor.
- The conifer dominated Mount Xavier forms a commanding backdrop to the northern areas.

### **Values**

- Semi-rural / country town feel of the streets; lack of concrete, wide grass verges and network of open spaces.
- The sense of being close to nature, the rural landscape and forest edge.
- Night sky and sense of openness.
- Connectivity via creek lines and pedestrian and cycle routes; both to the city and out to the forest edge.

## C1. Charlesworth



### Key Characteristics and Features

#### *Landscape Environs*

- A largely discrete character area bordered by Victoria Street to the north and Eureka Street to the south. Fussell Street forms the eastern boundary and Stawell Street South the western boundary.
- The landform is gently undulating and generally enclosed although the dominant form of Mount Xavier, with its extensive conifer plantation, overlooks the area from the east and forms a visible landmark from the surrounding streets.
- The area is bisected by Charlesworth Street with recent housing development to the north and mainly industrial land to the south forming two different character areas.
- The housing estates as developed present as enclosed landscape with no borrowed landscape or views out.

## *Open Space and Vegetation*

- Ballarat Orphanage site in the north west corner has its own character, currently an extensive open area fronting Victoria Street – with almost no tree cover – and sloping southwards to the recently developed retirement village.
- On the southern side of Charlesworth Street, beyond a short stretch of occupied industrial units at the Stawell Street end, the views open up over unoccupied industrial concerns and former paddocks. Big sheds are present in the views, but not dominant, and the dense plantation of Mount Xavier forms a backdrop. Largely, the area feels enclosed.
- The drain/creek that bisects the industrial zone area is lined with vegetation and forms a major landscape feature.
- Random stretches of screen planting, poplars, cypress hedges etc break up the fields and there appears to be no access to its centre.

## *Built Environs*

There are two main types of built forms in the Charlesworth; industrial and residential.

### ***Industrial areas***

- Older industrial units are found alongside Charlesworth Street. Disused sites and irregular open paddocks at the eastern end form a more discordant layout and character.
- In contrast, the more recently developed units along Fussell Street present a more unified character. The street also offers glimpsed views between the industrial units into the former/remnant agricultural area at the heart of the industrial zone.

### ***Residential areas***

- Recent housing development has occurred behind the late 19<sup>th</sup> to mid-20<sup>th</sup> century houses on Victoria Street.
- The gated entrance to Balmoral Drive off Fussell Street leads to a dense layout of single storey dwellings developed between 1995 and 1998, with the Eureka Village Hostel complex at its centre.
- Mainly brick built houses with dark tile or coloured corrugated metal roofs with dominant garages and narrow front gardens.
- There are relatively few street trees, mainly natives and the narrow roads encourage cars to park on the grass verges.
- The mostly court-style layouts lead to poor pedestrian connectivity.
- An adjacent residential development, the Hemsley Park Retirement Village accessed off Stawell Street, is also laid out with narrow streets and narrow verges planted with rows of exotic deciduous trees – mainly ornamental pear and pin oak – with very little private garden space.
- In views from Victoria Street the village appears as closely spaced rows of housing dominated by uniform, low pitched roofs, darkly coloured with little relief.
- The industrial area south of Charlesworth Street is largely hidden behind housing development on Eureka Street, with earlier houses giving way to 1950s brick dwellings further eastwards.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 37: Residential development on Balmoral Drive*



*Figure 38: View over the retirement village from Stawell Street South*



*Figure 39: Industrial zone south of Charlesworth Street*



*Figure 40: Existing industrial units*

## C2 Pennyweight



### Key Characteristics and Features

#### *Landscape Environs*

- A diverse area of housing, with large post-WW2 development, amongst areas of open space and remnant features from the gold mining period.
- The area is bordered by the older Eureka precinct to the north and rises up to the tree canopied ridge to the east. The area slopes down to Main Road to the west and filters out to the large industrial zone to the south.
- Strong grid pattern of streets orientated north-south/east-west, laid out on the pronounced undulating landform.
- Many local views towards the CBD from the main streets at the higher eastern end of the area.
- There is marked contrast in character between the earlier housing development and later subdivisions in terms of lot sizes, garden areas and tree cover which is greater in the earlier areas.

### *Open Space and Vegetation*

- A number of substantial open spaces, school grounds and linear creek corridors contribute to the character of the area.
- Pennyweight Park forms a significant parkland space with scattered native tree planting and a play area at its centre.
- Lake Esmond with its large dam is another major open space, also characterised by native planting, picnic area, play area and revegetated areas of former disturbed land.
- Warrenheip Gully forms a well-treed linear space – mainly planted with natives – and featuring a cycle/pedestrian path.
- Grasstree Creek forms another major landscape feature and eventually runs down to Pennyweight Park. It forms a major open space within the centre of the area characterised by undeveloped land, horse paddocks, clumps of mature pines, various local drainage channels and the remnant embankment of the former Buninyong railway.
- Canadian Creek forms the western boundary.

### *Built Environs*

- Architecture is predominantly 1950s to 1960s era dwellings with areas of modern infill.
- Building materials are brick or weatherboard with tile or corrugated metal roofs. Contemporary development is mainly brick and tile roof.
- The area is comprised of single storey detached dwellings with low pitched roofs.
- Front setbacks generally range from 4-9m with 1-2m side setbacks on both side boundaries. Modern infill is much smaller.
- Garages or carports are usually setback with single crossovers.
- Front fences in the older areas are low and permeable revealing mature front gardens. Materials range from brick with metal railings to timber pickets. Fences tend to be absent in recent subdivisions.
- Gardens are more generous in the earlier residential areas with a range of small trees and large shrubs.
- Road treatments are sealed with asphalt with upstanding kerbs and footpaths usually on one side of the road. Grass verges between 2.5m to 3m wide.
- Street trees include a mix of deciduous and native eucalypts and paperbarks.

## Representative Photographs

The following show a range of characteristics within this area...



Figure 41: Typical streetscape in the Pennyweight area



Figure 42: Loveneer Grove



Figure 43: Pennyweight Park



Figure 44: View south of Eureka Street



Figure 45: Clayton Street



Figure 46: New subdivision

### C3. Elsworth East



#### Key Characteristics and Features

##### *Landscape Environs*

- A largely low-lying area centred between Main Road and Lal Lal Street to the north and Elsworth Street to the south and gently rising to Kline Street to the east. Dominated by industrial areas, with pockets of isolated housing.

##### *Open Space and Vegetation*

- Canadian creek corridor running parallel to Main Road forms an important green link on the western boundary.
- CGT dam a major feature but enclosed by chain link fencing – good tree cover – mix of native and mature cypress and pine. Good views across to Sovereign Hill.
- Open access to Soapy's Dam – major landscape feature/open space – well vegetated and links south.

## *Built Environs*

There are two main types of built forms in the Charlesworth; industrial and residential.

### ***Industrial areas***

- Medium to coarse-grain mix of industrial units – large areas of hard-standing and rough ground – unsightly fences – open storage/dumping also unsightly, especially along Elsworth Street -corner with Joseph Street particularly ugly.
- Large, often skewed, regular grid plots of varying sizes.
- Shed architecture, equivalent to two-storey domestic buildings.
- Very little tree cover within the industrial units but large areas of the private CGT land provide major landscape / vegetation cover and add interest to the area – large dams (unnamed and Soapy's).
- Parking / congestion along Elsworth Street
- Poor public realm favouring car user.

### ***Residential areas***

- The architecture is mainly of the 1950s to 1970s period with some earlier pre-war dwellings and the occasional contemporary individual dwelling.
- Building materials are mainly weatherboard with corrugated metal or tile roofs with some use of brick.
- Buildings are consistently single storey and detached.
- Front setbacks generally range from 4-9m and side setbacks vary accordingly.
- Garages or carports are mostly recessed with single crossovers and generally do not dominate the streetscape.
- Front fences are often absent but where present are low, up to 1.2m, and are usually constructed of timber or wire.
- Front gardens are generally basic, mostly lawn, with the occasional small garden tree or shrub.
- Road treatments are all asphalt with upstanding concrete kerbs. Road verges are 3-4m wide, grassed, and often with no footpath.
- Street trees are minimal, and consist mainly of small native trees where present.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 47: Elsworth Street East*



*Figure 48: Typical modern industrial units*



*Figure 49: Older style industrial units on Joseph Street*



*Figure 50: Housing area within the industrial zone*

## C4 Elsworth West



### Key Characteristics and Features

#### *Landscape Environs*

- A steeply sloping area of recent housing development on the southern fringes of Mount Pleasant. The area is bounded by the Yarrowee River corridor to the west and gives way to the old and current mining areas to the south and east, including Sovereign Hill.
- The high ground to the east slopes down to the Yarrowee River affording panoramic views from many vantage points over to Sebastopol and the western plains beyond.

#### *Open Space and Vegetation*

- Housing developed around areas of former open space which have been left for public reserves.
- Large open irregular shaped fields/paddocks with scattered native trees, fence lines and dams indicating former settlement features.

## *Built Environs*

- Architecture represents development eras from the late 1970s through to the 2000s with topography a major factor affecting building layouts.
- Building materials are brick and tile pitched roofs with some use of cement render.
- Building heights are almost all single storey detached residences with some two storey dwellings in the newer subdivision off Brittain Street.
- Large number of court style developments with front setbacks ranging from 6 to 12m and side setbacks of 1-2m with some buildings on boundaries.
- Garages or carports are generally well set back with a single crossover, apart from modern houses which have integral garages as part of the front façade.
- Front fences are generally absent.
- Front garden treatments are mixed, mainly lawn only with some trees and shrubs. Mature trees often found in rear gardens and along shared property boundaries.
- Road treatments are sealed with concrete rollover kerbs with 5-7m wide grass verges. Narrow concrete footpaths (0.6m wide) usually on one side only.
- Street trees are few and scattered in the longer established areas with regular rows of newly planted eucalypts in the more recent subdivision.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 51: Housing along Elsworth Street West*



*Figure 52: Modern units on Elsworth Street West looking towards Redan*



*Figure 53: Recent housing development south of Elsworth Street West*



*Figure 54: 1980s residential development*

## D. Forest Edge

### Boundaries

The Forest Edge character area occupies the high ground on the eastern boundary of the City of Ballarat. The rail corridor forms the northern boundary and in the south the area merges into the main part of the Woowookarung Regional Park. The area divides into 3 sub character areas: Mount Xavier; Pax Hill; and Woowookarung.



## Overall character

The Forest Edge is predominantly within a rural and forested setting. The Woookarung Regional Park provides a distinct and visually prominent ridgeline. It forms part of an extensive forested ridge defining the eastern boundary of this part of the city. On the lower slopes the forest gives way to large, semi-rural residential blocks and infill areas of more recent residential development. Valuable open space is provided by a number of drainage channels and reserves such as Sparrow Ground Reserve, the Ballarat Wildlife Park and Mt Xavier golf course. Landscape character is the predominant element and allotment size and extent of tree cover are important in its protection.

## Key attributes

### Landform

- An elevated wide ridge running north-south along the edge of the City of Ballarat. The terrain is highly variable with enclosed valleys, high spots and very undulating topography in places; Pryor Park being a good example.
- Remnant scarred landforms – ridges and gullies – found within the regenerating bushland areas.

### Development patterns

- Extensive forest cover, both native forest and plantations, largely continuous along the ridge area. Rural residential blocks mainly enclosed within the forest areas. Continues the regular grid pattern that defines the Central Neighbourhood, but with larger blocks. Small paddock areas sporadically break the forest canopy, particularly on the fringes.
- Older style residential development is characterised by large plots, often steep and undulating with major tree canopy and extensive private garden areas. Features such as dams and paddocks amongst the mature bushland promote a rural living environment.
- Newer development within the area include denser, court-style layouts in complete contrast to the overriding semi-rural character.

### Historical identity

- Historically, the area was cleared for mining, forestry and commercial timber with large, former plantation areas now given over to regenerating forest.
- Within the bushland on the western fringes of the forest, early clearances were made for rural properties and this early pattern of development is largely intact.

### Built environment

- The large residential plots feature a varied and individual range of built forms set within large grounds and enclosed in bushland or edged with mature trees.
- Modern development ranges from large single plots to dense court schemes with low pitch roofs, large windows, brick and render and some double-storey. Mostly out of character with surrounding area.
- At the northern end, where most new development appears to be concentrated, there are areas of disturbed ground currently up for sale.

## Open space and vegetation

- The Woookarung Regional Park forms a major part of the Forest Edge character area. Over half of the forest cover is classified as Heathy Dry Forest with around 40% of the area regenerating former plantations. There are small areas of Valley Grassy Forest, considered to be a vulnerable habitat in the bioregion, with a locally significant population of Austral Grass-tree (*Xanthorrhoea australis*).
- The other major open space with contrasting character is Pryor Park and Mount Xavier Golf Course.
- Mount Xavier Golf Course is heavily treed with steep landforms and forms a major high ground with views into Specimen Vale Creek and across to Pryor Park. Noted for its major pine plantations on the higher ground.
- St Francis Xavier Primary School grounds and the rail corridor extend the area of open space.
- Pryor Park has large plantations with mature Redwoods and Pines along its main drive. The park was established in the 1930s when initial tree planting took place. Native trees planted by 'People for Pryor Park' in recent years.
- Other open spaces include:
  - Ballarat Wildlife Park occupying very high ground with mostly mature native tree canopy with exotic pines lining Grasstree Creek below.
  - Sparrow Ground Bushland Reserve with its sporting oval and playground
- Native and indigenous trees and shrubs along the road corridors with generous street verges.
- Areas dense with mature garden and street trees – mix of native and some exotic – are a dominant feature of most residential areas.
- In contrast, few trees in court developments – some random native tree planting on verges and little garden space both front and back.
- Arthur Kenny Avenue of Honour – young oak trees.

## Access

- The main access streets into the area from the central neighbourhood are along York Street, Wilson Street and Bennet Street.
- Access from Eureka Street on the northern boundary is along Fussell Street forming another important link into the area.
- Many multi-use tracks within Woookarung Regional Park.

## Key views

- Areas of high ground with vistas along main streets back over Ballarat East and up to the forest ridge.
- Filtered views from several road junctions and high spots out to Mount Xavier, Black Hill and the CBD.
- Large areas of enclosed forest cover.

## Values

- Indigenous values and conservation, in particular Woookarung Regional Park, formerly Canadian Forest Regional Park, the traditional lands of the Wadawurrung Aboriginal people – a ‘place of plenty’.
- Rural living character amongst the bushland is especially valued.
- Opportunities for outdoor recreation so close to the city.

## *Representative Photographs*

The following show a range of features within this area...



*Figure 55: View of Canadian forested ridge and Mt Buninyong from Sovereign Hill lookout*



*Figure 56: Example of modern residential development on Fussell Street*

## D1. Mount Xavier



### Key Characteristics and Features

#### *Landscape Environs*

- A large area of open landscape forming an attractive eastern gateway to the City. Mount Xavier and Pryor Park dominate with school grounds continuing the open landscape northwards and rural 'bushland' properties occupying the eastern and southern fringes. An enclave of 1980s and later subdivisions have been developed in the south-west corner of the area.
- The land slopes away northwards towards Melbourne Road and southwards to the residential estate off Eureka Street. Eastwards the undulating landform of Pryor Park, formed in the 1930s, is more pronounced.
- The high ground of Mount Xavier is topped by a mature pine plantation forming a recognisable landmark seen from many areas of Ballarat East.
- Views are generally enclosed within the area with no major views out from Mount Xavier.

#### *Open Space and Vegetation*

- Most of the area is open space dominated by Pryor Park and Mount Xavier Golf Course.
- Large conifer plantations and linear plantings characterise the golf course and the entrance to Pryor Park off Eureka Street is lined with mature Redwoods and Pines representing the

initial tree planting during the Park's establishment in the 1930s. In recent years native trees have been introduced by council and volunteers from 'People for Pryor Park'.

- Large school grounds add to the open space including the 'park like' Woodman's Hill Secondary College fronting Melbourne Road and St Francis Xavier Primary School on the site of the former Villa Maria Convent established in 1902 in an area previously known as 'Fortune's Folly'. The site formally opened as a school in 1914.
- The Arthur Kenny Avenue of Honour planted with young oak trees along Fortune Street is a recent landscape feature.

### *Built Environs*

- Residential dwellings developed from the 1980s onwards form a separate enclave between Eureka Street and Mount Xavier. Mostly brick built and single storey the properties are generally well set back with mature front gardens and recessed garages. Cars do not dominate the area which benefits from the established planting and the broader landscape setting.
- Larger rural residential properties fringe the southern and eastern boundaries of Pryor Park.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 57: Entrance to Pryor Park*



*Figure 58: Mount Xavier golf course*



*Figure 59: Mount Xavier pine plantation from Eureka Terrace*



*Figure 60: Mount Xavier from Fortune Street*

## D2 Pax Hill



### Key Characteristics and Features

#### *Landscape Environs*

- An area of predominantly low density semi-rural properties fringing the high forested ridges of Canadian Forest (Woookurung Regional Park) now being infiltrated with denser suburban style developments in the northern and western areas.
- An elevated residential area with vistas along the streets back over Ballarat East and up to forest ridge. As the area slopes down to the west the character becomes more 'suburban'.
- Fussell Street acts as a high ridgeline and there are many filtered views out to Mount Xavier, Black Hill and the CBD.

#### *Open Space and Vegetation*

- Areas fringing the forested Regional Park have retained native tree cover and areas of open paddocks; part of the larger semi-rural bushland properties that have historically occupied this area.
- Major open spaces include the Ballarat Wildlife Park and Sparrow Ground Bushland Reserve.

- Ballarat Wildlife Park provides an extensive area of native tree canopy on high ground with a mix of mature native trees and exotic pines lining Warrenheip Creek which runs through the property.
- Sparrow Ground Bushland Reserve forms a major area of bushland regeneration over a disturbed landform of ridges and gullies leading down to a sporting oval and playground either side of Spencer Street. Grasstree Creek forms a significant feature within the Reserve.
- In general, the amount of tree cover forms a defining characteristic of the area.

## *Built Environs*

### *Modern / contemporary infill*

- The area includes recent residential infill, developed from the 2000s onwards.
- Building materials are predominantly brick or render with low pitched roofs and the occasional skillion roof form. Roofs are either tiled or finished with corrugated metal, the latter being visually dominant.
- The recent subdivisions are predominantly single-storey detached dwellings with some 1 or 2 storey townhouse units.
- Lot sizes are small with narrow front and side setbacks.
- Garages are integral to the house and often dominant with single crossovers.
- Front fences are non-existent or low, up to 1.2 m in height and constructed of brick (often rendered) and/or timber.
- Gardens are minimum size with a combination of lawn and low shrubs.
- Road treatments are sealed, with concrete rollover kerbs and concrete footpaths separated by narrow, 2 to 3 m wide grass verges.
- Recently planted street trees are native and sporadic in location.

### *Established residential*

- Architecture is predominantly 1950s to 1960s era with later 1980s development.
- Building materials are generally brick with tile hipped roofs, or weatherboard with corrugated metal gable roofs.
- There is a mix of 1 and 2 storey detached buildings.
- Lot sizes tend to be larger than modern general residential development with more generous front and side setbacks.
- Garages are generally recessed with a single crossover limiting the impact of cars on or from the streetscape.
- Front fences where existing are low, usually below 1.2m.
- Front and rear gardens are of a generous size with established planting, including a mix of large exotic trees and shrubs with the occasional eucalypt.
- Road treatments are sealed with asphalt and upstanding concrete kerbs with footpaths on one side of the street.
- Street trees are mainly established native trees in wide grass verges and together with the mature garden trees create a dominant tree canopy with a high visual impact across the residential areas.

### *Semi-rural*

- Residential properties in the semi-rural areas on the edge of Canadian Forest date from the inter-way period with subsequent subdivisions in the 1980s. Building styles vary in type and age with a number of re-builds over time.

- There are a mix of building materials with brick and timber and corrugated metal roofs predominating.
- Buildings in the area are almost all single storey.
- Lot sizes are large with a range of setbacks and generous garden areas on all sides.
- House sites largely recessed, and car parking mainly hidden.
- Front fences are generally non-existent and where found low in height.
- Gardens are large with extensive native and some exotic tree canopy creating an overall bushland character.
- Road treatments are occasionally sealed but mainly un-made with gravel verges.
- Street trees are largely native and form wide belts along the road boundaries rather than single avenue planting.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 61: York Street looking towards the Wildlife Park and new residential development*



*Figure 62: Recent residential development at the junction of York Street and Fussell Street*



*Figure 63: Rural living block in a Neighbourhood Residential Zone*



*Figure 64: Sparrow Ground recreational area*

### D3. Woovookarung



#### Key Characteristics and Features

- Woovookarung forms a broad, elevated ridge with an extensive forested canopy. Over half of the forest cover is classified as Heathy Dry Forest with around 40% of the area regenerating former plantations. There are small areas of Valley Grassy Forest, considered to be a vulnerable habitat in the bioregion, with a locally significant population of Austral Grass-tree, (*Xanthorrhoea australis*).
- The area also features Pax Hill Activity and Accommodation Centre, an 18 hectare bushland retreat within the forest and the now defunct Canadian Rifle Range, which closed in 2002. Not forming part of Park Victoria's Regional Park, the rifle range does however contain a wide variety of biodiversity, including koala habitat and other natural features. The eastern end contains the short and long range butts for the rifle range with most of the infrastructure (hoisting mechanisms, targets and concrete shelters) still surviving.
- The Regional Park provides a variety of activities including bushwalking, trail running, mountain bike riding, dog-walking, horse riding, nature appreciation and stargazing.
- The Lal Lal creek, part of the Barwon River headwaters, runs through the southern part of the area including the former rifle range.

## *Representative Photographs*

The following show a range of characteristics within this area...



*Figure 65: Entrance to Woowookurung Regional Park*



*Figure 66: Grass trees in the forest*

## Viewing Ballarat East

The map and photographs below illustrate the main visual characteristics of Ballarat East and including significant landmarks, highpoints and skylines.

Significant focal points and local landmarks include:

- East Ballarat Fire Station Tower
- Sovereign Hill Poppet Head
- CBD towers (Town Hall, Old Post Office, Ballarat Railway Station)
- Eureka Stockade Park / MADE



Figure 67: East Ballarat Fire Station



Figure 68: Sovereign Hill

Significant viewpoints and highpoints include:

- Sovereign Hill lookout
- Black Hill
- From the escarpment, above Yarrowee Creek
- From the Canadian Forest ridge



Figure 69: The lookout shelter at Sovereign Hill



Figure 70: View from the lookout towards Canadian Forest and Mt Buninyong

Significant ridges and skylines that help define the Ballarat East's landscape include:

- Black Hill
- Mount Pleasant/Golden Point/Sovereign Hill
- Canadian Forest



Figure 71: View of Ballarat East from above Lydiard Street towards the Canadian Forest ridge

Ballarat East also presents significant dynamic views as the city is approached along the main roads such as Eureka and York Streets, Main Road and Victoria Street.



*Figure 72: Progression of views on travelling along Victoria Street through Ballarat East towards the city*



# Issues and Threats

## Introduction

Below is a brief explanation of how and where Ballarat East's character may be vulnerable to inappropriate change under a range of themes.

## Heritage

- Protection of registered buildings.
- Locally significant buildings and landscapes susceptible to change.

## Built environment

### Civic and commercial

- Inappropriate use/redevelopment, future adaptability.
- Public building redundancy due to infrastructure change etc.
- Adaptive re-use of abandoned industrial structures.

### Residential

- Demolition, inappropriate extensions and infill.
- Private building redundancy due to migration.
- Spread of suburbia and particularly urban consolidation impacting on heritage precincts.
- Retention of settlement patterns.

- Existing vegetation of larger allotments and modest site coverage has maintained garden character.
- Older housing stock, which is not classified or registered, able to be redeveloped.
- Capacity for second dwellings on larger allotments and sub-division patterns.
- Continued demand for aged person's accommodation and the creation of 'inward looking' development.

## Quality and character of new development

### Civic and commercial

- Appropriate zoning.

### Residential

- Inappropriate densities, poor design, visual and physical impacts.

### Community values statements

- Consider the negative impact of new development on built heritage character.
- Larger block size to maintain current residential density – existing scale and massing of buildings.
- Current level of private open space in front and rear yards, providing room for gardens that contribute to 'greener' streetscapes and enhance visual amenity.

- Prevent subdivisions that are out of character in lot size, impacting on residential density and heritage appeal – better manage lot size east of Kline Street.

## Treatment of main approaches and thoroughfares

- Inappropriate development, lack of cohesion and poor quality public realm.

## Civic space

- Lack of appreciation and quality of design, poor cohesion and linkages and general planning.

## Open green space

- Threat to quality and quantity and poor access/ links.
- Role of creeks and gullies in drainage management.
- Housing encroachment can lead to flooding problems as well as visual impact and restricting public open space.

## Community values statements

- Create walking/cycling trails linking historic places such as the Stockade and Eureka Hotel Sites.
- Walkability to CBD.
- Walking trails along creek corridors.

## Environmental change

- Flood and fire restrictions.
- Vegetation management and change over time.
- Incremental removal of mature native vegetation.
- Impact on larger rural allotments with substantial vegetation (see Maya's analysis).

## Significant views

Some implications:

- Given the combination of the undulating topography, remnant vegetation cover and diversity of land use, the visual absorption capability of the area is high.
- Elevated positions on undulating land can have as significant visual impact on close range views, without effective landscape treatment.
- Along boulevards which are flanked by heritage buildings and landscape treatments there is a higher sensitivity to the visual impact of new development.
- Elevated locations on ridge tops have the potential for skyline impacts if the development exceeds the predominant tree height.

Need to maintain areas of high visual quality and level of sensitivity to change.

Retention of significant views:

- Importance of skylines – CBD, Black Hill, Mount Pleasant/Golden Point/Sovereign Hill, Canadian Forest.
- Significant focal points/features – East Ballarat Fire Station Tower, Sovereign Hill Poppet Head, CBD towers.

- Local landmarks – Eureka Stockade Park, Eureka Hotel, East Ballarat Town Hall.

Retention of dynamic views:

- Along Victoria Street – approach from Melbourne.
- Along Eureka Street – historic approach.
- Along Main Road – historic approach and approach from Buninyong/Midland Highway.
- Along Barkly Street - ridgeline approach.
- Along approaches from Canadian Forest edge – York Street, Wilson Street, Spencer/Clayton Street, Lal Lal Street.

Visual amenity of tracks running along waterways.

\*\*/\*\*/20\*\*  
C\*\*\*

**SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ3**.

**FOREST EDGE AREAS – BALLARAT EAST**

**Neighbourhood and Landscape Character Objectives to be achieved**

To maintain and strengthen the bush dominated setting by ensuring that a reasonable proportion of the lot can support existing and new canopy trees and substantial vegetation.

To encourage the retention and regeneration of native vegetation including for the protection of biodiversity and wildlife habitat.

To maintain and enhance views and vistas to and from Woookarung Regional Park, Sovereign Hill, Bakery Hill, Mount Xavier, Pax Hill and along watercourses.

To ensure that development is sensitive to the natural characteristics of the land including slope, terrain, services and any existing vegetation

To encourage subdivision and development that incorporates best practice Environmentally Sustainable Design (ESD) principles.

To ensure that subdivision and development respects and complements the character of the area.

**1.0**

\*\*/\*\*/20\*\*  
C\*\*\*

**Permit requirement for the construction or extension of one dwelling on a lot**

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

Yes

**2.0**

\*\*/\*\*/20\*\*  
C\*\*\*

**Requirements of Clause 54 and Clause 55**

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	40%
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provision of at least two canopy trees per dwelling that have the potential to reach a minimum mature height of 12 metres. At least one of the trees should be in the secluded private open space of the dwelling. The species of canopy trees should be native, preferably indigenous
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace
	B28	A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space at the side or rear of the dwelling or residential building within a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace
<b>Front fence height</b>	A20 and B32	None specified

**3.0 Maximum building height requirement for a dwelling or residential building**

\*\*\*<sup>\*\*</sup>/20\*\*  
C\*\*\*

None specified.

**4.0 Application requirements**

\*\*\*<sup>\*\*</sup>/20\*\*  
C\*\*\*

The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and planting, including tree species and mature height.
- Plans showing existing and proposed site levels, the extent of cut and fill required and any changes to natural ground levels as a result of the proposal.
- Plans showing any proposed boundary fencing, including height and materials.

**5.0 Decision guidelines**

\*\*\*<sup>\*\*</sup>/20\*\*  
C\*\*\*

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the Scheme:

- Whether the proposal retains an inconspicuous profile and does not dominate the landscape.
- Whether the proposal allows for sufficient setbacks from property boundaries to allow for landscaping, including the planting and/or retention of substantial vegetation and canopy trees.
- Whether there is sufficient permeable space to enable the planting of substantial vegetation and canopy trees.
- The impact of the proposal on the conservation of trees and native vegetation.
- The impact of the proposal on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.

## BALLARAT PLANNING SCHEME

- Whether the proposal results in substantial topographic alterations and the extent to which cut and fill is required.
- Whether the proposal achieves best practice ESD principles.
- Whether the proposal will have adverse impacts on valued views and vistas to and from the site.
- Whether the proposal will result in light pollution, impacting on the integrity of the dark night sky and the movement of wildlife.
- Whether the proposal will result in barriers to wildlife corridors through loss of habitat connectivity or physical barriers such as fencing.
- Whether the proposal positively contributes to the valued character of the area.

DRAFT

**SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

\*/\*/20\*\*  
C\*\*

Shown on the planning scheme map as **GRZ3**.

**FOREST EDGE AREAS – BALLARAT EAST**

**Neighbourhood character objectives to be achieved:**

To maintain and strengthen the bush dominated setting by ensuring that a reasonable proportion of the lot can support existing and new canopy trees and substantial vegetation.

To encourage the retention and regeneration of native vegetation including for the protection of biodiversity and wildlife habitat.

To maintain and enhance views and vistas to and from Woovookarung Regional Park, Sovereign Hill, Bakery Hill, Mount Xavier, Pax Hill and along watercourses.

To ensure that development is sensitive to the natural characteristics of the land including slope, terrain, services and any existing vegetation

To encourage subdivision and development that incorporates best practice Environmentally Sustainable Design (ESD) principles.

To ensure that subdivision and development respects and complements the character of the area.

**1.0 Permit requirement for the construction or extension of one dwelling on a lot**

\*/\*/20\*\*  
C\*\*

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

Yes

**2.0 Requirements of Clause 54 and Clause 55**

\*/\*/20\*\*  
C\*\*

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	40%
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provision of at least two canopy trees per dwelling that have the potential to reach a minimum mature height of 12 metres. At least one of the trees should be in the secluded private open space of the dwelling. The species of canopy trees should be native, preferably indigenous
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace
	B28	A dwelling or residential building should have secluded private open space at the side or rear of the dwelling or residential building within a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
<b>Front fence height</b>	A20 and B32	None specified

**3.0 Maximum building height requirement for a dwelling or residential building**

\*\*\*/20\*\*  
C\*\*\*

None specified

**4.0 Application requirements**

\*\*\*/20\*\*  
C\*\*\*

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and planting, including tree species and mature height.
- Plans showing existing and proposed site levels, the extent of cut and fill required and any changes to natural ground levels as a result of the proposal.
- Plans showing any proposed boundary fencing, including height and materials.

**5.0 Decision guidelines**

\*\*\*/20\*\*  
C\*\*\*

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the Scheme:

- Whether the proposal retains an inconspicuous profile and does not dominate the landscape.
- Whether the proposal allows for sufficient setbacks from property boundaries to allow for landscaping, including the planting and/or retention of substantial vegetation and canopy trees.
- Whether there is sufficient permeable space to enable the planting of substantial vegetation and canopy trees.
- The impact of the proposal on the conservation of trees and native vegetation.
- The impact of the proposal on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.
- Whether the proposal results in substantial topographic alterations and the

extent to which cut and fill is required.

- Whether the proposal achieves best practice ESD principles.
- Whether the proposal will have adverse impacts on valued views and vistas to and from the site.
- Whether the proposal will result in light pollution, impacting on the integrity of the dark night sky and the movement of wildlife.
- Whether the proposal will result in barriers to wildlife corridors through loss of habitat connectivity or physical barriers such as fencing.
- Whether the proposal positively contributes to the valued character of the area.

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**SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

\*/\*\*/20\*\*  
C\*\*\*

Shown on the planning scheme map as **GRZ4**.

**CENTRAL NEIGHBOURHOOD – BALLARAT EAST**

**Neighbourhood character objectives to be achieved:**

To maintain and strengthen the garden setting and tree canopy of the neighbourhood by ensuring that a reasonable proportion of the lot can support existing and new canopy trees and vegetation.

To ensure that streetscapes retain an open, spacious feel that complements the preferred character of the area.

To maintain and enhance views and vistas to and from Woookarung Regional Park, Sovereign Hill, Bakery Hill, Mount Xavier, Pax Hill and along watercourses.

To ensure that development is sensitive to the natural characteristics of the land including slope, terrain, services and any existing vegetation.

To encourage subdivision and development that incorporates best practice Environmentally Sustainable Design (ESD) principles.

To ensure that subdivision and development respects and complements the character of the area.

**1.0**

\*/\*\*/20\*\*  
C\*\*\*

**Permit requirement for the construction or extension of one dwelling on a lot**

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

No

**2.0**

\*/\*\*/20\*\*  
C\*\*\*

**Requirements of Clause 54 and Clause 55**

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	40%
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provision of at least two canopy trees per dwelling that have the potential to reach a minimum mature height of 8 metres. At least one of the trees should be in the secluded private open space of the dwelling.
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 35 square metres and a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
	B28	A dwelling or residential building should have secluded private open space at the side or rear of the dwelling or residential building within a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
<b>Front fence height</b>	A20 and B32	None specified

**3.0 Maximum building height requirement for a dwelling or residential building**

\*\*/20\*\*  
C\*\*\*

None specified

**4.0 Application requirements**

\*\*/20\*\*  
C\*\*\*

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and planting, including tree species and mature height.
- Plans showing existing and proposed site levels, the extent of cut and fill required and any changes to natural ground levels as a result of the proposal.

**5.0 Decision guidelines**

\*\*/20\*\*  
C\*\*\*

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the Scheme:

- Whether the proposal allows for sufficient setbacks from property boundaries to allow for landscaping that positively contributes to the character of the area.
- The extent to which the siting, form and scale of the proposal positively contributes to the character of the area.
- Whether the proposal retains a building profile that does not dominate the streetscape.
- Whether there is sufficient permeable space to provide for the planting of trees.
- The impact of the proposal on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.
- Whether the proposal results in substantial topographic alterations and the extent to which cut and fill is required.
- Whether the proposal achieves best practice ESD principles.

## BALLARAT PLANNING SCHEME

- Whether the proposal will have adverse impacts on valued views and vistas to and from the site.
- For infill development proposals, whether the proposal is in an area of convenience living and whether it will contribute to achieving a Compact City in accordance with the Ballarat Strategy.

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**SCHEDULE 5 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

\*\*/\*\*/20\*\*  
C\*\*\*

Shown on the planning scheme map as **GRZ5**.

**URBAN HERITAGE AREAS – BALLARAT EAST**

**Neighbourhood character objectives to be achieved:**

To retain buildings that contribute to the heritage character of the area, and ensure that new development positively contributes to the valued heritage and neighbourhood character of the area.

To maintain and strengthen the garden setting and tree canopy of the neighbourhood by ensuring that a reasonable proportion of the lot can support existing and new canopy trees and vegetation.

To maintain and enhance views and vistas to and from Woookarung Regional Park, Sovereign Hill, Bakery Hill, Mount Xavier, Pax Hill and along watercourses.

To ensure that development is sensitive to the natural characteristics of the land including slope, terrain, services and any existing vegetation.

To encourage subdivision and development that incorporates best practice Environmentally Sustainable Design (ESD) principles.

To ensure that subdivision and development respects and complements the character of the area.

**1.0**

**Permit requirement for the construction or extension of one dwelling on a lot**

\*\*/\*\*/20\*\*  
C\*\*\*

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

No

**2.0**

**Requirements of Clause 54 and Clause 55**

\*\*/\*\*/20\*\*  
C\*\*\*

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provision of at least one canopy tree per dwelling that has the potential to reach a minimum mature height of 8 metres. A tree should be provided within the secluded open space area of a dwelling as well as within the front setback of any dwelling fronting the street.
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have secluded private open space at the side or rear of the dwelling or residential building within a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
	B28	A dwelling or residential building should have secluded private open space at the side or rear of the dwelling or residential building within a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
<b>Front fence height</b>	A20 and B32	None specified

**3.0 Maximum building height requirement for a dwelling or residential building**

\*\*\* / 20\*\*  
C\*\*\*

None specified

**4.0 Application requirements**

\*\*\* / 20\*\*  
C\*\*\*

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and planting, including tree species and mature height.
- Plans showing existing and proposed site levels, the extent of cut and fill required and any changes to natural ground levels as a result of the proposal.

**5.0 Decision guidelines**

\*\*\* / 20\*\*  
C\*\*\*

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the Scheme:

- The extent of demolition proposed and whether the demolition would result in an unacceptable loss of heritage fabric.
- The extent to which the siting, form and scale of the proposal positively contributes to the character of the area.
- Whether the proposal presents a profile that does not uncharacteristically dominate the streetscape.
- Whether the proposal allows for sufficient setbacks from property boundaries to allow for landscaping that positively contributes to the character of the area.
- Whether there is sufficient permeable space to the planting of trees.
- The impact of the proposal on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.
- Whether the proposal results in substantial topographic alterations and the extent to which cut and fill is required.
- Whether the proposal achieves best practice ESD principles.
- Whether the proposal will have adverse impacts on valued views and vistas to and from the site.

## BALLARAT PLANNING SCHEME

- For infill development proposals, whether the proposal is in an area of convenience living and whether it will contribute to achieving a Compact City in accordance with the Ballarat Strategy.

DRAFT

**COMMUNITY VALUES**

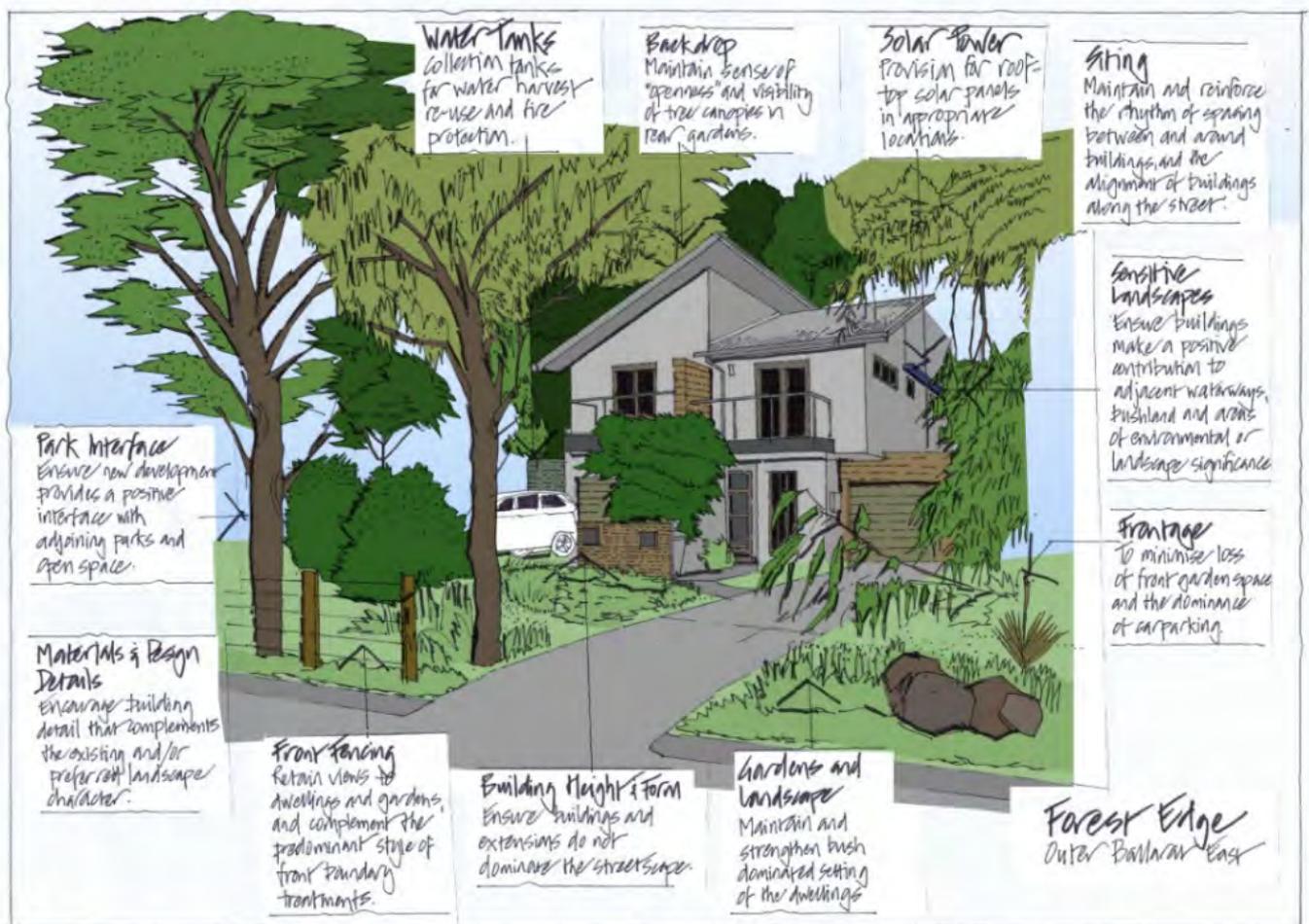
- Enhance open spaces, parks and waterways
- Retain vegetation, both on public and private land
- Encourage environmental sustainability
- Encourage diverse building styles
- Encourage buildings that are sensitive to the landscape setting in terms of scale and design
- Protect biodiversity and wildlife
- Retain the dark night sky
- Retain important views and vistas
- Retain large lots

**PREFERRED CHARACTER STATEMENT**

Streetscapes will be dominated by vegetation, with buildings hidden from view behind vegetation and tall trees. Buildings will nestle into the topography of the landscape and be surrounded by forest-like native and indigenous gardens, including native trees in the private and public domains.

Sites will generally be large and buildings and hard surfaces will occupy a low proportion of the site. Properties will have generous front and side setbacks, with larger rear setbacks accommodating substantial vegetation including large canopy trees. The bushy environs is complemented by either no or low, open style front fencing. Properties abutting and close to waterways, reserves and the forest will contain indigenous trees and shrubs that contribute to wildlife corridors.

This precinct will have a low scale of growth and the highest priority will be conservation of its forested, well vegetated landscape character and environmental integrity.



## PRECINCT GUIDELINES

CHARACTER ELEMENT	OBJECTIVE	DESIGN RESPONSE	AVOID
<b>SENSITIVE LANDSCAPE ENVIRONS</b>	<i>To ensure buildings make a positive contribution to adjacent waterways, bushland and areas of environmental or landscape significance</i>	<ul style="list-style-type: none"> <li>Minimise the visual impact of development on sensitive landscape areas</li> <li>Building design to respond to topography and minimise the need for cut and fill</li> <li>Provide landscape plans that incorporate substantial use of native, including indigenous, trees and vegetation to complement the adjacent sensitive landscape area</li> <li>Minimise site coverage and hard surfaces adjoining sensitive landscape environs</li> </ul>	<ul style="list-style-type: none"> <li>Buildings that are visually dominant when viewed from within the sensitive landscape</li> <li>Buildings that do not respond to the topography</li> <li>Excessive site coverage and hard surface areas that leave inadequate space for trees and vegetation to complement the sensitive landscape environs</li> </ul>
<b>PARK AND OPEN SPACE INTERFACE</b>	<i>To ensure that new development provides a positive interface with adjoining parks and open space</i>	<ul style="list-style-type: none"> <li>Design new buildings to provide a façade to adjacent parkland to enable casual passive surveillance of the public space</li> <li>Buildings should be setback from the interface boundary so as not to appear dominant from within the parkland</li> <li>Where possible street boundary frontage?</li> </ul>	<ul style="list-style-type: none"> <li>Avoid lots backing on to parks and reserves</li> <li>Blank walls and high, impervious fences fronting parkland</li> </ul>
<b>GARDENS AND LANDSCAPING</b>	<i>To maintain and strengthen the forest and tree canopy of the neighbourhood</i>	<ul style="list-style-type: none"> <li>Retain established or mature trees and provide for the planting of new canopy trees and substantial native vegetation</li> <li>Locate footings and paved areas outside the root zone of established trees</li> <li>Site coverage should be less than 40%</li> <li>Provide at least 40% permeable surface</li> <li>Provide at least two canopy trees with a minimum mature height of 12 metres, with at least one tree provided in the rear setback of each dwelling</li> <li>Open space areas should be oriented to the north wherever possible</li> </ul>	<ul style="list-style-type: none"> <li>Removal of large, established trees</li> <li>Loss of established vegetation</li> <li>Inadequate space for trees planting around buildings</li> </ul>
	<i>To minimise the loss of front garden space and the dominance of car parking structures</i>	<ul style="list-style-type: none"> <li>Provide only one vehicular crossover per typical site frontage</li> <li>Hard paving for car parking should be minimised and</li> </ul>	<ul style="list-style-type: none"> <li>Car parking structures that dominate the façade or views of the dwelling and gardens from the street</li> </ul>

SITING		<ul style="list-style-type: none"> <li>permeable surfaces used where possible</li> <li>Locate car parking structures to the side or rear of dwellings</li> <li>Landscaping should be provided alongside driveways, including substantial vegetation and canopy trees where possible</li> </ul>	<ul style="list-style-type: none"> <li>Creation of new crossovers and driveways, or wide crossovers</li> <li>Excessive areas of hard paving and driveways</li> <li>Driveways and parking spaces without landscaping provided alongside</li> </ul>
	<i>To maintain the sense of openness and visibility of tree canopies in rear gardens</i>	<ul style="list-style-type: none"> <li>Buildings should not exceed the dominant tree canopy height</li> <li>Landscape plans for new developments should include canopy trees in rear gardens</li> </ul>	<ul style="list-style-type: none"> <li>Bulky development dominating the tree canopy</li> <li>Insufficient space for large trees</li> </ul>
	<i>To maintain spaciousness around buildings, and the alignment of buildings along the street</i>	<ul style="list-style-type: none"> <li>Reinforce the rhythm of spacing between and around buildings</li> <li>Buildings should be well setback from front, side and rear boundaries</li> <li>Dwellings on the same site should be well separated to accommodate vegetation, including canopy trees where possible</li> <li>Garages, carports and outbuildings should be well setback from the front façade of dwellings fronting the street</li> </ul>	<ul style="list-style-type: none"> <li>Lack of space around buildings</li> <li>Walls on boundaries</li> </ul>
BUILDING HEIGHT AND FORM	<i>To ensure that buildings and extensions do not dominate the streetscape</i>	<ul style="list-style-type: none"> <li>Buildings should not exceed two storeys</li> <li>Roof forms should incorporate eaves</li> </ul>	<ul style="list-style-type: none"> <li>Buildings that exceed two storeys</li> <li>Lack of eaves</li> </ul>
MATERIALS AND DESIGN DETAIL	<i>To encourage building detail that complements the existing and/or preferred landscape character of the area and ensures that the landscape is the dominant element</i>	<ul style="list-style-type: none"> <li>Building facades should be well articulated using recesses, verandahs, balconies, window openings and variations in materials and colours</li> </ul>	<ul style="list-style-type: none"> <li>Blank walls and facades</li> <li>Building materials, finishes and colours that dominate the streetscape</li> <li>Mock historical styles and reproduction detailing</li> </ul>
FRONT FENCING	<i>To retain views to dwellings and gardens, and allow for the movement of wildlife</i>	<ul style="list-style-type: none"> <li>No front fencing or a low, open style front fence.</li> <li>Vegetation should be used as an alternative to fencing where possible.</li> </ul>	<ul style="list-style-type: none"> <li>High or solid front fencing</li> <li>Fencing that inhibits the movement of wildlife</li> </ul>
ENVIROMENTALLY SUSTAINABLE DESIGN	<i>To provide resource efficient buildings</i>	<ul style="list-style-type: none"> <li>Maximise passive solar orientation for every building</li> <li>Use resource efficient building materials and design</li> <li>Roof forms should incorporate eaves that are designed to maximise passive solar function</li> </ul>	<ul style="list-style-type: none"> <li>Poor orientation of dwellings</li> <li>Lack of eaves</li> </ul>



PRECINCT MAP

**COMMUNITY VALUES**

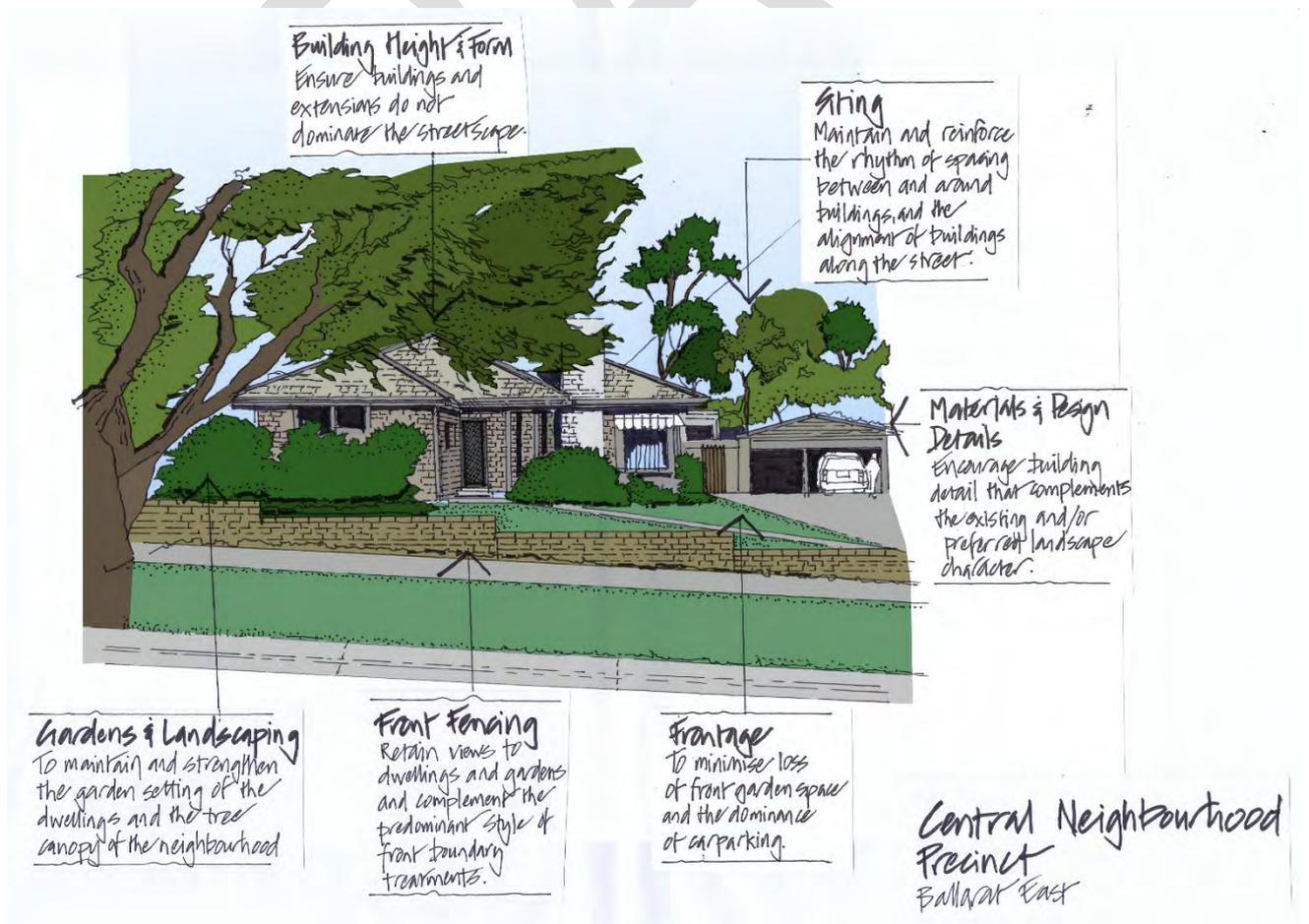
- Enhance open spaces, parks and waterways
- Retain vegetation, both on public and private land
- Encourage environmental sustainability
- Encourage diverse building styles
- Encourage buildings that are sensitive to landscape setting in terms of scale and design
- Retain important views and vistas
- Retain large lots

**PREFERRED CHARACTER STATEMENT**

A variety of well-articulated dwelling styles, including many from the Interwar and Post war era, will sit within established, open gardens incorporating a mix of native and exotic vegetation and large trees. The character of the area will be enhanced by garden settings with tall trees, lawns, garden beds and shrubs. A sense of spaciousness will be established and enhanced with generally consistent front and side setbacks, and low or open style front fences, often consistent with the era of the dwelling.

Buildings will occasionally be built to the side boundary but will be well setback beyond the façade of the dwelling and towards the rear of the lot, with plenty of space for planting. Development abutting waterways and open space will be sited to minimise the dominance and visibility of built form from the public realm. Vegetation from private gardens will enhance the landscape character of watercourses and open spaces.

Areas within convenience living corridors will accommodate more dwellings with slightly more compact siting than remaining residential areas but will still have space for large trees and gardens.



## PRECINCT GUIDELINES

CHARACTER ELEMENT	OBJECTIVE	DESIGN RESPONSE	AVOID
SENSITIVE LANDSCAPE ENVIRONS	<i>To ensure buildings make a positive contribution to adjacent waterways and bushland</i>	<ul style="list-style-type: none"> <li>• Minimise the visual impact of development on sensitive landscape areas</li> <li>• Building design to respond to topography and minimise the need for cut and fill</li> <li>• Minimise site coverage and hard surfaces on sites adjoining sensitive landscape environs</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings that are visually dominant when viewed from within the sensitive landscape</li> <li>• Buildings that do not respond to the topography</li> <li>• Excessive site coverage and hard surface areas that leave inadequate space for trees and vegetation to complement the sensitive landscape environs</li> </ul>
	<i>To ensure that new development provides a positive interface with adjoining parks and open space</i>	<ul style="list-style-type: none"> <li>• Design new buildings to provide a façade to adjacent parkland to enable casual passive surveillance of the public space</li> <li>• Vegetation should be used to enhance privacy to dwellings from adjoining open space</li> <li>• Buildings should be setback from the interface boundary so as not to dominate or appear overbearing from within the parkland</li> </ul>	<ul style="list-style-type: none"> <li>• Blank walls and high, impervious fences fronting parkland</li> </ul>
	<i>To maintain and strengthen the garden setting of the dwellings and the tree canopy of the neighbourhood</i>	<ul style="list-style-type: none"> <li>• Retain established or mature trees and provide for the planting of new canopy trees</li> <li>• Locate footings and paved areas outside the root zone of established trees</li> <li>• Building site coverage should not exceed 40%</li> <li>• Provide at least 30% permeable surface</li> <li>• Provide at least two canopy trees with a minimum mature height of 8 metres, with at least one tree provided in the rear setback of each dwelling</li> <li>• Open space areas should be oriented to the north wherever possible</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of large, established trees</li> <li>• Inadequate space for trees/planting around buildings</li> </ul>
GARDENS AND LANDSCAPING	<i>To minimise the loss of front garden space and the dominance of car parking structures</i>	<ul style="list-style-type: none"> <li>• Provide only one vehicular crossover per typical site frontage</li> <li>• Hard paving for car parking should be minimised and permeable surfaces used where possible</li> </ul>	<ul style="list-style-type: none"> <li>• Car parking structures that dominate the façade or views of the dwelling and garden from the street</li> <li>• Creation of new crossovers and driveways, or wide crossovers</li> </ul>

<b>SITING</b>		<ul style="list-style-type: none"> <li>• Locate car parking structures to the side or rear of dwellings</li> <li>• Landscaping should be provided along driveways, including trees where possible</li> </ul>	<ul style="list-style-type: none"> <li>• Excessive areas of hard paving and driveways</li> <li>• Driveways and parking spaces that do not have landscaping alongside them</li> </ul>
	<i>To maintain and reinforce the rhythm of spacing between and around buildings</i>	<ul style="list-style-type: none"> <li>• Buildings should be well setback from front, side and rear boundaries to allow for recreational space and planting</li> <li>• Dwellings on the same site should be well separated to accommodate vegetation, including canopy trees where possible</li> <li>• Garages, carports and outbuildings should be well setback from the front façade of dwellings fronting the street</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of space around buildings</li> <li>• Walls on boundaries, other than in exceptional circumstances</li> </ul>
<b>BUILDING HEIGHT AND FORM</b>	<i>To ensure that buildings and extensions do not dominate the streetscape</i>	<ul style="list-style-type: none"> <li>• Buildings should not exceed two storeys</li> <li>• Roof forms should incorporate eaves</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings that exceed two storeys</li> <li>• Lack of eaves</li> </ul>
<b>MATERIALS AND DESIGN DETAIL</b>	<i>To encourage building detail that complements the existing and/or preferred character of the area</i>	<ul style="list-style-type: none"> <li>• Building facades should be well articulated using recesses, verandahs, balconies, window openings and variations in materials and colours</li> </ul>	<ul style="list-style-type: none"> <li>• Blank walls and facades</li> <li>• Building materials, finishes and colours that dominate the streetscape</li> <li>• Mock historical styles and reproduction detailing</li> </ul>
<b>FRONT FENCING</b>	<i>To retain views to dwellings and gardens, and complement the predominant style of front boundary delineation of the street</i>	<ul style="list-style-type: none"> <li>• No front fencing or a low, open style front fence. Vegetation should be used as an alternative to fencing where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• High or solid front fencing</li> </ul>
<b>ENVIRONMENTALLY SUSTAINABLE DESIGN</b>	<i>To provide resource efficient buildings</i>	<ul style="list-style-type: none"> <li>• Maximise passive solar orientation for every building</li> <li>• Use resource efficient building materials and design</li> <li>• Roof forms should incorporate eaves that are designed to maximise passive solar function</li> </ul>	<ul style="list-style-type: none"> <li>• Poor orientation of dwellings</li> <li>• Lack of eaves</li> </ul>



COMMUNITY VALUES

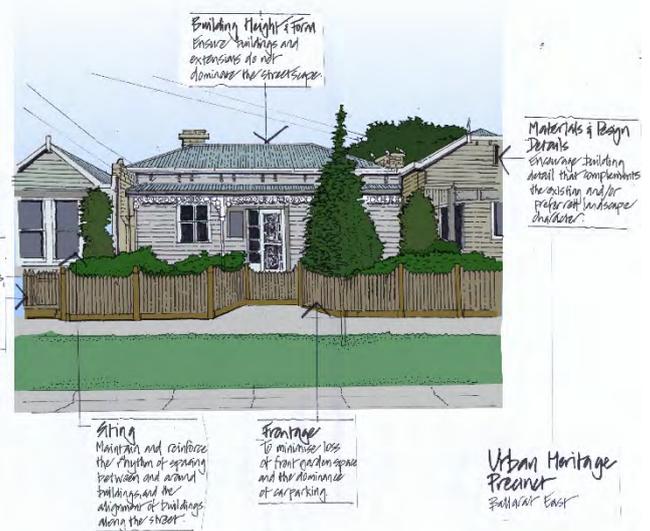
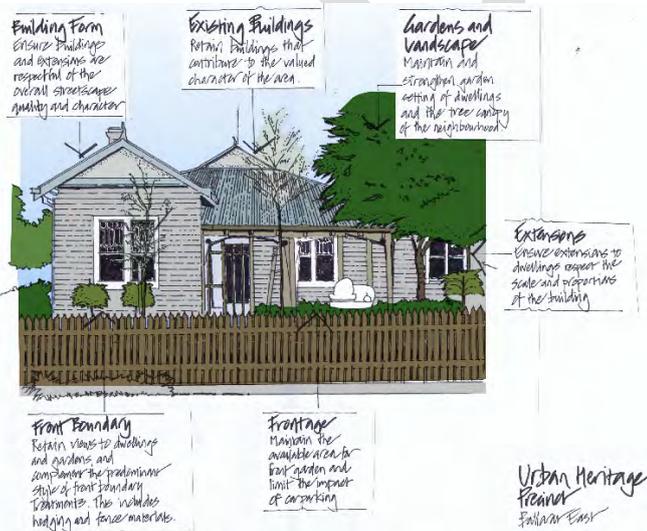
- Enhance open spaces, parks and waterways
- Retain and ensure planting of appropriate street trees
- Retain vegetation and established gardens on private land
- Encourage environmental sustainability
- Encourage diverse building styles
- Retain heritage style buildings
- Encourage buildings that are sensitive to landscape setting in terms of scale and design
- Retain important views and vistas

PREFERRED CHARACTER STATEMENT

The prominence of heritage and quality older style dwellings will be complemented by well-designed contemporary buildings set within established gardens will form the key characteristic of the area. New buildings and extensions will respect and complement existing built form from earlier periods in scale and siting.

The vegetated character of the area will be maintained by retaining front setbacks that allow for gardens, regularly including trees. Low or open style front fences consistent with the era of the dwelling will allow private gardens to contribute to the character of the area.

Areas within convenience living corridors will accommodate more dwellings with slightly more compact siting than remaining residential areas but will still have space for trees and gardens.



## PRECINCT GUIDELINES

CHARACTER ELEMENT	OBJECTIVE	DESIGN RESPONSE	AVOID
SENSITIVE LANDSCAPE ENVIRONS	<i>To ensure buildings make a positive contribution to adjacent waterways</i>	<ul style="list-style-type: none"> <li>Minimise the visual impact of development on sensitive landscape areas such as waterways</li> <li>Building design to respond to topography and minimise the need for cut and fill</li> <li>Minimise site coverage and hard surfaces on sites adjoining waterways</li> </ul>	<ul style="list-style-type: none"> <li>Buildings that are visually dominant when viewed from within the sensitive landscape</li> <li>Buildings that do not respond to the topography</li> <li>Excessive site coverage and hard surface areas</li> </ul>
PARK INTERFACE	<i>To ensure that new development provides a positive interface with adjoining parks and open space</i>	<ul style="list-style-type: none"> <li>Design new buildings to provide a façade to adjacent parkland to enable casual passive surveillance of the public space</li> <li>Vegetation should be used to enhance privacy to dwellings from adjoining open space</li> <li>Buildings should be setback from the interface boundary so as not to dominate or appear overbearing from within the parkland</li> </ul>	<ul style="list-style-type: none"> <li>Blank walls and high, impervious fences fronting parkland</li> </ul>
EXISTING BUILDINGS	<i>To retain buildings that contribute to the valued character of the area</i>	<ul style="list-style-type: none"> <li>Retain and restore where possible, intact Victorian, Edwardian, Federation and Inter-war era dwellings</li> <li>Encourage alterations and extensions that are appropriate to the building era and allow the history of the built form to be easily understood</li> <li>Encourage design that respects the valued character of the area</li> <li>Encourage extensions that are located beyond the original roof form of the dwelling and respect the scale and proportions of the building</li> </ul>	<ul style="list-style-type: none"> <li>Demolition of intact dwellings from this era</li> <li>Demolition of parts of intact dwellings visible from the street</li> <li>Buildings that seek to imitate or mock heritage features</li> </ul>
GARDENS AND LANDSCAPING	<i>To maintain and strengthen the garden setting of dwellings and the tree canopy of the neighbourhood</i>	<ul style="list-style-type: none"> <li>Retain established or mature trees and provide for the planting of new canopy trees where appropriate</li> <li>Locate footings and paved areas outside the root zone of established trees or use tree sensitive construction methods to ensure root systems are not damaged</li> </ul>	<ul style="list-style-type: none"> <li>Removal of large, established trees</li> <li>Inadequate space for trees and garden areas</li> <li>Applications that lack a landscape plan</li> </ul>

		<ul style="list-style-type: none"> <li>• Minimise the loss of front garden space</li> <li>• Open space areas should be oriented to the north wherever possible</li> </ul>	
SITING	<p><i>To minimise the loss of front garden space and minimise the dominance of car parking structures</i></p>	<ul style="list-style-type: none"> <li>• Provide only one vehicular crossover per typical site frontage (where there is provision for front access)</li> <li>• Encourage the use of laneways to provide rear access for car parking</li> <li>• Hard paving for car parking should be minimised and permeable surfaces used where possible</li> <li>• Locate car parking structures to the side or rear of dwellings</li> <li>• Landscaping should be provided along driveways</li> </ul>	<ul style="list-style-type: none"> <li>• Car parking structures that dominate the façade or views of the dwelling and gardens from the street</li> <li>• Creation of new crossovers and driveways, or wide crossovers</li> <li>• Excessive areas of hard paving and driveways</li> <li>• Driveways that do not have landscaping alongside them</li> </ul>
	<p><i>To maintain and reinforce the rhythm of spacing between and around buildings, and the alignment of buildings along the street</i></p>	<ul style="list-style-type: none"> <li>• The front setback should be not less than the average setback of the adjoining two dwellings</li> <li>• Dwellings on the same site should be designed so as to accommodate vegetation, including canopy trees where possible</li> <li>• Garages, carports and outbuildings should be well setback from the front façade of dwellings fronting the street</li> <li>• Vehicle access should be provided from the rear where possible</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings that are set further forward or back of the adjoining two buildings</li> <li>• Boundary to boundary development unless this is a feature of the area</li> </ul>
BUILDING HEIGHT AND FORM	<p><i>To ensure that buildings and extensions do not dominate the streetscape</i></p>	<ul style="list-style-type: none"> <li>• Buildings should not exceed two storeys</li> <li>• Roof forms should incorporate eaves</li> <li>• Encourage new buildings and extensions that respect and are proportionate to the scale and form of surrounding buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings that exceed two storeys</li> <li>• Lack of eaves</li> <li>• Large, bulky buildings</li> <li>• Buildings that dominate the streetscape and/or the surrounding area</li> </ul>
MATERIALS AND DESIGN DETAIL	<p><i>To encourage building detail that complements the dominant pattern in the streetscape</i></p>	<ul style="list-style-type: none"> <li>• Building facades should be well articulated using recesses, verandahs, balconies, window openings and variations in materials and colours</li> </ul>	<ul style="list-style-type: none"> <li>• Blank walls and facades</li> <li>• Building materials, finishes and colours that dominate the streetscape</li> <li>• Mock historical styles and reproduction detailing</li> </ul>

<b>FRONT FENCING</b>	<i>To retain views to dwellings and gardens, and complement the predominant style of front boundary delineation of the street</i>	<ul style="list-style-type: none"> <li>• Encourage low, open style front fencing that is appropriate to the era of the dwelling</li> <li>• Front fences should not exceed 1.2 metres other than in exceptional circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• High or solid front fencing</li> <li>• Front fencing not appropriate to the era of the dwelling</li> </ul>
<b>ENVIRONMENTALLY SUSTAINABLE DESIGN</b>	<i>To provide resource efficient buildings</i>	<ul style="list-style-type: none"> <li>• Maximise passive solar orientation for every building</li> <li>• Use resource efficient building materials and design</li> <li>• Roof forms should incorporate eaves that are designed to maximise passive solar function</li> </ul>	<ul style="list-style-type: none"> <li>• Poor orientation of dwellings</li> <li>• Lack of eaves</li> </ul>



**PRECINCT MAP**

## Response to Feedback on the Draft Ballarat East Local Area Plan

16 May 2019

Key Issues/ Themes	Council's Response
<b>Neighbourhood Character</b>	
<p>Higher density should not mean high rises- development should align with neighbourhood character- single story dwellings and generous setbacks and block sizes.</p> <p>Community does not want another 'Marvella' style development</p> <p>Higher density should be discouraged where there is still vacant land</p>	<p>Noted. Character concerns with higher density development are addressed through Strategies 7, 12, 14, which recommend planning controls to guide development in accordance with community values and preferred landscape and neighbourhood character. Draft planning scheme ordinance and draft development guidelines are included at Attachments 3 and 4.</p>
<p>Older buildings and the historical character of Ballarat East needs to be protected</p> <p>Heritage Overlays should be utilised to communicate the importance of heritage to trades and industry</p> <p>Possible return of heritage verandas to shop facades</p>	<p>Noted. Addressed through Strategies 6 and 7, which recommend actions to safeguard existing heritage, support adaptive reuse of heritage buildings and applying planning controls to guide development to reflect neighbourhood character.</p>
<p>Confusion about what 'diversity' means, concern it is a word used to justify high rise development</p>	<p>Noted. Diversity is taken to mean that not all buildings will look the same, lot sizes will be varied, some commercial/community facility uses will be scattered throughout residential areas to support more complete neighbourhoods. New development that is different looking to that which exists will still need to respect the preferred character of the area.</p>
<b>Transport</b>	
<p>Bus routes need to be reviewed in all precincts</p> <p>Good frequent public transport is needed along convenience living corridor- smaller more frequent busses</p>	<p>Noted. Addressed through Strategy 16 which recommends Council advocate to the appropriate bodies for improved service provision.</p>
<p>Bike path from beginning of Fortune Street up to Mt Xavier College</p> <p>Hopetoun Street as a bikeway with speed reductions/traffic taming - and as a walking track</p> <p>Bike path from beginning of Fortune Street up to Mt Xavier College</p>	<p>Noted. Addressed through Strategies 11 and 16 which recommend improvements to cycle infrastructure and cycle and pedestrian linkages.</p>

<p>Planned Warrenheip Rail Hub and Fast trains to Melbourne make Ballarat East strategic location for high density population growth, infill and modernisation</p>	<p>Noted. Strategy 14 seeks to focus new infill development within the inner and core areas of Ballarat East in accordance with the Ballarat Strategy. Any new development needs to consider heritage, neighbourhood and landscape character and environmental constraints including bushfire, flooding and native vegetation.</p>
<p><b>Infrastructure</b></p>	
<p>Strategy One Waterways Management- support "retrofitting" waterways. Two waterways identified which would benefit:</p> <ul style="list-style-type: none"> <li>● Grasstree Creek</li> <li>● Lal Lal Drain</li> </ul> <p>-Opportunity for restorative work in the part of the creek that passes through the Rifle Range. BELAP should categorically state that piping is the last case solution for waterway works.</p>	<p>Noted. Addressed through Strategy 1 which recommends improved management and community involvement in the management of waterways and design guidelines to improve the interface between new development and waterways.</p>
<p><b>Building and Development</b></p>	
<p>More emphasis required on the industrial component re employment opportunities Consideration required re Ballarat East's strategic location with regards to the 10-minute city strategy</p> <p>Strategy 14 is strongly supported this but note that the land to the east of the Eureka centre is included in the Urban Fringe Ballarat East area designated C1 Charlesworth. Believe the clear intent to the Plan is to identify all industrial land around the Eureka Centre for potential transition, therefore the wording should be revised to include the Urban Fringe/Charlesworth reference or new individual Strategy item be created</p> <p>Strategy 21 has a degree of confusion, specifically tension between transitioning inappropriately zoned area to more appropriately zoned ones and discouraging new sensitive uses from being located within the buffers of existing industrial sites as buffer zones (IZ1) may limit individual parcels from being rezoned.</p> <p>Suggest a more holistic precinct based approach. Suggest clearly differentiation of future status of industrial zone north of Eureka Street and the industrial zone south around Larter/Kline</p>	<p>Strategy 14 and 21 includes an action to review the existing Industrial Land Use Strategy across the City.</p> <p>The plan identifies the land to the east and west of the Eureka Centre as having the potential for redevelopment in the future, subject to the results of a review of the Industrial Land Supply. Should this be the direction that is ultimately sought, a separate strategic process would need to be undertaken.</p> <p>Strategy 21 has been reworded to be clearer, recommending a review of the Industrial Land Use Strategy and to ensure sensitive uses do not encroach into industrial buffers.</p>

Hopetoun St has underused private spaces : former Church Community Hall and Tennis Courts could be repurposed to augment or add to the Specimean Vale Linear Nature Reserve/Park/Oval. This open space is part of the historical, cultural and environment appeal of the neighbourhood	Noted – this is privately owned land and should the owner wish to pursue such a development it would be considered on its merits
Draft Local Area Plan refers to the potential for remediation and adaptive re-use of the site. RRD feel the reference is too general in nature and will not give potential purchasers confidence re any proposed rezoning and redevelopment	More detail has been added to Rifle Range Key Site statement to clarify that any development needs to consider the bushfire, environmental (including native vegetation) and contamination issues. Development that aligns with Woowookarung Regional Park is encouraged.
We submit that the draft Ballarat East Local Area Plan in its current form is deficient in not providing further clarity for the subject site. We request that the Ballarat East Local Area Plan clearly states that there is potential for rezoning of the western part of the site for residential development subject to the process of a site specific amendment which would assess all the site specific conditions	The Ballarat East Local Area Plan is not the correct forum to definitively clarify the final development potential of the Rifle Range site. This should be the subject of a separate strategic planning process. Guidance on development considerations for the site are included in the plan.
<b>Environmental</b>	
Fire risk urgently needs to be considered with a target of 40% canopy cover  Need a good firebreak along the edge of Woowookarung	Woowookarung Regional Park is under the management of Parks Victoria and as such, they are the appropriate body to manage the fire risk from the park. Advocating and striving towards a 40% canopy cover does not preclude the need to manage bushfire risk.
Consider an off-leash park and dog poo bags	This is included as an action at Strategy 17 which recommends identifying a suitable location for an off-lead dog park.
Upgrade plantings at Lake Esmond and support friends groups	This is included as an action at Strategy 2 which recommends planning and undertaking targeted revegetation on Council managed land to improve the health of waterways, enhance habitat and manage erosion. Also recommends supporting community groups by providing plants to improve biodiversity outcomes.
Strategy Three Contains no implementation plan or recognise existing Koala Plan: Add implementation of Koala plan to the Strategy. In addition Background Paper 4 shifts responsibility to the community, of Koala Plan commitments to a senior council officer for koalas, implementation committee etc	Strategy 2 recommends the review of the effectiveness of the ESO5 as well as foreshadowing modified planning controls to support the creation of living corridors.
Want CoB to support connections to make seamless access points that are: safe, all access available, clean from dumped waste, easily	This is addressed through Strategies 11, 17 and 18 which recommend establishing and improving cycle and pedestrian linkages, safe

identifiable via good signage and mapping, sense of arrival with potential for vehicle parking	pedestrian crossing points and improved maintenance of and upgrade of public spaces
East lot contains significant biodiversity including koala habitat and waterways as well as heritage structures.-a real opportunity to gain habitat land and actually restore biodiversity and koala habitat	Further details regarding the Rifle Range are included in the Key Sites statement. Potential development of the Rifle Range is to be the subject of a separate planning process. Strategy 2 recommends the review of the effectiveness of the ESO5 as well as foreshadowing modified planning controls to support the creation of living corridors.
RR Heritage- Woovookarung contains two rifle ranges. The old Commonwealth RR should be considered for heritage listing.	This is most appropriately addressed via the ongoing Heritage Gaps study
Strategy Two Living Corridors- Need to clarify the location of the North South Wildlife Corridor/Bio Link and the buffer zones.	Addressed through Strategy 2 which recommends the review of the effectiveness of the ESO5 as well as foreshadowing modified planning controls to support the creation of living corridors, in particular along the Great Dividing Range/Woovookarung Regional Park.

**11.5. PLP/2019/010 16-18 ARMSTRONG STREET NORTH, BALLARAT CENTRAL**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Chloe Moorcroft - Statutory Planner

**OFFICER RECOMMENDATION**

**Council resolves, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, to Grant an Amended Permit to extend the operating hours for the sale and consumption of liquor from 11:00pm to 1:00am at the 16-18 Armstrong Street North, Ballarat Central, under the provisions of the Ballarat Planning Scheme, subject to the following conditions:**

- 1. Approved Plans:** The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.
- 2. Limit on Number of Patrons:** Without the prior written consent of the Responsible Authority, not more than 115 patrons may be present on the premises at any one time. If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.
- 3. Sale and Consumption of Liquor – Hours:** Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the hours of:
  - Monday to Sunday – 11:00am to 1:00am
  - The eve of Good Friday and Anzac Day– 11:00am to 12:00am
  - Good Friday and Anzac Day – 12:00pm to 1:00am.
- 4. Sale and Consumption of Liquor - Food & Drink Premises:** The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on the premises.
- 5. Amenity:** The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin or otherwise;

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

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

- 7. Time for Starting and Completion – Use only: This permit for the use of land expires if:**
- a) The use does not start within two years of the date of this permit; or
  - b) The use is discontinued for a period of two years.

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

## EXECUTIVE SUMMARY

The planning permit for PLP/2019/10 was issued on 17 April 2019 and an application was lodged the same day to amend the permit to extend the liquor licence service hours from 11:00pm to 1:00am. This matter was originally scheduled to go to the 24 April 2019 Ordinary Meeting of Council however the permit applicant agreed to amend the original application with hours of operation extending until 11:00pm so that a planning permit could be granted under officer delegation to allow commencement of the business.

The current application for the permit amendment now seeks to extend the hours to 1:00am which must be decided by a resolution of Council in accordance with the instrument of delegation.

The amendment to the application was not advertised as the original permit application was advertised advising that a 1:00am liquor licence was sought and no objections were received. It is recommended that Council issue an amended Planning Permit.

## APPLICATION DETAILS

<b>Applicant:</b>	Neil Haydon & Associates Pty Ltd
<b>Owner:</b>	Jorbrobri Pty Ltd
<b>Date Lodged:</b>	17 April 2019
<b>Subject Site:</b>	16-18 Armstrong Street North
<b>Current use:</b>	Restaurant with liquor license
<b>Zone:</b>	Commercial 1 Zone
<b>Overlays:</b>	Heritage Overlay, Schedule 171
<b>Permit triggers:</b>	Section 72 of the Planning and Environment Act. Under Clause 52.27 (Licensed Premises) a permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased.
<b>Ward:</b>	Central
<b>Number of Objections:</b>	None
<b>Mediation Meeting:</b>	No
<b>Council Referral Trigger:</b>	Liquor Licence
<b>Covenant or S173</b>	Neither
<b>CHMP Required:</b>	Not applicable

## PROPOSAL

The planning permit for PLP/2019/10 was issued on 17 April 2019 and an application was lodged the same day to amend the permit to extend the liquor licence service hours from 11:00pm to 1:00am. This matter was originally scheduled to go to the 24 April 2019 Ordinary Meeting of Council however the permit applicant agreed to amend the original application with

hours of operation extending until 11:00pm so that a planning permit could be granted under officer delegation to allow commencement of the business.

The current application for the permit amendment now seeks to extend the hours to 1:00am which must be decided by a resolution of Council in accordance with the instrument of delegation.

The amendment to the application was not advertised as the original permit application was advertised advising that a 1:00am liquor licence was sought, and no objections were received. It is recommended that Council issue an amended Planning Permit.

Under the amended proposal, the redline plan and permit conditions would be amended to reflect the changed liquor licence service hours.

The permitted Liquor Trading Hours (for consumption) are 11:00am-11:00pm every day. The perimeter of the red line plan will not be altered.

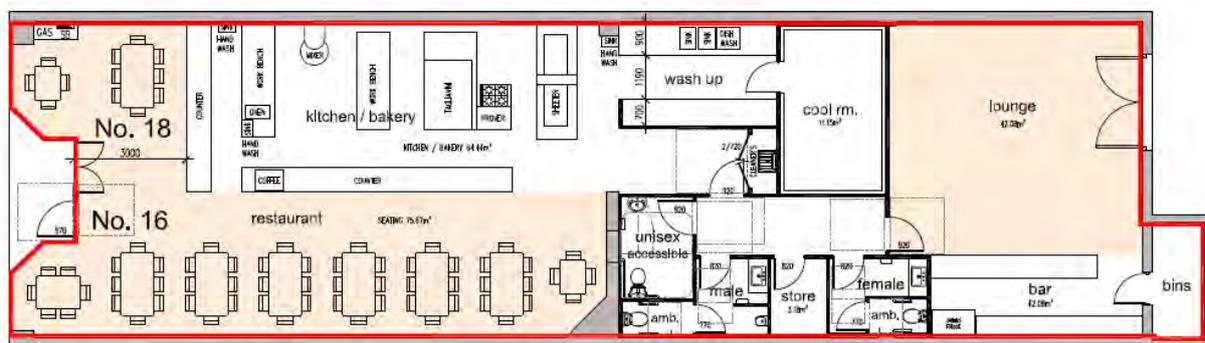


Figure 1 - Redline plan to area to remain the same

## SITE AND SURROUNDS

The subject site is located at 16-18 Armstrong Street North, Ballarat Central and is otherwise particularly described as Lot 3 of Plan of Subdivision 521988N. The subject site is located on the eastern side of Armstrong Street North, approximately 90m north of its intersection with Sturt Street. The subject site has a double shop front to Armstrong Street North of 9m in width and is approximately 32m long. The total site area is approximately 280sqm with the whole site covered by the existing building. It can be accessed from the rear by a service alleyway or by the two entrances at the front of the shop. The building on the site is single storey with the restaurant/bakery being operated at the front of the venue and the bar/lounge situated at the rear of the venue.

The location of the site is within Ballarat's Central Business District (CBD) which is Ballarat's Principal Activity Centre as identified in the Activity Centres Strategy and noted at Clause 21.07 (Economic Development) of the Ballarat Planning Scheme. The location is easily accessible for pedestrians, public transport users and those arriving in car. The surrounding area of Armstrong Street has undergone an urban renewal project on behalf of Council in the past several years and has emerged as an area of high cultural activation with many restaurants, cafes, bars/pubs, retail spaces, offices and the like all within close proximity.

The site falls within the Lydiard Street Heritage Precinct, of which all buildings within this overlay (excluding 104) on Armstrong Street North are considered contributory to the heritage significance of the area. This precinct is aesthetically and architecturally significant as an outstanding example of 19<sup>th</sup> Century provincial city centre representing the development of modern urbanism, initiated by the 1850's gold rush in rural Victoria. The area is an excellent example of a neo-classical town planning system based on a new order, hygiene and services that sharply distinguished it from neighbouring Ballarat East.

An aerial and zoning map is provided below with the subject site outlined in red.



Figure 2 - Aerial map of subject site





## PERMIT HISTORY

Planning Permit PLP/2019/10 was issued on 17 April 2019 for a dispensation of car parking and associated liquor licence for a food and drink premises. There were no development plans included in the permit as external changes were proposed to the building.

## PUBLIC NOTIFICATION

The amendment to the application was not advertised as the original permit application was advertised from 12 February until 28 February 2019 advising that a 1:00am liquor licence was ultimately to be sought. No objections were received.

The proposal is not seen to provide for any material detriment as follows:

- The use of the land for a restaurant and liquor licence is established;
- The proposal does not seek to increase the permitted patron numbers;
- There is no proposed footpath trading; and
- The extension to the allowable service of liquor hours is consistent with a number of restaurants and cafes in the CBD.

## KEY ISSUES

The principal issues relevant to the application are as follows:

- Strategic Justification;
- Licensed Premises;
- Cumulative Amenity Impacts; and

- Modifications to Conditions.

#### Strategic Justification

The site is located within the Commercial 1 Zone and forms part of the Ballarat Central Business District, Ballarat's Principal Activity Centre. It is the purpose of commercial areas to create "*vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*" The Central Highlands Regional Growth Plan (a policy document under Clause 11.01-1S) is relevant as the proposal will "*maintain Ballarat's Central Business District as the primary focus for commercial, retail and service activity in the city and region*". Clause 17 (Economic Development) is also relevant, as the liquor licence consumption hours will allow the existing use to widen its trade offer and meet the needs of the local population within an existing activity centre.

Local policy at Clause 21.07 (Economic Development) sets out economic growth and activity centre strategies and objectives, including the identification of the Ballarat Central Business District as a Principal Activity Centre. A strategic direction of Objective 5 to Clause 21.07-3 (Activity Centres) is to encourage development that redesigns the '*spaces as a highly accessible, people focussed hub for the local community*'. The works undertaken by Council in the *Armstrong Streetscape Revitalisation* were to improve the usability and appearance of Armstrong Street by activating the street with outdoor dining areas, providing more trees and upgrading the parking creating a vibrant, attractive and pedestrian friendly precinct.

The proposal will directly implement Strategies 5.1 and 5.3 of Clause 21.07, as it will seek to activate the mixed-use precinct by widening the offering of entertainment uses within the Ballarat CBD. Local policy at Clause 21.09-1 (CBD) sets out strategies to facilitate the CBD as a key entertainment destination that includes '*out-of-hours activation*'. This policy provides an emphasis '*on high quality public realm, pedestrian amenity and a people first approach to managing space*'.

The granting of an amendment to the planning permit for this licence will directly implement the objectives and strategies for activity centres as outlined at Clause 21.07, Clause 21.09 and the objectives and strategies of the CBD Strategy: Making Ballarat Central.

#### Licensed Premises

Clause 52.17 (Licensed Premises) is relevant to this application. The purpose of the Clause is:

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

A number of matters must be considered when deciding on an application including:

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

Pursuant to Clause 52.27 (Licensed Premises), a planning permit is required to use the land to sell or consume liquor if the time that liquor is allowed to be consumed under an existing license is to be increased.

As noted above, the site is located within an established commercial area, which is designated as Ballarat's Central Business District. Given the layout of the existing building

and the nature of the uses in the immediate surrounding context, including retail, food and drink premises and other community and commercial enterprises, it is unlikely that any adverse amenity impacts would occur as a result of the proposed extension to the hours of consumption of liquor.

The nearest residential areas are to the north east of the site on the northern side of the trainline, and west of the site on the western side of both Dawson Street South and Lyons Street North. The licensed area and associated activity will be focused to Armstrong Street North and removed from the nearby residential area.

Noise impacts associated with the licence are also not likely to be an issue as the venue will only play low background music to allow comfortable conversation for patrons. The extension to the licence applied for is a general liquor licence. As the focus of the use will be the serving of meals and then providing a space for after dinner drinks it is unlikely that there will be any unreasonable noise impacts. In addition, there is no proposed increase in patron numbers and or trading on the footpath.

#### Cumulative Amenity Impacts

The Department of Environment, Land, Water and Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact June 2015 sets out guidelines to be used by Councils when assessing licensed premises including a food and drink premises. Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol.

Cumulative impact is a product of the number and type of venues present, the way they are managed and the capacity of the local area to accommodate those venues. As the site is located in the commercial core of Ballarat there are a number of license premises located within a 500 metre radius of the site.

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

- The permitted patron numbers will not increase;
- There will still be no alcohol served externally of the building;
- The site is located in a commercial zone where the predominant use is for retail/offices and restaurant premises;
- There are many other 'late night venues' in a close proximity to the site; and
- The supply of liquor within the space would remain as ancillary to the service of meals.

A proposal was referred to Council's Social Planner officer who has supported the cumulative impact assessment and advises that the proposal will not increase or create a cumulative amenity impact in the area immediately surrounding the subject site.

#### Modification to conditions

Given the only amendment to the permit is to increase the times in which liquor is to be served, only Condition 3 (Sale and Consumption of Liquor – Hours) will be modified. The changes will incorporate restrictions for the night before Good Friday and Anzac Day, which typically do not allow alcohol to be served between the hours of 12:00am to 12:00pm. The amended hours will read as follows:

- Monday to Sunday – 11:00am to 1:00am
- The eve of Good Friday and Anzac Day– 11:00am to 12:00am
- Good Friday and Anzac Day – 12:00pm to 1:00am.

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

- *Planning and Environment Act, 1987;*
- City of Ballarat Council Plan 2017-2021
- Ballarat Planning Scheme.

**State Planning Policy Framework (SPPF)**

Clause 17 – Economic Development

**Local Planning Policy Framework**

Clause 21.01 – Municipal Overview

Clause 21.07 – Economic Development

Clause 21.09 – Local Areas

**Particular Provisions**

Clause 52.27 – Licensed Premises

In addition:

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

**REPORTING AND COMPLIANCE STATEMENTS**

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

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

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

**Social/Cultural** - This application provides an additional 2 hours for the venue to serve alcohol in a recently rejuvenated section of Armstrong Street North which has been created to bring people together over food and drink which in turn creates a town centre with increased vibrancy.

**Economic** – The application has had regard to the economic benefit of the proposed business and the economic benefits the business will bring to the restaurant precinct of Armstrong Street North.

**Risk Management** – Conditions placed on any approved permit will ensure risk management of future patrons has been considered both internal and external of the building.

## **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 Planning Scheme; and
- Practice Note 61 – Licensed Premises: Assessing Cumulative Impacts

## **ATTACHMENTS**

Nil

**11.6. PUBLIC ART ADVISORY COMMITTEE REVIEW**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Tara Poole - Coordinator Creative City and  
Kate Gerritsen – Public Art Coordinator

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

- 1. Repeal the Public Art Policy (2010) endorsed by Council 10 February 2010 by resolution R032/10, revoke the Public Art Advisory Committee Terms of Reference endorsed by Council 9 June 2010 by resolution R154/10 and wind up the appointed Public Art Advisory Committee.**
- 2. Note the efforts of the Public Art Advisory Committee to support the advancement of the Public Art Master Plan and offer Council's gratitude for their active support and involvement.**
- 3. Establish a panel of up to 12 expert advisors for the purpose of obtaining advice regarding public art project and collection management.**

**EXECUTIVE SUMMARY**

The Public Art Advisory Committee was established by the following resolutions of Council:

1. The Public Art Policy (stipulating the appointment of the Committee) adopted on 10 February 2010.
2. The Public Art Advisory Committee Terms of Reference adopted on 9 June 2010.
3. The Public Art Advisory Committee Members appointed on 8 September 2010.

The recently adopted Creative City Strategy identifies Council's public art collection as being of significant importance. The Creative City team are working to accurately document and review the current collection, to future proof additions to the collection and to establish improved ways for the community to engage with their public art collection. As part of the review, the role and function of external advice was also considered.

Officers believe an expert panel will provide a clear pathway for advice to Council on public art matters, a tailored approach that would be flexible and support the delivery of the Creative City Strategy. This is a change to the current position of the current Public Art Policy.

**RATIONALE**

Ballarat has a wealth of public art across the city. The collection is a worthy representation, not only of the story of settlement and a reflection of different sides of our community, but the importance of the Wadawurrung people's continued ownership of the land upon which the City sits.

The Public Art Committee is an Advisory Committee of Council, governed by Council's Committee Policy. The purpose of the Committee is to:

“provide Council with broadly-based expert vision, advice, critique, and comment on the ongoing development, guidance, and implementation of the City of Ballarat’s Public Art Policy and Masterplan Implementation”.

Council allocates \$110,000 to public art projects through the capital program annually. This is currently deemed to be sufficient. However, the imminent implementation of the Creative City Strategy will see significant change in the public art space.

The adoption of the Creative City Strategy (May 2019) has opened an opportunity for the City to work towards a best-in-class model for public art selection and design. There is the opportunity for Ballarat to become internationally recognised for its current public art collection.

The Creative City Strategy provides scope for a comprehensive strategic direction and future redefining of temporary, ephemeral and permanent public art commissions in the City.

The implementation of the Creative City Strategy provides an opportunity to increase the wide range of skill sets needed to future proof public art initiatives within the City. More nimble advice and direction can be provided on temporary and ephemeral art pieces, ensuring quicker response times and an increase in artistic practice across the city.

### **Appointment of an expert panel**

The role of an expert panel is to work with Council Officers to develop key aspects of public art projects in line with the aspirations of the Creative City Strategy.

Once a project has been confirmed, 3-4 panel members will be invited to join Council Officers to make up public art project working groups. Meetings will only be held as required for each project. A minimum of two project working group meetings will be held for each project. The maximum time commitment for an expert invited to contribute to a project would be ten hours over the space of six months.

Advisors will be appointed to the voluntary roles based on experience. The preference will be to appoint experts from the Ballarat region, however where specific expertise is required members may be recruited from other areas. The total expert panel would list a minimum of ten members available for recruitment to public art project working groups with the following expertise:

- First Nations Advice – minimum two advisors from first nations community backgrounds, if possible one Wadawurrung community advisor;
- Placemaking advice – minimum one advisor with experience in placemaking or public space use design;
- Architecture/Landscape advice – minimum two advisors with experience in architectural practice, if possible one with experience in landscape architecture;
- Artistic advice – minimum two advisors with public art making experience;
- Curatorial advice – minimum two advisors with curating/public art commissioning experience; and
- Conservation /collections management advice - minimum one advisor with experience in arts conservation or collection management practice.

Panel members may be recruited for up to 5 years. There is no minimum or maximum number of projects that each member will be invited to give advice on. Once recruited to a project working group it is expected that the panel member is available for the duration of step 2 of the project development.

The cost of the running the project based working groups would be budgeted into each project and Officer time required would be equivalent to 1-2 days per month. Benefits of this approach

include a clear pathway for advice to Council on public art matters, more efficient use of time, a tailored approach that would be flexible and support the delivery of the Creative City Strategy and specific expertise being made available to guide the development of the public art collection in Ballarat.

If the officer's recommendation is supported by Councillors, due acknowledgement should be given to the dedicated efforts of the current and past members of the Public Art Advisor Committee.

## LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- Public Art Policy (2010)
- Public Art masterplan (2010)

## 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>	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

**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 Public Art Collection represents significant storytelling and visual impact within our community public places. The collection is of social and cultural importance and requires expert advice to meet the current and future needs of our community.

**Economic** – The City of Ballarat Public Art Collection is a driver for tourism and adds interest and vibrancy to the streetscape. Future directions for art and creative practice in our city is closely aligned with creative industries and will be guided by the recently adopted Creative City Strategy and Master Plan.

**Financial/Resources** – The expert panel will require a level of support for ongoing management. The need for a new Public Art Policy and Masterplan will be considered in the 2019/20 financial year.

**Risk Management** – The recommended process and incorporation of an expert panel has been devised to reduce risk in Council's public art commissioning and collection management decisions by contribution of targeted professional advice for each major project.

**Implementation and Marketing** – Implementation is described in the above report.

**CONSULTATION**

The newly adopted Creative City Strategy has included a two-year consultation with our creative community. The implementation of the Creative City Strategy provides an opportunity to increase the wide range of skills sets needed to futureproof public art initiatives within the City and to seek advice and direction to respond to new project directions and increase artistic practice across the city.

**OFFICERS DECLARATIONS OF INTEREST**

There is a potential perceived conflict of interest in that Tara Poole is a co-founder of the private company the Lost ones Contemporary Art Gallery.

**REFERENCE DOCUMENTS**

- Current Public Art Advisory Committee Terms of Reference
- Current Public Art Policy (2010)

**ATTACHMENTS**

Nil

**11.7. ADVISORY COMMITTEE TERMS OF REFERENCE**

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

**OFFICER RECOMMENDATION**

Council resolves to:

1. Revoke the Terms of Reference for Advisory Committees endorsed by Council as below:
  - a) Ballarat Aerodrome Advisory Committee Terms of Reference endorsed 10 December 2014 by resolution R470/14;
  - b) Burrumbeet Soldiers Memorial Hall Advisory Committee Terms of Reference as previously endorsed by Council;
  - c) Disability Advisory Committee Terms of Reference as endorsed 23 February 2013 by resolution R047/13;
  - d) Koorie Engagement Action Group Advisory Committee Terms of Reference as endorsed 25 March 2015 by resolution R088/18;
  - e) Miners Rest Hall Terms of Reference as previously endorsed by Council;
  - f) Regional Soccer Facility Advisory Committee Terms of Reference as endorsed 23 April 2014 by resolution R115/14;
  - g) Road Safety Advisory Committee Terms of Reference endorsed 14 June 2016 by resolution R176/06;
  - h) Sebastopol RSL Community Hall Terms of Reference as previously endorsed by Council; and the
  - i) Warrenheip Community Hall as previously endorsed by Council.
2. Endorse the Terms of Reference for the following Advisory Committees:
  - a. Ballarat Aerodrome Advisory Committee;
  - b. Burrumbeet Soldiers Memorial Hall Advisory Committee;
  - c. Disability Advisory Committee;
  - d. Koorie Engagement Action Group Advisory Committee;
  - e. Miners Rest Mechanics Institute Community Hall Advisory Committee;
  - f. Regional Soccer Facility Advisory Committee;
  - g. Road Safety Advisory Committee;
  - h. Sebastopol RSL Community Hall Advisory Committee; and the
  - i. Warrenheip Community Hall.

## EXECUTIVE SUMMARY

The purpose of this report is to adopt revised Terms of Reference documents for the Ballarat Aerodrome Advisory Committee, Burrumbeet Soldiers Memorial Hall Advisory Committee, Disability Advisory Committee, Koorie Engagement Action Group Advisory Committee, Miners Rest Mechanics Institute Community Hall Advisory Committee, Regional Soccer Facility Advisory Committee, Road Safety Advisory Committee, Sebastopol RSL Community Hall Advisory Committee, and the Warrenheip Community Hall.

## RATIONALE

Following a review of the Advisory Committees of Council, the Terms of Reference have been reviewed and amended to ensure consistency of the documents and that the Committees have a clear framework to operate within to achieve their purpose and objectives.

The Terms of Reference have been reviewed and the following changes are recommended:

Ballarat Aerodrome Advisory Committee:

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 6 December 2018 and now recommend them to Council for adoption.

Burrumbeet Soldiers Memorial Hall Advisory Committee:

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- Attached the Facilities Maintenance Schedule as a schedule to the Terms of Reference; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 25 October 2018 and now recommend them to Council for adoption.

Disability Advisory Committee:

- Removed item 4.1.3 – “All decision of the Committee need to be agreed by consensus, if consensus cannot be reached, the issue may be postponed to the next meeting to allow additional time for research and/or discussions.”
- Amended items 5.9, 5.10, 5.11 regarding membership terms to item 5.6 “Council will revise the membership and voting rights of each Committee member as it sees fit.”
- Amended the title and roles of the Council Officers appointed to the Committee;
- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 3 May 2019 and now recommend them to Council for adoption.

Koorie Engagement Action Group Advisory Committee;

- Amend the term ‘Koorie’ to be inclusive of both Aboriginal and Torres Strait Islander people.
- Clarified the roles and responsibilities.
- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 16 April 2019 and now recommend them to Council for adoption.

**Miners Rest Mechanics Institute Community Hall Advisory Committee:**

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- Attached the Facilities Maintenance Schedule as a schedule to the Terms of Reference; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 12 December 2018 and now recommend them to Council for adoption.

**Regional Soccer Facility Advisory Committee:**

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 29 April 2019 and now recommend them to Council for adoption.

**Road Safety Advisory Committee:**

- Amend dates of the Road Safety Strategy.
- Amend job titles of members of the Committee to current titles.
- Amend the document in line with the revised template to ensure consistency of language and compliance requirements; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 22 November 2018 and now recommend them to Council for adoption.

**Sebastopol RSL Community Hall Advisory Committee:**

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- Attached the Facilities Maintenance Schedule as a schedule to the Terms of Reference; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 12 November 2018 and now recommend them to Council for adoption.

**Warrenheip Community Hall Advisory Committee:**

- Amend the document in line with the revised template to ensure consistency of language and compliance requirements;
- Attached the Facilities Maintenance Schedule as a schedule to the Terms of Reference; and
- The Committee reviewed and accepted changes to the Terms of Reference at their meeting on 25 November 2018 and now recommend them to Council for adoption.

**The revised Instruments are attached:**

- Ballarat Aerodrome Advisory Committee;
- Burrumbeet Soldiers Memorial Hall Advisory Committee;
- Disability Advisory Committee;
- Koorie Engagement Action Group Advisory Committee;
- Miners Rest Mechanics Institute Community Hall Advisory Committee;
- Regional Soccer Facility Advisory Committee;
- Road Safety Advisory Committee;
- Sebastopol RSL Community Hall Advisory Committee; and the
- Warrenheip Community Hall.

## 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>	No	No
<b>Risk Management</b>	No	No
<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 Advisory Committees increase awareness of the activities of Council. The Terms of Reference outline the inclusion and access of Community members to the Committee.

## CONSULTATION

There has been consultation with Officers and Advisory Committees to ensure that the Terms of Reference enable each Committee to achieve its purpose.

Revoking the Terms of Reference and endorsing the revised documents does not require any public consultation.

## 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 10 December 2014 (R470/14) – Ballarat Aerodrome Advisory Committee
- Council report and resolution 25 March 2015 (R088/18) – Koorie Engagement Action Group Advisory Committee
- Council report and resolution 13 February 2013 (R047/13) – Disability Advisory Committee

- Council report and resolution 23 April 2014 (R115/14) – Regional Soccer Facility Advisory Committee
- Council report and resolution 14 June 2016 (R176/06) – Road Safety Advisory Committee

**ATTACHMENTS**

1. Ballarat Aerodrome Advisory Committee TOR - June 2019 **[11.7.1]**
2. Burrumbeet Soldiers Memorial Hall Advisory Committee TOR - June 2019 **[11.7.2]**
3. Disability Advisory Committee TOR - June 2019 **[11.7.3]**
4. Koorie Engagement Action Group Advisory Committee TOR - June 2019 **[11.7.4]**
5. Miners Rest Mechanics Institute Community Hall Advisory Committee TOR - June 2019 **[11.7.5]**
6. Regional Soccer Facility Advisory Committee TOR - June 2019 **[11.7.6]**
7. Road Safety Advisory Committee TOR - June 2019 **[11.7.7]**
8. Sebastopol RSL Community Hall Advisory Committee TOR - June 2019 **[11.7.8]**
9. Warrenheip Community Hall Advisory Committee TOR - June 2019 **[11.7.9]**

# **BALLARAT AERODROME ADVISORY COMMITTEE**

## **TERMS OF REFERENCE**

### **1. BACKGROUND**

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Ballarat Aerodrome Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Ballarat Aerodrome is situated 7kms northwest of Ballarat Central in the City of Ballarat and the Ballarat Aerodrome elevation is 1,433ft (437m). The Ballarat Aerodrome is situated on several parcels of land comprising 176ha freehold (owned by Council), 132ha of Crown Land permanently reserved for Ballarat Aerodrome purposes and 67ha of Crown Land which is part of the Ballarat common. This gives a total area of land of 467ha.
- 1.4 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.5 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Supporting the general operation of the existing Ballarat Aerodrome.

### **3. OBJECTIVES**

The objectives of the Committee are:

- 3.1 To ensure that operation of the Aerodrome is supported by optimal consultation processes.
- 3.2 To ensure that aerodrome operational procedures reflect an appropriate balance between commercial and community benefit outcomes.
- 3.3 To act as an advocate for aerodrome future development proposals.
- 3.4 To provide advice on appropriate forms of community engagement to support proposed developments.

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

- 4.1 The role of the Committee is:
- 4.1.1 to act as the primary means of dealing with community interface issues resulting from expanding activities taking place in and around the aerodrome; and
  - 4.1.2 to establish clearer lines of communication between Council and residents to support future development and operational activities at the aerodrome.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of nine members comprising of:
- 5.1.1 three (3) Councillors of Council as invited or required from time to time;
  - 5.1.2 two (2) community members representatives;
  - 5.1.3 two (2) representatives of Ballarat Aerodrome businesses;
  - 5.1.4 two (2) representatives of Ballarat Aerodrome community tenants;
  - 5.1.5 a representative of the Committee for Ballarat (as nominated by the Committee for Ballarat); and
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Membership is for a period of three (3) years.
- 5.7 A Councillor appointed under clause 5.1.1 will be the Chairperson of the Committee.
- 5.8 Where more than one Councillor is appointed to the Committee, Council will, by resolution, appoint one of those Councillors to be the Chairperson of the Committee.
- 5.9 If a Chairperson is not appointed under clause 5.7 or 5.8, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.10 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.

5.11 Any Councillor can attend meetings of the Committee as an observer.

## **6. MEETINGS**

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation framework.
- 6.2 The Committee will meet on a three-monthly basis or with such frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub Committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## **7. REPORTING**

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;

- 7.1.3 any resolution of Council made from time to time; and
- 7.1.4 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
  - 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
  - 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke it.
- 8.3 The Committee must be dissolved by a resolution of Council.

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

# **BURRUMBEET SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE**

## **TERMS OF REFERENCE**

### **1. BACKGROUND**

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Burrumbeet Soldiers Memorial Hall Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Providing a low cost well maintained facility (**Hall**) for local and outside groups and individuals to hire for events such as, meetings, birthdays, weddings, anniversary's, funerals, field days and seminars.
- 2.2 Providing functions/events that everyone in the local and wider community can participate in to provide a sense of belonging to the community.

### **3. OBJECTIVES**

The objectives of the Committee are to:

- 3.1 Arrange bookings for the Hall.
- 3.2 Advise the Council when the hiring agreement and/or the schedule of hiring fees has been updated.
- 3.3 Be responsible for the day to day maintenance of the Hall.
- 3.4 Carry out regular maintenance inspections of the Hall and liaise with Council on maintenance issues which fall within the Council's responsibilities.
- 3.5 Ensure that Council is made aware of any matters that could have an impact on the Hall or its users.
- 3.6 Seek external funding with the support of Council.

- 3.7 Review its role as a Committee of Council and make recommendations to Council accordingly.
- 3.8 Operate, as far as possible, on a self-sufficient basis.

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

- 4.1 The role of the Committee is:
  - 4.1.1 To have an active role in communicating community views to Council; and
  - 4.1.2 To participate in discussions at bi-monthly meetings.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of up to 16 (sixteen) members comprising of:
  - 5.1.1 1 (one) Councillor of Council appointed by Council from time to time;
  - 5.1.2 Up to 15 (fifteen) community member representatives.
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Councillor appointed under clause 5.1.1 will be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under clause 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.

## 6. MEETINGS

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet every second month, for a minimum of 5 (five) meetings per year or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Council's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law;
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.

- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee will only be dissolved by resolution of Council.

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

## SCHEDULE

### Facility Maintenance Schedule - Community Centres

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Appliances - Hard Wired Council Installed</b> (e.g. hot water service, ovens)	Responsible for service, repair and replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Appliances - Not Hard Wired</b> (e.g. fridges, dishwashers, washing machines)	No Responsibility	Regular cleaning and maintenance. Repair and replacement as required. Testing and Tagging.
<b>Building - Additional Structures</b> (e.g. storage sheds)	Full Responsibility	No Responsibility
<b>Building - Damage/Wear &amp; Tear</b> (caused by occupancy)	No Responsibility	Maintain and repair as required.
<b>Building - External Fittings</b> (e.g. gutters/spouting)	Maintain and repair as required. Programmed gutter cleaning.	To notify Council when maintenance required.
<b>Building - External Structural Elements</b> (e.g. walls/cladding, roof/roofing, windows/doors)	Repair or replacement of elements due to age or structural fault.	To notify Council when maintenance is required. (Responsible for repairs/replacement if due to tenant)
<b>Building - Internal Flooring and Skirting Boards</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building - Internal Structural Elements</b> (e.g. ceilings, walls & doors)	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building Utilities</b> (e.g. power, water, gas)	No Responsibility	Full Responsibility
<b>Cabinetry - Built In</b> (e.g. kitchen cupboards)	Repair or replacement due to fair wear and tear, or end of useful life.	Responsible for cleaning and replacement if due to damage.
<b>Car Parks - Lighting</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Line Marking</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Maintenance</b> (including paths)	Full Responsibility	To notify Council when maintenance is required.

<b>General Items</b>	<b>City of Ballarat Responsibilities</b>	<b>User Responsibilities</b>
<b>Cleaning - Inside of Building</b>	No Responsibility	Full Responsibility
<b>Cleaning - Surrounds of Building</b> (e.g. grounds, car park, public areas)	No Responsibility	Full Responsibility
<b>Doors - Furniture</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Doors - Lock and Key Systems</b>	Repair or replacement due to fair wear and tear, or end of useful life.  Issuing of keys to the management group and maintenance of a key register.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement. Payment for any requested improvements, upgrades or new keys.
<b>Doors - Wire Screening</b>	Repair or replacement due to fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.
<b>Drains/Pipes - Grease Traps</b>	No Responsibility	Management of trade waste agreement with Central Highlands Water for cleaning of grease traps. Notify Council of pipe failures.
<b>Drains/Pipes - Sewerage System (including pumped systems)</b>	Responsible for clearing blockages and repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Drains/Pipes - Storm Water System</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Drains/Pipes - Septic Systems</b>	Responsible for clearing blockages, repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Electrical - Wiring and Fittings</b>	Maintenance and repair of all wiring and fittings.	To notify Council when maintenance is required. (Responsible for repairs if due to deliberate misuse)
<b>Equipment - Internal</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Essential Safety Measures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Fencing &amp; Gates – Internal</b>	No Responsibility	Maintain and repair as required.
<b>Fencing &amp; Gates – Perimeter</b>	Maintain and repair as required	No Responsibility
<b>Fire Equipment - Detection (e.g. smoke detectors)</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Fire Equipment - Suppression (e.g. fire extinguishers)</b>	Service, maintain and repair as required.	To notify Council if discharged. (Cost to refill or replace due to reckless or deliberate misuse)
<b>Floor Coverings</b>	Repair or replacement due to age and fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Strip, polish and reseal vinyl, timber and tiled floors annually or as per manufactures specification. Annual steam cleaning of carpets.
<b>Food Handling Area</b>	Ensure initial compliance with all relevant regulations for the intended use.	Maintain ongoing compliance with all relevant regulations for the intended use. If the management group changes the use of a kitchen in a way that affects compliance with regulations, it must fund the upgrade of the kitchen to ensure compliance.
<b>Furniture – Internal</b>	No Responsibility	Full Responsibility
<b>Furniture - Outdoor</b>	No Responsibility	Full Responsibility
<b>Gardens - Beds &amp; Lawns/Grass (grounds and nature strips)</b>	No Responsibility	Cutting and maintaining grass, shrubs, garden beds and trees of all areas within the building and fence lines.
<b>Gardens - Paving and Landscaping</b>	No Responsibility	Maintain and repair as required

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Glass - Windows and Doors</b>	Replacement if due to vandalism.	All cleaning, internal and external. Replacement (or payment for) if due to reckless or deliberate misuse.
<b>Graffiti - External</b>	Full Responsibility	To notify Council of any graffiti.
<b>Graffiti - Internal</b>	No Responsibility	Full Responsibility
<b>Heating and Cooling - Hard Wired/Fixed</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Heating and Cooling - Portable</b>	No Responsibility	Full Responsibility
<b>Hygiene/Sanitary Services</b>	No Responsibility	Full Responsibility
<b>Irrigation of Surrounds</b>	No Responsibility	Full Responsibility
<b>Keys</b>	One set of keys issued to user group/tenant. Locksmith authority required for additional keys, cost to the user group/tenant.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement.
<b>Lighting - Exit &amp; Emergency</b>	Full Responsibility	No Responsibility

<b>General Items</b>	<b>City of Ballarat Responsibilities</b>	<b>User Responsibilities</b>
<b>Lighting - External Security</b> <b>(including car park lighting)</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Lighting - Internal Globes and Tubes</b>	Responsible for fittings only (and globes/tubes above 3 meters).	Replacement of all globes/tubes as required.
<b>Painting - External</b>	Full Responsibility	No Responsibility
<b>Painting - Internal</b>	No Responsibility	Full Responsibility
<b>Pest Control</b>	Eradication and management of white ants only.	To keep all areas in a clean and hygienic state. Eradication and management of all pests and vermin, with the exception of white ants.
<b>Play Equipment - General</b> <b>(non-public accessible)</b>	No Responsibility	Full Responsibility
<b>Play Equipment - Playground Council Installed</b> <b>(public accessible)</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Play Equipment – Playground (non-public accessible)</b> <b>(e.g. crash mats, climbing structures, skipping ropes etc.)</b>	No Responsibility	Maintain and repair as required.
<b>Plumbing Fixtures</b> <b>(e.g. taps, basins, cisterns)</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Public Toilets</b>	Full Responsibility Including scheduled cleaning.	To notify Council when maintenance is required and additional cleans if required by user.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Rubbish Removal</b>	No Responsibility	Removal of all rubbish/litter within the building, fence lines and external perimeter.
<b>Security System</b>	No Responsibility	Full Responsibility. Installation if required for security purposes, an access code must be issued to Councils Facility Management Department. Day to day operation, issuing and maintaining a list of user codes. Monitoring, alarm responses and associated costs. All maintenance as required.
<b>Shade/Shelter &amp; Additional Structures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Signs - Advertising &amp; Facility</b>	No Responsibility	Full Responsibility. (No advertising signage to be affixed to any building without Council permission)
<b>Tanks - Rain Water</b>	Full Responsibility	No Responsibility
<b>Testing and Tagging - Portable (non-fixed appliances)</b>	No Responsibility	Full Responsibility
<b>Trees/Shrubs - Over 5 Metres</b>	Full Responsibility	No Responsibility
<b>Tress/Shrubs - Up to 5 Metres</b>	No Responsibility	Full Responsibility
<b>TV Antennas &amp; Cabling</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Vandalism - External</b>	No responsibility if due to tenant or tenant guest. Otherwise maintenance and repair as required.	If due to user or users' guest, all user responsibility. Otherwise notify Council of maintenance works required.
<b>Vandalism - Internal</b>	No Responsibility	Full Responsibility
<b>Windows - Blinds and Coverings</b>	No Responsibility	Maintain and repair as required.
<b>Windows - Wire Screening</b>	Repair or replacement due to age and normal fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.

## Reporting Maintenance Requirements

Contact City of Ballarat on **5320 5500** and request the Facility Management department.

# DISABILITY ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference Document, the Ballarat City Council (**Council**) establishes the Disability Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of Advisory Committees is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference Document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is authorised by a resolution of Council [insert resolution number after the Council meeting] passed on [insert date of the Council meeting] the ToR were endorsed after the Council meeting].

### 2. PURPOSE

The committee is established for the purpose of:

- 2.1 Providing advice to Council and Council Officers on long term strategic and systemic issues that impact on people with disabilities and their participation in community life.

### 3. OBJECTIVES

The objectives of the Committee are:

- 3.1 To be the peak advisory and advocacy body on issues affecting people with disabilities within the Ballarat municipality.
- 3.2 To provide advice to Council Officers on policies, plans and services that impact on people with disabilities.
- 3.3 To advocate to the Community and Council on behalf of people with disabilities.
- 3.4 To contribute to, monitor and review the implementation of Council's Disability Action Plan.
- 3.5 To partner Council in promoting disability awareness and other initiatives that assist access and inclusion and recognise the contributions of people with a disability.

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

- 4.1 The role of the Committee is to:
- 4.1.1 have an active role in communicating community views to Council;
  - 4.1.2 participate in discussions at meetings;
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of membership comprising of:
- 5.1.1 Up to twelve (12) members of the community that provide a diverse range of experiences and expertise related to disability.
  - 5.1.2 One (1) Councillor appointed by Council.
- 5.2 The Chief Executive Officer shall appoint two (2) Council Officers to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.2, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Councillor appointed under clause 5.1.2 will be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under clause 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.
- 5.11 Casual vacancies will be filled by application or co-option, at the recommendation of a Committee member and with the endorsement at a Committee meeting. All appointments will be formally made by Council.
- 5.12 An induction session should be held at the first meeting of each year to refresh members of their responsibilities.
- 5.13 Committee members are obliged to abide by the City of Ballarat Employee Code of Conduct.

## 6. MEETINGS

- 6.1 Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 Council's Community Consultation and Participation framework; and
  - 6.1.4 The Committee's discretion, as exercised from time to time.
- 6.2 The Committee will meet initially on a bi-monthly basis. The Committee shall determine meeting frequency throughout the term of agreement and meetings shall occur as required or scheduled but not less than annually.
- 6.3 The Chairperson will chair all committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the committee. A member of the Committee may be asked by the Councillor or the Committee to be a spokesperson for a nominated media purpose.
- 6.5 Council will appoint two (2) officers, Administration Support Officer and the Rural Access Officer to provide support to the committee.
- The role of the Administration Support Officer will include;
- 6.5.1 preparing minutes of meetings of the Committee.
- The role of the Rural Access Officer will include;
- 6.5.2 acting as the contact point between Council and the Committee;
  - 6.5.3 assisting with meeting the Committee's reporting requirements;
  - 6.5.4 meeting with the Chairperson to review, approve and prepare the agenda for the bi-monthly meetings;
  - 6.5.5 providing advice and information relevant to the Access and Inclusion Plan, priorities and key issues to the Committee;
  - 6.5.6 coordinating representation of speakers, presenters and consultation for Committee meetings;
  - 6.5.7 maintaining a Register of committee members, their date of appointment, reappointment, and official positions held (if any) as a committee member;
  - 6.5.8 providing appropriate notifications of meetings; and
  - 6.5.9 preparing agendas and other documentation required for members to actively participate on the committee.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Council will endeavour to provide support to the membership of the Committee to enable members to participate fully. Examples of support include large print, interpreter services etc.

- 6.9 A subcommittee may be formed from time to time to research and progress specific issues outside of the standard meeting. Membership of subcommittees is at the discretion and availability of the committee members and may involve persons of relevance and expertise outside of the Committee.

## **7. REPORTING**

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for Council in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Division 2 of Part 4 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee 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.
- 7.3 Minutes of all Committee meetings must be maintained and a copy to be provided to Council's Governance Unit.
- 7.4 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer(s) appointed under clause 5.2 or, if the Council Officer is not present, by the Committee Chairperson, and forwarded to the Governance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee will only be dissolved by resolution of Council.

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

# KOORIE ENGAGEMENT ACTION GROUP ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Koorie Engagement Action Group (**KEAG**) Advisory Committee (**Committee**).
- 1.2 Throughout this TOR and all other KEAG documentation, the term “Koorie” is used to refer to both Aboriginal and Torres Strait Islander people.
- 1.3 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.4 The Unfinished Business Advisory Committee (**UBAC**) was established in April 2003 as an informal working group to enhance the opportunities for Koorie residents of Ballarat.
- 1.5 Re-launched in 2006, Council established UBAC as an Advisory Committee to Council with fixed membership to be appointed by Council. The re-launch provided Council with an opportunity to confirm its commitment to Aboriginal reconciliation by creating a formal relationship through a reconstituted committee.
- 1.6 Since 2006 there have been some notable achievements including:
  - The ‘Welcome to Country’ signage project;
  - The Windmill Playground initiative; and
  - Acknowledgement of traditional owners at Council meetings and Civic receptions.
- 1.7 During 2009, Council worked with the local Koorie community on identifying a number of community issues and priorities as part of a Reconciliation Strategy review process. A central theme of the feedback provided was that UBAC was not representative of the local Koorie community and the Committee needed to operate within a different context.
- 1.8 At the UBAC meeting on 16 February 2010, the Committee unanimously endorsed a proposal to re-develop the group as the Koorie Engagement Action Group. The working group remains an Advisory Committee to Council.
- 1.9 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.10 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Continuing the previous work of the UBAC; and
- 2.2 Enhancing the opportunities for Koorie residents of Ballarat to contribute, participate and benefit from Ballarat's community life.

## 3. OBJECTIVES

The objectives of the Committee are:

- 3.1 Advise and provide recommendation to the City of Ballarat on matters of engagement for Koorie people in the region (not including cultural heritage issues);
- 3.2 Oversee the implementation of Council's Reconciliation Action Plan 2019-2021;
- 3.3 Enhance and promote understanding within the Ballarat community of Koorie culture, society and heritage;
- 3.4 Identify issues affecting the health and wellbeing of Koorie people and develop responses in collaboration with key partners, agencies and other tiers of government;
- 3.5 Influence change processes in agencies providing services to Koorie people to assist in building cultural sensitivity and service integration that facilitates greater responsiveness to the needs of Koorie people; and
- 3.6 Advocate for and support key elements of the existing current service and support infrastructure in Ballarat for Koorie people.

## 4. ROLES AND RESPONSIBILITY

4.1 The role of the Council is to:

- 4.1.1 Implement Council's "Statement of Commitment";
- 4.1.2 Facilitate the operation of KEAG and ensure broad representation that provides relevant coverage for the items in these Terms of Reference;
- 4.1.3 Ensure all Council activities, practices, plans, decisions and strategic directions are undertaken in a way that is responsive and inclusive of Koorie culture, issues and community;
- 4.1.4 Advocate to other tiers of Government and key bodies and agencies regarding issues impacting on Koorie people living in Ballarat; and
- 4.1.5 Influence and inform key policy directions of all tiers of Government on Koorie culture and issues relating to the Koorie Community in Ballarat.

4.2 The role of the Committee is to:

- 4.2.1 Work collaboratively with other KEAG members and their agencies to seek improved outcomes for Koorie people living in Ballarat;

- 4.2.2 Increase the Ballarat community's level of awareness of Koorie issues;
- 4.2.3 Advise and support the Council and broader Ballarat community in the recognition and celebration of Koorie culture;
- 4.2.4 Inform the Council of issues impacting on Koorie people living in Ballarat;
- 4.2.5 Inform the Council of member agency activities and upcoming opportunities to progress Koorie culture and issues within Ballarat;
- 4.2.6 Convene monthly meetings; and
- 4.2.7 Keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

## 5. MEMBERSHIP

5.1 The Committee will consist of a minimum of 10 members comprising of;

5.1.1 One (1) City of Ballarat Councillor (Co-Chair);

5.1.2 Members from the following fields;

- Community members;
- Justice;
- Education;
- Cultural Heritage;
- Arts;
- Health and/or wellbeing;
- Registered Aboriginal Party (**RAP**);
- Local Aboriginal Network;
- Elders; and
- Youth (18-26).

As appointed by Council from time to time.

- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member bi-annually (every two years) at the first meeting.
- 5.7 The Councillor appointed under clause 5.1.1 and an elected Koorie member appointed under clause 5.1.2 will be the Co-Chairperson's of the Committee.

- 5.8 If the Chairpersons are not appointed under clause 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint Chairpersons at the first meeting.
- 5.9 If the Co-Chairpersons are absent from a Committee meeting, the Committee will select a Temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.

## **6. MEETINGS**

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet monthly or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Co-Chairpersons will chair all Committee meetings.
- 6.4 The Co-Chairpersons are the authorised spokespersons for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
  - 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members eligible to vote in attendance are entitled to vote. The Co-Chairpersons shall have a joint single casting vote in the event of an equality of votes.
- 6.8 Sub committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Council's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
 (Note – this only applies when a Councillor is in attendance.)

## 8. CREATION AND DISSOLUTION

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee must be dissolved by a resolution of Council.

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

# MINERS REST MECHANICS INSTITUTE COMMUNITY HALL ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Miners Rest Mechanics Institute Community Hall Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Encouraging use of the Miners Rest Mechanics Institute Community Hall (**Hall**) by the Local community and to promote the role played by the Hall in community life.

### 3. OBJECTIVES

The objectives of the Committee are to:

- 3.1 Arrange bookings for the Hall.
- 3.2 Advise the Council when the hiring agreement and/or the schedule of hiring fees has been updated.
- 3.3 Be responsible for the day to day maintenance of the Hall.
- 3.4 Carry out regular maintenance inspections of the Hall and liaise with Council on maintenance issues which fall within the Council's responsibilities.
- 3.5 Ensure that Council is made aware of any matters that could have an impact on the Hall or its users.
- 3.6 Seek external funding with the support of Council.
- 3.7 Review its role as a Committee of Council and make recommendations to Council accordingly.
- 3.8 Operate, as far as possible, on a self-sufficient basis.

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

- 4.1 The role of the Committee is:
  - 4.1.1 To have an active role in communicating community views to Council; and
  - 4.1.2 To participate in discussions at meetings.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.
- 4.3 The Secretary is responsible for all correspondence on behalf of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of a minimum of 6 (six) members comprising of:
  - 5.1.1 1 (one) ward Councillor of Council appointed by Council from time to time;
  - 5.1.2 A minimum of 5 (five) and a maximum of 7 (seven) Community Representatives.
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Community Representative appointed under clause 5.1.2 will be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under clause 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.

## 6. MEETINGS

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet not less than four times a year or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Council's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law;
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee 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.

- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee will only be dissolved by a resolution of Council.

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

## SCHEDULE

### Facility Maintenance Schedule - Community Centres

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Appliances - Hard Wired Council Installed</b> (e.g. hot water service, ovens)	Responsible for service, repair and replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Appliances - Not Hard Wired</b> (e.g. fridges, dishwashers, washing machines)	No Responsibility	Regular cleaning and maintenance. Repair and replacement as required. Testing and Tagging.
<b>Building - Additional Structures</b> (e.g. storage sheds)	Full Responsibility	No Responsibility
<b>Building - Damage/Wear &amp; Tear</b> (caused by occupancy)	No Responsibility	Maintain and repair as required.
<b>Building - External Fittings</b> (e.g. gutters/spouting)	Maintain and repair as required. Programmed gutter cleaning.	To notify Council when maintenance required.
<b>Building - External Structural Elements</b> (e.g. walls/cladding, roof/roofing, windows/doors)	Repair or replacement of elements due to age or structural fault.	To notify Council when maintenance is required. (Responsible for repairs/replacement if due to tenant)
<b>Building - Internal Flooring and Skirting Boards</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building - Internal Structural Elements</b> (e.g. ceilings, walls & doors)	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building Utilities</b> (e.g. power, water, gas)	No Responsibility	Full Responsibility
<b>Cabinetry - Built In</b> (e.g. kitchen cupboards)	Repair or replacement due to fair wear and tear, or end of useful life.	Responsible for cleaning and replacement if due to damage.
<b>Car Parks - Lighting</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Line Marking</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Maintenance</b> (including paths)	Full Responsibility	To notify Council when maintenance is required.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Cleaning - Inside of Building</b>	No Responsibility	Full Responsibility
<b>Cleaning - Surrounds of Building</b> (e.g. grounds, car park, public areas)	No Responsibility	Full Responsibility
<b>Doors - Furniture</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Doors - Lock and Key Systems</b>	Repair or replacement due to fair wear and tear, or end of useful life.  Issuing of keys to the management group and maintenance of a key register.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement. Payment for any requested improvements, upgrades or new keys.
<b>Doors - Wire Screening</b>	Repair or replacement due to fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.
<b>Drains/Pipes - Grease Traps</b>	No Responsibility	Management of trade waste agreement with Central Highlands Water for cleaning of grease traps. Notify Council of pipe failures.
<b>Drains/Pipes - Sewerage System (including pumped systems)</b>	Responsible for clearing blockages and repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Drains/Pipes - Storm Water System</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Drains/Pipes - Septic Systems</b>	Responsible for clearing blockages, repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Electrical - Wiring and Fittings</b>	Maintenance and repair of all wiring and fittings.	To notify Council when maintenance is required. (Responsible for repairs if due to deliberate misuse)
<b>Equipment - Internal</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Essential Safety Measures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Fencing &amp; Gates – Internal</b>	No Responsibility	Maintain and repair as required.
<b>Fencing &amp; Gates – Perimeter</b>	Maintain and repair as required	No Responsibility
<b>Fire Equipment - Detection (e.g. smoke detectors)</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Fire Equipment - Suppression (e.g. fire extinguishers)</b>	Service, maintain and repair as required.	To notify Council if discharged. (Cost to refill or replace due to reckless or deliberate misuse)
<b>Floor Coverings</b>	Repair or replacement due to age and fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Strip, polish and reseal vinyl, timber and tiled floors annually or as per manufactures specification. Annual steam cleaning of carpets.
<b>Food Handling Area</b>	Ensure initial compliance with all relevant regulations for the intended use.	Maintain ongoing compliance with all relevant regulations for the intended use. If the management group changes the use of a kitchen in a way that affects compliance with regulations, it must fund the upgrade of the kitchen to ensure compliance.
<b>Furniture – Internal</b>	No Responsibility	Full Responsibility
<b>Furniture - Outdoor</b>	No Responsibility	Full Responsibility
<b>Gardens - Beds &amp; Lawns/Grass (grounds and nature strips)</b>	No Responsibility	Cutting and maintaining grass, shrubs, garden beds and trees of all areas within the building and fence lines.
<b>Gardens - Paving and Landscaping</b>	No Responsibility	Maintain and repair as required

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Glass - Windows and Doors</b>	Replacement if due to vandalism.	All cleaning, internal and external. Replacement (or payment for) if due to reckless or deliberate misuse.
<b>Graffiti - External</b>	Full Responsibility	To notify Council of any graffiti.
<b>Graffiti - Internal</b>	No Responsibility	Full Responsibility
<b>Heating and Cooling - Hard Wired/Fixed</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Heating and Cooling - Portable</b>	No Responsibility	Full Responsibility
<b>Hygiene/Sanitary Services</b>	No Responsibility	Full Responsibility
<b>Irrigation of Surrounds</b>	No Responsibility	Full Responsibility
<b>Keys</b>	One set of keys issued to user group/tenant. Locksmith authority required for additional keys, cost to the user group/tenant.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement.
<b>Lighting - Exit &amp; Emergency</b>	Full Responsibility	No Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Lighting - External Security</b> (including car park lighting)	Full Responsibility	To notify Council when maintenance is required.
<b>Lighting - Internal Globes and Tubes</b>	Responsible for fittings only (and globes/tubes above 3 meters).	Replacement of all globes/tubes as required.
<b>Painting - External</b>	Full Responsibility	No Responsibility
<b>Painting - Internal</b>	No Responsibility	Full Responsibility
<b>Pest Control</b>	Eradication and management of white ants only.	To keep all areas in a clean and hygienic state. Eradication and management of all pests and vermin, with the exception of white ants.
<b>Play Equipment - General</b> (non-public accessible)	No Responsibility	Full Responsibility
<b>Play Equipment - Playground Council Installed</b> (public accessible)	Full Responsibility	To notify Council when maintenance is required.
<b>Play Equipment – Playground (non-public accessible)</b> (e.g. crash mats, climbing structures, skipping ropes etc.)	No Responsibility	Maintain and repair as required.
<b>Plumbing Fixtures</b> (e.g. taps, basins, cisterns)	Full Responsibility	To notify Council when maintenance is required.
<b>Public Toilets</b>	Full Responsibility Including scheduled cleaning.	To notify Council when maintenance is required and additional cleans if required by user.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Rubbish Removal</b>	No Responsibility	Removal of all rubbish/litter within the building, fence lines and external perimeter.
<b>Security System</b>	No Responsibility	Full Responsibility. Installation if required for security purposes, an access code must be issued to Councils Facility Management Department. Day to day operation, issuing and maintaining a list of user codes. Monitoring, alarm responses and associated costs. All maintenance as required.
<b>Shade/Shelter &amp; Additional Structures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Signs - Advertising &amp; Facility</b>	No Responsibility	Full Responsibility. (No advertising signage to be affixed to any building without Council permission)
<b>Tanks - Rain Water</b>	Full Responsibility	No Responsibility
<b>Testing and Tagging - Portable (non-fixed appliances)</b>	No Responsibility	Full Responsibility
<b>Trees/Shrubs - Over 5 Metres</b>	Full Responsibility	No Responsibility
<b>Tress/Shrubs - Up to 5 Metres</b>	No Responsibility	Full Responsibility
<b>TV Antennas &amp; Cabling</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Vandalism - External</b>	No responsibility if due to tenant or tenant guest. Otherwise maintenance and repair as required.	If due to user or users' guest, all user responsibility. Otherwise notify Council of maintenance works required.
<b>Vandalism - Internal</b>	No Responsibility	Full Responsibility
<b>Windows - Blinds and Coverings</b>	No Responsibility	Maintain and repair as required.
<b>Windows - Wire Screening</b>	Repair or replacement due to age and normal fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.

## Reporting Maintenance Requirements

Contact City of Ballarat on **5320 5500** and request the Facility Management department.

# REGIONAL SOCCER FACILITY ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Regional Soccer Facility Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Ballarat Regional Soccer Facility is located within the Morshead Park Recreational Reserve, and is the largest soccer precinct in the City, home to the Ballarat District Soccer Association, the National Premier League license holder, including the Ballarat Eureka Strikers. The precinct is made up of several synthetic and turf pitches, including a main show pitch of international standards, with accompanying grandstands and function centre. In addition to being the home of soccer, the precinct and the function centre will be used extensively for community events and functions, hosting major events and attractions and providing the broader sporting community with access to the varied spaces that the precinct offers.
- 1.4 The Committee is responsible for providing advice and recommendations on the management of those lands identified as the Regional Soccer Facility Precinct within Moorshead Park Recreational reserve.
- 1.5 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.6 This Terms of Reference document is authorised by a resolution [insert resolution number] of Council passed on [insert date of Council meeting the TOR were endorsed, after the Council meeting].

### 2. PURPOSE

The Committee is established for the purpose of:

- 2.1 Providing advice and recommendations to ensure that the precinct is managed in a manner that provides access for the highest level of sport (Soccer) and that it also provides more general community access when possible. Further, that based on a financially responsible business model the recurrent budget enables ongoing maintenance and renewal within the precinct.

### 3. OBJECTIVES

The objectives of the Committee are:

- 3.1 To provide quality soccer, sporting and health and fitness opportunities for all sections of the Ballarat community.
- 3.2 Provide recommendations to Council regarding priorities and actions in relation to the precinct.

- 3.3 To provide a broad range of expert advice into the use and development of the facility as a community sport and entertainment precinct.
- 3.4 To ensure facility design and development in soccer reserves are consistent with adopted council strategies, policies and master plans.

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

- 4.1 The role of the Committee is to:
- 4.1.1 Provide strategic level thinking and advice regarding the Ballarat Regional Soccer facility that ensures support for soccer across Ballarat community and through the broader region.
- 4.1.2 Assist Council in the long-term use, development and planning of the precinct, including:
- Facility development and forward planning;
  - Sourcing of appropriate funding to achieve facility development and improvement;
  - Asset management;
  - Financial sustainability;
  - Partnership opportunities; and
  - Policy issues with respect to the services.
- 4.1.3 Actively promote a level of collaborative partnerships throughout other sectors of the community.
- 4.1.4 Demonstrate community leadership and promotion of the Committees objectives.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of eight (8) members comprising of:
- 5.1.1 Two (2) representatives from the Ballarat and District Soccer Association;
- 5.1.2 One (1) representative from the NPL License holder;
- 5.1.3 One (1) representative from the Ballarat Eureka Strikers;
- 5.1.4 Two (2) Independent Skills Based Representatives; and
- 5.1.5 Two (2) Councillors (one of which is to be the nominated Chairperson).

- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.5, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Councillor appointed under clause 5.1.5 will be the Chairperson of the Committee.
- 5.8 Where more than one Councillor is appointed to the Committee, Council will, by resolution, appoint one of those Councillors to be the Chairperson of the Committee.
- 5.9 If a Chairperson is not appointed under clause 5.8 or 5.9, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.10 If the Chairperson is absent from a meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.11 Any Councillor can attend meetings of the Committee as an observer.
- 5.12 All enquiries from the media, relating to the Committee are to be directed to the Director Community Development or Executive Manager Sport and Active Living.

## 6. MEETINGS

- 6.1 Unless Council resolves otherwise Committee meetings must be conducted in accordance with:
  - 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 The Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation framework.
- 6.2 The Committee will meet on a bi-monthly basis or with such frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The role of the Council Officer appointed under clause 5.2 includes:
  - 6.3.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions held (if any) as a Committee member;
  - 6.3.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;

- 6.3.3 acting as the contact point between Council and the Committee; and
- 6.3.4 assisting with meeting the Committee's reporting requirements.
- 6.4 A quorum of the Committee will be half of the members plus one.
- 6.5 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.6 Sub Committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
  - 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*; and
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee must report to the Portfolio meeting on an annual basis prior to reporting to Council.
- 7.3 The Committee 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.
- 7.4 In accordance with the *Local Government Act 1989*, when a Councillor attends the Advisory Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

8.1 By these Terms of Reference, the Committee:

8.1.1 Is established; and

8.1.2 Has the responsibilities as set out in the Terms of Reference.

8.2 These Terms of Reference:

8.2.1 Come into force immediately the resolution of Council adopting them is made; and

8.2.2 Remain in force until Council determines to vary or revoke them.

8.3 The Committee must be dissolved by a resolution of Council.

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

# ROAD SAFETY ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Road Safety Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 A Road Safety Advisory Committee was established (Council Meeting 9 April 2003) to oversee the implementation of the Road Safety Strategy 2000. This committee ceased to continue meeting post 2004. The Committee was re-established on 14 June 2006 to assist in the renewal of the initial Road Safety Strategy.
- 1.5 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Acting as a Steering Committee for the delivery of the Road Safety Strategy 2015-2020 and future iterations.
- 2.2 Assisting Council to meet the guidelines provided by VicRoads for Local Government to support the re-development of the strategy.
- 2.3 Representing Council on the RoadSafe Community Road Safety Council for Central Highlands.

### 3. OBJECTIVES

The objectives of the Committee are:

- 3.1 To endeavour to improve safety and provide a better understanding of road safety issues/initiatives for motorists, cyclists, pedestrians and the wider community.
- 3.2 To endeavour to implement actions that result in overall increased community safety.
- 3.3 To review the previous strategy and implement the 2015/20 City of Ballarat Community Road Safety Strategy; The 2015-2020 strategy was adopted by Council on 24 February 2016 and is due to be reviewed in 2020.

- 3.4 To be involved in current and proposed development of strategic traffic management and transport plans including, Ballarat West PSP, Ballarat Road Safety Strategy, City of Ballarat Road Hierarchy Review and other strategies as occur from time to time.
- 3.5 To support young driver education programs within the community (L2P Learner Driver Mentor Program, Ballarat South Rotary Club, etc).
- 3.6 To review and advocate for any proposed changes to speed zone signage throughout the Municipality.

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

- 4.1 The role of the Committee is:
  - 4.1.1 Supporting the delivery of the City of Ballarat 2015/20 Road Safety Strategy;
  - 4.1.2 Managing the implementation and ongoing review of the 2015/20 City of Ballarat Road Safety Strategy;
  - 4.1.3 Review of other Strategic Road Safety Issues and Initiatives;
  - 4.1.4 Review of Road Safety Funding Project Bids and priorities in relation to road safety;
  - 4.1.5 Review and development of Council policy and procedures in relation to road safety;
  - 4.1.6 Improving coordination of road safety efforts in the municipality and region by facilitating and/or supporting education and consultative programs; and
  - 4.1.7 Reporting on Road Safety Issues/Initiatives undertaken in conjunction with RoadSafe Central Highlands Inc, Community Safety Committee, external stakeholders/partners and within Council.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of a minimum of 12 members comprising of:
  - 5.1.1 Two (2) Councillors (Chair and substitute Chair)
  - 5.1.2 Executive Manager Development Facilitation, City of Ballarat
  - 5.1.3 Coordinator, Traffic and Transport, City of Ballarat
  - 5.1.4 Coordinator Parking Services
  - 5.1.5 Executive Manager, Engaged Communities
  - 5.1.6 Victorian Police Representative

- 5.1.7 VicRoads Representative
- 5.1.8 Department of Education & Early Childhood Development Representative
- 5.1.9 SES Representative
- 5.1.10 CFA Representative
- 5.1.11 PTV Representative
- 5.1.12 Community Safety and Wellbeing Officer
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.4 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.5 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.6 A Councillor appointed under clause 5.1.1 will be the Chairperson of the Committee.
- 5.7 Where more than one Councillor is appointed to the Committee, Council will, by resolution, appoint one of those Councillors to be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under clause 5.6 or 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.
- 5.11 The Committee will determine if the Community representatives are to be invited or advertised at the first meeting.

## **6. MEETINGS**

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 The Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.

- 6.2 The Committee will meet every four (4) months, or with such frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time, with the ongoing time and venue to be determined by the Committee.
- 6.3 The Chairperson will chair all Committee Meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 will include;
  - 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub Committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
  - 7.1.1 Council's meeting procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

8.1 By these Terms of Reference the Committee:

8.1.1 Is established; and

8.1.2 Has the responsibilities as set out in the Terms of Reference.

8.2 These Terms of Reference:

8.2.1 Come into force immediately when the resolution of Council adopting them is made; and

8.2.2 Remain in force until Council determines to vary or revoke them.

8.3 The Committee will only be dissolved by resolution of Council.

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

# SEBASTOPOL RSL COMMUNITY HALL ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Sebastopol RSL Community Hall Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Encouraging use of the Sebastopol RSL Community Hall (**Hall**) by the Local community and to promote the role played by the Hall in community life.

### 3. OBJECTIVES

The objectives of the Committee are to:

- 3.1 Arrange bookings for the Hall.
- 3.2 Advise the Council when the hiring agreement and/or the schedule of hiring fees has been updated.
- 3.3 Be responsible for the day to day maintenance of the Hall.
- 3.4 Carry out regular maintenance inspections of the Hall and liaise with Council on maintenance issues which fall within the Council's responsibilities.
- 3.5 Ensure that Council is made aware of any matters that could have an impact on the Hall or its users.
- 3.6 Seek external funding with the support of Council.
- 3.7 Review its role as a Committee of Council and make recommendations to Council accordingly.
- 3.8 Operate, as far as possible, on a self-sufficient basis.

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

- 4.1 The role of the Committee is:
  - 4.1.1 To have an active role in communicating community views to Council; and
  - 4.1.2 To participate in discussions at bi-monthly meetings.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of a minimum of 5 members comprising of:
  - 5.1.1 1 (one) ward Councillor of Council appointed by Council from time to time;
  - 5.1.2 A minimum of 4 (four) Community Representatives.
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Councillor appointed under clause 5.1.1 will be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under clause 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.

## 6. MEETINGS

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet not less than four times a year or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Council's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law;
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.

- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee will only be dissolved by resolution of Council.

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

## SCHEDULE

### Facility Maintenance Schedule - Community Centres

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Appliances - Hard Wired Council Installed</b> (e.g. hot water service, ovens)	Responsible for service, repair and replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Appliances - Not Hard Wired</b> (e.g. fridges, dishwashers, washing machines)	No Responsibility	Regular cleaning and maintenance. Repair and replacement as required. Testing and Tagging.
<b>Building - Additional Structures</b> (e.g. storage sheds)	Full Responsibility	No Responsibility
<b>Building - Damage/Wear &amp; Tear</b> (caused by occupancy)	No Responsibility	Maintain and repair as required.
<b>Building - External Fittings</b> (e.g. gutters/spouting)	Maintain and repair as required. Programmed gutter cleaning.	To notify Council when maintenance required.
<b>Building - External Structural Elements</b> (e.g. walls/cladding, roof/roofing, windows/doors)	Repair or replacement of elements due to age or structural fault.	To notify Council when maintenance is required. (Responsible for repairs/replacement if due to tenant)
<b>Building - Internal Flooring and Skirting Boards</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building - Internal Structural Elements</b> (e.g. ceilings, walls & doors)	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building Utilities</b> (e.g. power, water, gas)	No Responsibility	Full Responsibility
<b>Cabinetry - Built In</b> (e.g. kitchen cupboards)	Repair or replacement due to fair wear and tear, or end of useful life.	Responsible for cleaning and replacement if due to damage.
<b>Car Parks - Lighting</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Line Marking</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Maintenance</b> (including paths)	Full Responsibility	To notify Council when maintenance is required.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Cleaning - Inside of Building</b>	No Responsibility	Full Responsibility
<b>Cleaning - Surrounds of Building</b> (e.g. grounds, car park, public areas)	No Responsibility	Full Responsibility
<b>Doors - Furniture</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Doors - Lock and Key Systems</b>	Repair or replacement due to fair wear and tear, or end of useful life.  Issuing of keys to the management group and maintenance of a key register.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement. Payment for any requested improvements, upgrades or new keys.
<b>Doors - Wire Screening</b>	Repair or replacement due to fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.
<b>Drains/Pipes - Grease Traps</b>	No Responsibility	Management of trade waste agreement with Central Highlands Water for cleaning of grease traps. Notify Council of pipe failures.
<b>Drains/Pipes - Sewerage System (including pumped systems)</b>	Responsible for clearing blockages and repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Drains/Pipes - Storm Water System</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Drains/Pipes - Septic Systems</b>	Responsible for clearing blockages, repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Electrical - Wiring and Fittings</b>	Maintenance and repair of all wiring and fittings.	To notify Council when maintenance is required. (Responsible for repairs if due to deliberate misuse)
<b>Equipment - Internal</b>	No Responsibility	Full Responsibility

<b>General Items</b>	<b>City of Ballarat Responsibilities</b>	<b>User Responsibilities</b>
<b>Essential Safety Measures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Fencing &amp; Gates – Internal</b>	No Responsibility	Maintain and repair as required.
<b>Fencing &amp; Gates – Perimeter</b>	Maintain and repair as required	No Responsibility
<b>Fire Equipment - Detection (e.g. smoke detectors)</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Fire Equipment - Suppression (e.g. fire extinguishers)</b>	Service, maintain and repair as required.	To notify Council if discharged. (Cost to refill or replace due to reckless or deliberate misuse)
<b>Floor Coverings</b>	Repair or replacement due to age and fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Strip, polish and reseal vinyl, timber and tiled floors annually or as per manufactures specification. Annual steam cleaning of carpets.
<b>Food Handling Area</b>	Ensure initial compliance with all relevant regulations for the intended use.	Maintain ongoing compliance with all relevant regulations for the intended use. If the management group changes the use of a kitchen in a way that affects compliance with regulations, it must fund the upgrade of the kitchen to ensure compliance.
<b>Furniture – Internal</b>	No Responsibility	Full Responsibility
<b>Furniture - Outdoor</b>	No Responsibility	Full Responsibility
<b>Gardens - Beds &amp; Lawns/Grass (grounds and nature strips)</b>	No Responsibility	Cutting and maintaining grass, shrubs, garden beds and trees of all areas within the building and fence lines.
<b>Gardens - Paving and Landscaping</b>	No Responsibility	Maintain and repair as required

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Glass - Windows and Doors</b>	Replacement if due to vandalism.	All cleaning, internal and external. Replacement (or payment for) if due to reckless or deliberate misuse.
<b>Graffiti - External</b>	Full Responsibility	To notify Council of any graffiti.
<b>Graffiti - Internal</b>	No Responsibility	Full Responsibility
<b>Heating and Cooling - Hard Wired/Fixed</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Heating and Cooling - Portable</b>	No Responsibility	Full Responsibility
<b>Hygiene/Sanitary Services</b>	No Responsibility	Full Responsibility
<b>Irrigation of Surrounds</b>	No Responsibility	Full Responsibility
<b>Keys</b>	One set of keys issued to user group/tenant. Locksmith authority required for additional keys, cost to the user group/tenant.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement.
<b>Lighting - Exit &amp; Emergency</b>	Full Responsibility	No Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Lighting - External Security</b> (including car park lighting)	Full Responsibility	To notify Council when maintenance is required.
<b>Lighting - Internal Globes and Tubes</b>	Responsible for fittings only (and globes/tubes above 3 meters).	Replacement of all globes/tubes as required.
<b>Painting - External</b>	Full Responsibility	No Responsibility
<b>Painting - Internal</b>	No Responsibility	Full Responsibility
<b>Pest Control</b>	Eradication and management of white ants only.	To keep all areas in a clean and hygienic state. Eradication and management of all pests and vermin, with the exception of white ants.
<b>Play Equipment - General</b> (non-public accessible)	No Responsibility	Full Responsibility
<b>Play Equipment - Playground Council Installed</b> (public accessible)	Full Responsibility	To notify Council when maintenance is required.
<b>Play Equipment – Playground (non-public accessible)</b> (e.g. crash mats, climbing structures, skipping ropes etc.)	No Responsibility	Maintain and repair as required.
<b>Plumbing Fixtures</b> (e.g. taps, basins, cisterns)	Full Responsibility	To notify Council when maintenance is required.
<b>Public Toilets</b>	Full Responsibility Including scheduled cleaning.	To notify Council when maintenance is required and additional cleans if required by user.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Rubbish Removal</b>	No Responsibility	Removal of all rubbish/litter within the building, fence lines and external perimeter.
<b>Security System</b>	No Responsibility	Full Responsibility. Installation if required for security purposes, an access code must be issued to Councils Facility Management Department. Day to day operation, issuing and maintaining a list of user codes. Monitoring, alarm responses and associated costs. All maintenance as required.
<b>Shade/Shelter &amp; Additional Structures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Signs - Advertising &amp; Facility</b>	No Responsibility	Full Responsibility. (No advertising signage to be affixed to any building without Council permission)
<b>Tanks - Rain Water</b>	Full Responsibility	No Responsibility
<b>Testing and Tagging - Portable (non-fixed appliances)</b>	No Responsibility	Full Responsibility
<b>Trees/Shrubs - Over 5 Metres</b>	Full Responsibility	No Responsibility
<b>Tress/Shrubs - Up to 5 Metres</b>	No Responsibility	Full Responsibility
<b>TV Antennas &amp; Cabling</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Vandalism - External</b>	No responsibility if due to tenant or tenant guest. Otherwise maintenance and repair as required.	If due to user or users' guest, all user responsibility. Otherwise notify Council of maintenance works required.
<b>Vandalism - Internal</b>	No Responsibility	Full Responsibility
<b>Windows - Blinds and Coverings</b>	No Responsibility	Maintain and repair as required.
<b>Windows - Wire Screening</b>	Repair or replacement due to age and normal fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.

## Reporting Maintenance Requirements

Contact City of Ballarat on **5320 5500** and request the Facility Management department.

# WARRENHEIP COMMUNITY HALL ADVISORY COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Warrenheip Community Hall Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is 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 Committee is established for the purpose of:

- 2.1 Encouraging use of the Warrenheip Community Hall (**Hall**) by the Local community and to promote the role played by the Hall in community life.

### 3. OBJECTIVES

The objectives of the Committee are to:

- 3.1 Arrange bookings for the Hall.
- 3.2 Advise the Council when the hiring agreement and/or the schedule of hiring fees has been updated.
- 3.3 Be responsible for the day to day maintenance of the Hall.
- 3.4 Carry out regular maintenance inspections of the Hall and liaise with Council on maintenance issues which fall within the Council's responsibilities.
- 3.5 Ensure that Council is made aware of any matters that could have an impact on the Hall or its users.
- 3.6 Seek external funding opportunities with the support of Council.
- 3.7 Review its role as a Committee of Council and make recommendations to Council accordingly.
- 3.8 Operate, as far as possible, on a self-sufficient basis.

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

- 4.1 The role of the Committee is:
  - 4.1.1 To have an active role in communicating community views to Council; and
  - 4.1.2 To participate in discussions at meetings.
- 4.2 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

#### **5. MEMBERSHIP**

- 5.1 The Committee will consist of a minimum of six (6) members comprising of:
  - 5.1.1 One (1) ward Councillor of Council appointed by Council from time to time;
  - 5.1.2 A minimum of five (5) Community Representatives.
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 5.7 A Councillor appointed under clause 5.1.1 will be the Chairperson of the Committee.
- 5.8 If a Chairperson is not appointed under 5.7, as the case may be, before the Committee's first meeting, the Committee members must appoint a chairperson at the first meeting.
- 5.9 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 5.10 Any Councillor can attend meetings of the Committee as an observer.

## 6. MEETINGS

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
  - 6.1.3 the Committee's discretion, as exercised from time to time; and
  - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet not less than four times a year or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.
- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 6.5.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 6.5.3 acting as the contact point between Council and the Committee; and
  - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

## 7. REPORTING

- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law;
  - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*; and
  - 7.1.3 any resolution of Council made from time to time; and
  - 7.1.4 The Committee's discretion, as exercised from time to time.

- 7.2 The Committee 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.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Statutory Compliance Unit for inclusion in the report to Council.  
(Note – this only applies when a Councillor is in attendance.)

## **8. CREATION AND DISSOLUTION**

- 8.1 By these Terms of Reference the Committee:
- 8.1.1 is established; and
  - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
- 8.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 8.2.2 remain in force until Council determines to vary or revoke them.
- 8.3 The Committee will only be dissolved by resolution of Council.

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

## SCHEDULE

### Facility Maintenance Schedule - Community Centres

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Appliances - Hard Wired Council Installed</b> (e.g. hot water service, ovens)	Responsible for service, repair and replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Appliances - Not Hard Wired</b> (e.g. fridges, dishwashers, washing machines)	No Responsibility	Regular cleaning and maintenance. Repair and replacement as required. Testing and Tagging.
<b>Building - Additional Structures</b> (e.g. storage sheds)	Full Responsibility	No Responsibility
<b>Building - Damage/Wear &amp; Tear</b> (caused by occupancy)	No Responsibility	Maintain and repair as required.
<b>Building - External Fittings</b> (e.g. gutters/spouting)	Maintain and repair as required. Programmed gutter cleaning.	To notify Council when maintenance required.
<b>Building - External Structural Elements</b> (e.g. walls/cladding, roof/roofing, windows/doors)	Repair or replacement of elements due to age or structural fault.	To notify Council when maintenance is required. (Responsible for repairs/replacement if due to tenant)
<b>Building - Internal Flooring and Skirting Boards</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building - Internal Structural Elements</b> (e.g. ceilings, walls & doors)	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required. (Responsible for cleaning and repairs if due to tenant)
<b>Building Utilities</b> (e.g. power, water, gas)	No Responsibility	Full Responsibility
<b>Cabinetry - Built In</b> (e.g. kitchen cupboards)	Repair or replacement due to fair wear and tear, or end of useful life.	Responsible for cleaning and replacement if due to damage.
<b>Car Parks - Lighting</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Line Marking</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Car Parks - Maintenance</b> (including paths)	Full Responsibility	To notify Council when maintenance is required.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Cleaning - Inside of Building</b>	No Responsibility	Full Responsibility
<b>Cleaning - Surrounds of Building</b> (e.g. grounds, car park, public areas)	No Responsibility	Full Responsibility
<b>Doors - Furniture</b>	Repair or replacement due to fair wear and tear, or end of useful life.	To notify Council when maintenance is required.
<b>Doors - Lock and Key Systems</b>	Repair or replacement due to fair wear and tear, or end of useful life.  Issuing of keys to the management group and maintenance of a key register.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement. Payment for any requested improvements, upgrades or new keys.
<b>Doors - Wire Screening</b>	Repair or replacement due to fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.
<b>Drains/Pipes - Grease Traps</b>	No Responsibility	Management of trade waste agreement with Central Highlands Water for cleaning of grease traps. Notify Council of pipe failures.
<b>Drains/Pipes - Sewerage System (including pumped systems)</b>	Responsible for clearing blockages and repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Drains/Pipes - Storm Water System</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Drains/Pipes - Septic Systems</b>	Responsible for clearing blockages, repairs and maintenance.	Responsible for clearing blockages and repairs, if due to reckless or deliberate misuse.
<b>Electrical - Wiring and Fittings</b>	Maintenance and repair of all wiring and fittings.	To notify Council when maintenance is required. (Responsible for repairs if due to deliberate misuse)
<b>Equipment - Internal</b>	No Responsibility	Full Responsibility

<b>General Items</b>	<b>City of Ballarat Responsibilities</b>	<b>User Responsibilities</b>
<b>Essential Safety Measures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Fencing &amp; Gates – Internal</b>	No Responsibility	Maintain and repair as required.
<b>Fencing &amp; Gates – Perimeter</b>	Maintain and repair as required	No Responsibility
<b>Fire Equipment - Detection (e.g. smoke detectors)</b>	Maintain and repair as required.	To notify Council when maintenance is required.
<b>Fire Equipment - Suppression (e.g. fire extinguishers)</b>	Service, maintain and repair as required.	To notify Council if discharged. (Cost to refill or replace due to reckless or deliberate misuse)
<b>Floor Coverings</b>	Repair or replacement due to age and fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Strip, polish and reseal vinyl, timber and tiled floors annually or as per manufactures specification. Annual steam cleaning of carpets.
<b>Food Handling Area</b>	Ensure initial compliance with all relevant regulations for the intended use.	Maintain ongoing compliance with all relevant regulations for the intended use. If the management group changes the use of a kitchen in a way that affects compliance with regulations, it must fund the upgrade of the kitchen to ensure compliance.
<b>Furniture – Internal</b>	No Responsibility	Full Responsibility
<b>Furniture - Outdoor</b>	No Responsibility	Full Responsibility
<b>Gardens - Beds &amp; Lawns/Grass (grounds and nature strips)</b>	No Responsibility	Cutting and maintaining grass, shrubs, garden beds and trees of all areas within the building and fence lines.
<b>Gardens - Paving and Landscaping</b>	No Responsibility	Maintain and repair as required

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Glass - Windows and Doors</b>	Replacement if due to vandalism.	All cleaning, internal and external. Replacement (or payment for) if due to reckless or deliberate misuse.
<b>Graffiti - External</b>	Full Responsibility	To notify Council of any graffiti.
<b>Graffiti - Internal</b>	No Responsibility	Full Responsibility
<b>Heating and Cooling - Hard Wired/Fixed</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Heating and Cooling - Portable</b>	No Responsibility	Full Responsibility
<b>Hygiene/Sanitary Services</b>	No Responsibility	Full Responsibility
<b>Irrigation of Surrounds</b>	No Responsibility	Full Responsibility
<b>Keys</b>	One set of keys issued to user group/tenant. Locksmith authority required for additional keys, cost to the user group/tenant.	Responsible for all keys issued and to maintain a register of key holders. To annually audit keys and balance with Council's records. Advise Council of lost keys and provide payment for replacement.
<b>Lighting - Exit &amp; Emergency</b>	Full Responsibility	No Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Lighting - External Security</b> (including car park lighting)	Full Responsibility	To notify Council when maintenance is required.
<b>Lighting - Internal Globes and Tubes</b>	Responsible for fittings only (and globes/tubes above 3 meters).	Replacement of all globes/tubes as required.
<b>Painting - External</b>	Full Responsibility	No Responsibility
<b>Painting - Internal</b>	No Responsibility	Full Responsibility
<b>Pest Control</b>	Eradication and management of white ants only.	To keep all areas in a clean and hygienic state. Eradication and management of all pests and vermin, with the exception of white ants.
<b>Play Equipment - General</b> (non-public accessible)	No Responsibility	Full Responsibility
<b>Play Equipment - Playground Council Installed</b> (public accessible)	Full Responsibility	To notify Council when maintenance is required.
<b>Play Equipment – Playground (non-public accessible)</b> (e.g. crash mats, climbing structures, skipping ropes etc.)	No Responsibility	Maintain and repair as required.
<b>Plumbing Fixtures</b> (e.g. taps, basins, cisterns)	Full Responsibility	To notify Council when maintenance is required.
<b>Public Toilets</b>	Full Responsibility Including scheduled cleaning.	To notify Council when maintenance is required and additional cleans if required by user.

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Rubbish Removal</b>	No Responsibility	Removal of all rubbish/litter within the building, fence lines and external perimeter.
<b>Security System</b>	No Responsibility	Full Responsibility. Installation if required for security purposes, an access code must be issued to Councils Facility Management Department. Day to day operation, issuing and maintaining a list of user codes. Monitoring, alarm responses and associated costs. All maintenance as required.
<b>Shade/Shelter &amp; Additional Structures</b>	Full Responsibility	To notify Council when maintenance is required.
<b>Signs - Advertising &amp; Facility</b>	No Responsibility	Full Responsibility. (No advertising signage to be affixed to any building without Council permission)
<b>Tanks - Rain Water</b>	Full Responsibility	No Responsibility
<b>Testing and Tagging - Portable (non-fixed appliances)</b>	No Responsibility	Full Responsibility
<b>Trees/Shrubs - Over 5 Metres</b>	Full Responsibility	No Responsibility
<b>Tress/Shrubs - Up to 5 Metres</b>	No Responsibility	Full Responsibility
<b>TV Antennas &amp; Cabling</b>	No Responsibility	Full Responsibility

General Items	City of Ballarat Responsibilities	User Responsibilities
<b>Vandalism - External</b>	No responsibility if due to tenant or tenant guest. Otherwise maintenance and repair as required.	If due to user or users' guest, all user responsibility. Otherwise notify Council of maintenance works required.
<b>Vandalism - Internal</b>	No Responsibility	Full Responsibility
<b>Windows - Blinds and Coverings</b>	No Responsibility	Maintain and repair as required.
<b>Windows - Wire Screening</b>	Repair or replacement due to age and normal fair wear and tear, or end of useful life.	All regular cleaning and maintenance. Repairs or replacement (or payment for) due to reckless or deliberate misuse.

## Reporting Maintenance Requirements

Contact City of Ballarat on **5320 5500** and request the Facility Management department.

**11.8. S6 INSTRUMENT OF DELEGATIONS (PLANNING AND ENVIRONMENT ACT 1987)**

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

**OFFICER RECOMMENDATION**

Council resolves to:

1. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 15 May 2019 (R117/19).
2. Exercise Council's power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.
3. Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.
4. Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:
  - a. Come into force immediately once the Common Seal of Council is affixed;
  - b. Remain in force until varied or revoked;
  - c. Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and
  - d. Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.
5. Sign and affix Council's Common Seal to the S6. Instrument of Delegation - Members of Staff.

**EXECUTIVE SUMMARY**

The purpose of this report is to present the revised changes to the S6 Instrument of Delegation – Members of Staff for Council's considerations. Changes to the Instrument of delegation since the last approved iteration include:

- Provisions for the new role Growth Areas Facilitation Officer (GAFO) under the *Planning and Environment Act 1987*;
- Provisions for the new role Regulatory Services Support Officer (RSSO) under the *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*; and

- Removal of some provisions to Executive Manager Economic Partnerships (EMEP), Manager Strategic Planning (MSP), Strategic Planner (SP) and Administration Officer Strategic Planning (AOSP) under the *Planning and Environment Act 1987*.

The revised delegation has been reviewed at officer level and is considered appropriate for the ongoing administrative efficiency of Council. The draft revised Instrument is presented at Attachment 1. Attachment 2 represents the required delegations for the new role of Growth Areas Facilitation Officer. Attachment 3 represents the required delegations for the new role of Regulatory Services Support Officer (RSSO). Attachment 4 represents delegates that have been removed from provisions, positions include, Executive Manager Economic Partnerships (EMEP), Manager Strategic Planning (MSP), Strategic Planner (SP) and Administration Officer Strategic Planning (AOSP).

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council meeting held on 15 May 2019 (R117/19) and endorse the revised Instrument (Attachment 1) reflecting changes to conditions and limitations within the *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*.

## 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.

## 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 to ensure that appropriate Officers have the power to carry out their duties lawfully. This is a key component in Council meeting its essential legislative compliance obligations.

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

**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 15 May 2019 (R117/19).

## ATTACHMENTS

1. S6 Instrument of Delegation - Members of Staff **[11.8.1]**
2. Provisions for Growth Areas Facilitation Officer (GAFO) **[11.8.2]**
3. Provisions for Regulatory Services Support Officer (RSSO) **[11.8.3]**
4. Removal of Delegates under the Planning and Environment Act 1987 **[11.8.4]**

***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 s 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:

- AOBS: Administration Officer Building Services
- AOEH: Administration Officer Environmental Health
- AOGAF: Administration Officer Growth Areas Facilitation
- AOLLT: Administration Officer Local Laws and Traffic
- AOSC: Administration Officer Statutory Compliance
- CAM: Coordinator Asset Management
- CBS: Coordinator Building Services
- CCPE: Coordinator Compliance and Parking Enforcement
- CEH: Coordinator Environmental Health
- CGAF: Coordinator Growth Areas Facilitation
- CID: Coordinator Infrastructure Delivery
- CIT: Coordinator Integrated Transport
- CO: Compliance Officer
- CPG: Coordinator Parks and Gardens
- CRC: Coordinator Risk and Compliance
- CRM: Coordinator Road Maintenance
- CSS: Construction Site Supervisor
- CSTP: Coordinator Statutory Planning
- DBS: Director Business Services
- DDP: Director Development and Planning
- DFAO: Development Facilitation Administration Officer
- DIE: Director Infrastructure and Environment
- DWWMPO: Domestic Waste Water Management Project Officer
- EHO: Environmental Health Officer
- EMDF: Executive Manager Development Facilitation
- EMEP: Executive Manager Economic Partnerships
- EMI: Executive Manager Infrastructure
- EMOE: Executive Manager Operations and Environment
- EMPMO: Executive Manager Project Management Office
- EMPSFM: Executive Manager Property Services and Facilities Management
- EMRS: Executive Manager Regulatory Services
- EMSRCS: Executive Manager Safety, Risk and Compliance Services
- GAFO: Growth Areas Facilitation Officer
- HSO: Health Services Officer
- LLEO: Local Laws Events Officer
- MBS: Municipal Building Surveyor
- MED: Manager Economic Development
- MSP: Manager Strategic Planning
- MSTP: Manager Statutory Planning

- Not Applicable: Not Applicable
- Not Delegated: Not Delegated
- PMUR: Project Manager Urban Renewal
- POC: Project Officer Compliance
- PPSP: Principal Planner Strategic Projects
- PSTP: Principal Statutory Planner
- RMCS: Road Maintenance Contract Supervisor
- RMS: Road Maintenance Scheduler
- RSSO: Regulatory Services Support Officer
- SAO: Subdivision Administration Officer
- SASO: Senior Asset Surveillance Officer
- SASU: Supervisor Asset Surveillance
- SCO: Statutory Compliance Officer
- SO: Subdivision Officer
- SP: Strategic Planner
- SPAO: Strategic Planning Administration Officer
- SSTP: Senior Statutory Planner
- STP: Statutory Planner
- TLEH: Team Leader Environmental Health
- TLPD: Team Leader Pathways and Drainage
- TLPSE: Team Leader Parking Services
- TLRs: Team Leader Road Safety
- TLRsATS: Team Leader Regulatory Services Administration/Technical Support
- TLRsR: Team Leader Sealed Roads
- TLRsUR: Team Leader Unsealed Roads
- TOEH: Technical Officer Environmental Health
- TSODF: Technical Support Officer Development Facilitation

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

## S6 Instrument of Delegation - Members of Staff

<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	CPG, DIE, EMOE, EMPSFM	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CPG, DIE, EMOE, EMPSFM	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a ) - (c) in exercising its functions	CPG, DIE, EMOE, EMPSFM	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CPG, DIE, EMOE, EMPSFM	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, DIE, EMOE, EMPSFM	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	CPG, DIE, EMOE, EMPSFM	
s 15(4)	Duty to keep records of delegations	CRC, DBS, EMSRCS	
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	CPG, DIE, EMOE, EMPSFM	
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	CPG, DIE, EMOE, EMPSFM	

**Cemeteries and Crematoria Act 2003**

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

s 19	Power to carry out or permit the carrying out of works	CPG, DIE, EMOE, EMPSFM	
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, DIE, EMOE, EMPSFM	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, DDP, DIE, EMOE, EMPSFM	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CPG, DDP, DIE, EMOE, EMPSFM	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CPG, DIE, EMOE, EMPSFM	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CPG, DIE, EMOE, EMPSFM	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	CPG, DIE, EMOE, EMPSFM	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CPG, DIE, EMOE, EMPSFM	
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	CPG, DIE, EMOE, EMPSFM	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, DIE, EMOE, EMPSFM	

**Cemeteries and Crematoria Act 2003**

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

s 60(1)	Duty to make information in records available to the public for historical or research purposes	CRC, EMSRCS	
s 60(2)	Power to charge fees for providing information	DBS	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, DIE, EMOE, EMPSFM	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, DIE, EMOE, EMPSFM	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CPG, DIE, EMOE, EMPSFM	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	CPG, DIE, EMOE, EMPSFM	
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, DIE, EMOE, EMPSFM	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CPG, DIE, EMOE, EMPSFM	
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, DIE, EMOE, EMPSFM	
s 72(2)	Duty to comply with request received under s 72	CPG, DIE, EMOE, EMPSFM	
s 73(1)	Power to grant a right of interment	CPG, DIE, EMOE, EMPSFM	
s 73(2)	Power to impose conditions on the right of interment	CPG, DIE, EMOE, EMPSFM	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, DIE, EMOE, 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 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CPG, DIE, EMOE, EMPSFM	
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	CPG, DIE, EMOE, EMPSFM	
s 80(2)	Function of recording transfer of right of interment	CPG, DIE, EMOE, EMPSFM	
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	CPG, DIE, EMOE, EMPSFM	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, DIE, EMOE, EMPSFM	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CPG, DIE, EMOE, EMPSFM	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CPG, DIE, EMOE, EMPSFM	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DIE, EMPSFM	May only be exercised where right of interment relates to cremated human remains of a

**Cemeteries and Crematoria Act 2003**

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

			deceased identified veteran, if right of internment 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 internment 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 s 91	DIE, EMPSFM	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CPG, DIE, EMOE, EMPSFM	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CPG, DBS, DIE, EMOE, EMPSFM	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, DIE, EMOE, EMPSFM	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, DIE, EMOE, EMPSFM	

**Cemeteries and Crematoria Act 2003**

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

s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CPG, DIE, EMOE, EMPSFM	
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 s 100(1)	DIE, EMPSFM	
s 100(3)	Power to recover costs of taking action under s 100(2)	CPG, DIE, EMOE, EMPSFM	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, DIE, EMOE, EMPSFM	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CPG, DIE, EMOE, EMPSFM	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CPG, DIE, EMOE, EMPSFM	
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, DIE, EMOE, EMPSFM	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CPG, DIE, EMOE, EMPSFM	
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, DIE, EMOE, EMPSFM	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CPG, DIE, EMOE, EMPSFM	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, DIE, EMOE, EMPSFM	
s 106(3)	Power to open and examine the place of interment if s 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 s 106(1) is not complied with	DIE, EMPSFM	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CPG, DIE, EMOE, EMPSFM	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DIE, EMPSFM	
s 108	Power to recover costs and expenses	CPG, DIE, EMOE, 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 109(1)(a)	Power to open, examine and repair a place of interment	DIE, EMPSFM	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DIE, EMPSFM	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CPG, DIE, EMOE, EMPSFM	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	CPG, DIE, EMOE, EMPSFM	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CPG, DIE, EMOE, EMPSFM	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DBS	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CPG, DIE, EMOE, EMPSFM	
s 112	Power to sell and supply memorials	CPG, DIE, EMOE, EMPSFM	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CPG, DIE, EMOE, EMPSFM	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CPG, DIE, EMOE, EMPSFM	

**Cemeteries and Crematoria Act 2003**

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

s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CPG, DIE, EMOE, EMPSFM	
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 s 133 have been complied with	CPG, DIE, EMOE, EMPSFM	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CPG, DIE, EMOE, EMPSFM	
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 s 150	CPG, DIE, EMOE, EMPSFM	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	CPG, DIE, EMOE, EMPSFM	
sch 1 cl 8(8)	Power to regulate own proceedings	CPG, CSS, DIE, EMOE, EMPSFM	Subject to cl 8

**Domestic Animals Act 1994**

Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CCPE, DIE, EMRS	Council may delegate this power to a

<b>Domestic Animals Act 1994</b>			
			Council authorised officer
<b>Environment Protection Act 1970</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 53M(3)	Power to require further information	CEH, CSTP, DDP, DIE, DWWMPO, EHO, EMOE, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP, TLEH, TOEH	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CEH, CSTP, DDP, DIE, DWWMPO, EHO, EMOE, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP, TLEH, TOEH	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CEH, DWWMPO, EHO, 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	CEH, DWWMPO, EHO, 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)	CEH, DWWMPO, EHO, TLEH, TOEH	Refusal must be ratified by Council or it is of no effect

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEH, EHO, TLEH	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEH, EHO, TLEH	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEH, DIE, EHO, TLEH	If s 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 s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DIE	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CEH, EHO, TLEH	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEH, EHO, TLEH	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEH, EHO, TLEH	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEH, EHO, 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	CEH, EHO, TLEH	Where Council is the registration authority

<b>Food Act 1984</b>			
s 19CB(4)(b)	Power to request copy of records	CEH, EHO, TLEH	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEH, EHO, 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	CEH, EHO, 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	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRSA TS	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	CEH, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEH, DIE, EHO, 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	CEH, TLEH	Where Council is the registration authority

<b>Food Act 1984</b>			
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	CEH, TLEH	Where Council is the registration authority
	Power to register, renew or transfer registration	CEH, DIE, EHO, TLEH	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 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	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRSA	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEH, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRSA	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEH, DIE, EHO, TLEH	Where Council is the registration authority

<b>Food Act 1984</b>			
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRSATS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEH, DIE, EHO, TLEH	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEH, DIE, EHO, TLEH	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CEH, DIE, EHO, TLEH	Where Council is the registration authority  Only if satisfied of

<b>Food Act 1984</b>			
			matters in s 39A(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	CEH, DIE, EHO, TLEH	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEH, TLEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH, 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	CEH, EHO, 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	CEH, EHO, 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	CEH, DIE, EHO, TLEH	Where Council is the registration authority
<b>Heritage Act 2017</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DDP, DIE	<p>Must first obtain Executive Director's written consent</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive</p>

Heritage Act 2017			
			Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	DDP, DIE, EMDF	
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	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, EMDF, EMEP, MSP, MSTP, PSTP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	

<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, EMDF, EMEP, MSP, MSTP, PSTP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 8A(5)	Function of receiving notice of the Minister's decision	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
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, EMDF, EMEP, MSP, MSTP, PSTP	
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, EMDF, MSP, MSTP, PSTP	
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, EMDF, MSP, MSTP, PSTP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	CSTP, DDP, DIE, EMDF, MSP, MSTP, PSTP	
s 12B(1)	Duty to review planning scheme	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 17(2)	Duty of giving copy s 173 agreement	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 18	Duty to make amendment etc. available	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	

<b>Planning and Environment Act 1987</b>			
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 21(2)	Duty to make submissions available	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 21A(4)	Duty to publish notice	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 22	Duty to consider all submissions	CSTP, DDP, DFAO, DIE, EMDF, EMEP,	Except submissions which request a

Planning and Environment Act 1987			
		EMOE, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP	
s 26(1)	Power to make report available for inspection	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 26(2)	Duty to keep report of panel available for inspection	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	

<b>Planning and Environment Act 1987</b>			
s 27(2)	Power to apply for exemption if panel's report not received	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	
s 28	Duty to notify the Minister if abandoning an amendment	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PSTP	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, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PSTP, SP, SPAO, SSTP, STP	
s 30(4)(b)	Duty to provide information in writing upon request	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PSTP, SP, SPAO, SSTP, STP	
s 32(2)	Duty to give more notice if required	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP	
s 33(1)	Duty to give more notice of changes to an amendment	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP	
s 36(2)	Duty to give notice of approval of amendment	CSTP, DDP, DIE, EMDF, EMEP,	

Planning and Environment Act 1987			
		MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 38(5)	Duty to give notice of revocation of an amendment	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSTP, DDP, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP	
s 40(1)	Function of lodging copy of approved amendment	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 41	Duty to make approved amendment available	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	
s 42	Duty to make copy of planning scheme available	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
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

Planning and Environment Act 1987			
			<p>is a planning authority</p> <p>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils</p>
s 46AW	Function of being consulted by the Minister	DDP, DIE, EMDF, EMEP	Where Council is a responsible public entity
s 46AX	<p>Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy</p> <p>Power to endorse the draft Statement of Planning Policy</p>	DDP, DIE, EMDF, EMEP	Where Council is a responsible public entity
s 46AZC (2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO	Where Council is a responsible public entity

<b>Planning and Environment Act 1987</b>			
s 46GI(2) (b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DIE, EMDF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DIE, EMDF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DIE, EMDF	
s 46GP	Function of receiving a notice under s 46GO	DIE, EMDF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	DIE, EMDF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DIE, EMDF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DIE, EMDF	

<b>Planning and Environment Act 1987</b>			
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DIE, EMDF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	AOGAF, CGAF, DIE, EMDF, GAFO	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DBS, DIE, EMDF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DIE, EMDF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIE, EMDF	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIE, EMDF	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DIE, EMDF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DIE, EMDF	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	Where Council is the collecting agency

<b>Planning and Environment Act 1987</b>			
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DIE, EMDF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	AOGAF, CGAF, CSTEP, DDP, DFAO, DIE,	Where Council is the collecting agency under an

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

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

Planning and Environment Act 1987			
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	AOGAF, CGAF, CSTP, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where</p>

Planning and Environment Act 1987			
			Council is also the collecting agency
s 46GZA (1)	Duty to keep proper and separate accounts and records	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA (2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	AOGAF, CGAF, CSTP, DBS, DDP, DIE, EMDF, GAFO, MSTP, PSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB (3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB (4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	AOGAF, CGAF, CSTP, DBS, DDP, DIE, EMDF, GAFO, MSTP, PSTP	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved

Planning and Environment Act 1987			
			infrastructure contributions plan
s 46GZD (2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	AOGAF, CGAF, DIE, EMDF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD (3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD (5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE (2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	AOGAF, CGAF, CSTP, DBS, DDP, DIE, EMDF, GAFO, MSTP, PSTP	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also

Planning and Environment Act 1987			
			the collecting agency
s 46GZE (2)	Function of receiving the unexpended land equalisation amount	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE (3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF (2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF (3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the development agency under an approved infrastructure

Planning and Environment Act 1987			
			contributions plan
s 46GZF (3)	s 46GZF(3)(a) function of receiving proceeds of sale	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF (4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF (6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is the collecting agency under an approved infrastructure

<b>Planning and Environment Act 1987</b>			
			contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CSTP, DDP, DIE, EMDF, MSTP, PSTP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	AOGAF, CGAF, DBS, DIE, EMDF, GAFO	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	AOGAF, CGAF, CSTP, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP, SSTP, STP	
s 46N(2) (c)	Function of determining time and manner for receipt of development contributions levy	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
s 46N(2) (d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
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	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
s 46O(1) (d) & (2) (d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
s 46Q(1)	Duty to keep proper accounts of levies paid	AOGAF, CGAF, CSTP, DBS, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP	
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	AOGAF, CGAF, CSTP, DBS, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP	
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	AOGAF, CGAF, CSTP, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	AOGAF, CGAF, CSTP, DBS, DDP, DIE, EMDF, GAFO, MSTP, PSTP	Only applies when levy is paid to Council as a 'development agency'

<b>Planning and Environment Act 1987</b>			
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)	AOGAF, CGAF, CSTP, DBS, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP	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, EMDF, MSTP, PSTP	Must be done in accordance with Part 3
s46Q(4) (e)	Duty to expend that amount on other works etc.	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP	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	AOGAF, CGAF, CSTP, DBS, DDP, DIE, EMDF, GAFO, MSTP, PSTP	
s 46QD	Duty to prepare report and give a report to the Minister	CSTP, DDP, DIE, EMDF, MSTP, PSTP	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CSTP, DDP, DIE, EMDF, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, CSTP, DDP, DIE, EMDF, MSTP, POC, PSTP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SPAO, SSTP, STP, TSODF	
s 49(2)	Duty to make register available for inspection	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SPAO, SSTP, STP, TSODF	
s 50(4)	Duty to amend application	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 50(45)	Power to refuse to amend application	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 50(6)	Duty to make note of amendment to application in register	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, STP, TSODF	
s 50A(1)	Power to make amendment to application	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSTP, PMUR, PPSP, PSTP, SAO, SO, SP,	

<b>Planning and Environment Act 1987</b>			
		SPAO, SSTP, STP, TSODF	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SO, SP, SPAO, SSTP, STP, TSODF	
s 50A(4)	Duty to note amendment to application in register	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 51	Duty to make copy of application available for inspection	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
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, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	

<b>Planning and Environment Act 1987</b>		
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, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
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, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 52(3)	Power to give any further notice of an application where appropriate	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF

<b>Planning and Environment Act 1987</b>			
s 54(1)	Power to require the applicant to provide more information	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSTP, DDP, DIE, EMDF, MSTP, PMUR, PPSP, PSTP, SO, SSTP, STP, TSODF	
s 54(1B)	Duty to specify the lapse date for an application	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CSTP, DDP, DFAO, DIE, EMDF, MSTP,	

Planning and Environment Act 1987			
		PSTP, SAO, SO, SSTP, STP, TSODF	
s 57(5)	Duty to make available for inspection copy of all objections	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 57A(5)	Power to refuse to amend application	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57A(6)	Duty to note amendments to application in register	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57C(1)	Duty to give copy of amended application to referral authority	CSTP, DDP, DFAO, DIE, EMDF, MSTP,	

Planning and Environment Act 1987			
		PSTP, SAO, SO, SSTP, STP, TSODF	
s 58	Duty to consider every application for a permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 58A	Power to request advice from the Planning Application Committee	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 60	Duty to consider certain matters	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 60(1A)	Duty to consider certain matters	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
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, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	

<b>Planning and Environment Act 1987</b>			
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, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(2)	Power to include other conditions	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	

<b>Planning and Environment Act 1987</b>			
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CSTP, DDP, DFAO, DIE,	

Planning and Environment Act 1987			
		EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be

Planning and Environment Act 1987			
			included on the permit
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP	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, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 69(1A)	Function of receiving application for extension of time to complete development	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 69(2)	Power to extend time	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 70	Duty to make copy permit available for inspection	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO,	

Planning and Environment Act 1987			
		SSTP, STP, TSODF	
s 71(1)	Power to correct certain mistakes	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 71(2)	Duty to note corrections in register	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 73	Power to decide to grant amendment subject to conditions	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 74	Duty to issue amended permit to applicant if no objectors	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP,	If the recommending referral authority

Planning and Environment Act 1987			
		PSTP, SAO, SSTP, STP	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, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not

<b>Planning and Environment Act 1987</b>			
			recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 83	Function of being respondent to an appeal	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 83B	Duty to give or publish notice of application for review	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
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, EMDF, MSTP, PSTP, SO, TSODF	
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, EMDF, MSTP, PSTP, SO, TSODF	
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, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	

<b>Planning and Environment Act 1987</b>			
s 84AB	Power to agree to confining a review by the Tribunal	AOGAF, CGAF, DBS, DIE, EMDF, GAFO, SO, TSODF	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 91(2)	Duty to comply with the directions of VCAT	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 93(2)	Duty to give notice of VCAT order to stop development	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	

<b>Planning and Environment Act 1987</b>			
s 95(3)	Function of referring certain applications to the Minister	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 95(4)	Duty to comply with an order or direction	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
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, EMDF, MSTP, PSTP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSTP, DDP, DIE, EMDF, MSP, MSTP, PSTP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 96F	Duty to consider the panel's report under s 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 s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CSTP, DDP, DIE, EMDF, EMPMO, MSTP, PSTP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 96J	Power to issue permit as directed by the Minister	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CO, CSTP, DDP, DIE, EMDF,	

<b>Planning and Environment Act 1987</b>			
		MSTP, POC, PSTP	
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, EMDF, MSTP, PSTP	
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, EMDF, MSTP, PSTP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
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, EMDF, MSTP, PSTP, SSTP, STP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	

<b>Planning and Environment Act 1987</b>			
s 97Q(4)	Duty to comply with directions of VCAT	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 101	Function of receiving claim for expenses in conjunction with claim	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 103	Power to reject a claim for compensation in certain circumstances	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s.107(1)	function of receiving claim for compensation	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 107(3)	Power to agree to extend time for making claim	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 114(1)	Power to apply to the VCAT for an enforcement order	CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP	
s 117(1) (a)	Function of making a submission to the VCAT where objections are received	CSTP, DDP, DIE, EMDF, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP	Except Crown Land
s 129	Function of recovering penalties	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP	
s 130(5)	Power to allow person served with an infringement notice further time	CSTP, DBS, DDP, DIE, EMDF, EMRS, MSTP, PSTP	
s 149A(1)	Power to refer a matter to the VCAT for determination	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
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, EMDF, EMRS, MSTP, PSTP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CSTP, DDP, DIE, EMDF, MSTP, PSTP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 171(2)(g)	Power to grant and reserve easements	CSTP, DIE, EMDF, MSTP, PSTP, STP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DBS, DIE, EMDF	Where Council is a development

Planning and Environment Act 1987			
			agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DBS, DIE, EMDF	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DBS, DIE, EMDF	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP	
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	DBS, DDP, DIE, MED	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CSTP, DBS, DDP, DIE, EMDF, MSP, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
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, DBS, DDP, DIE, EMDF, MSTP, PSTP	
s 178A(1)	Function of receiving application to amend or end an agreement	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 178A(5)	Power to propose to amend or end an agreement	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR,	

Planning and Environment Act 1987			
		PPSP, PSTP, SP, SSTP, STP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
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, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	If no objections are made under s 178D  Must consider

Planning and Environment Act 1987			
			matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSTP, DDP, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	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, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP,	

<b>Planning and Environment Act 1987</b>			
		SPAO, SSTP, STP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
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, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CSTP, DDP, DIE, EMDF, MSP, MSTP, PSTP	
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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
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, DFAO, DIE, EMDF, EMPSFM, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 179(2)	Duty to make available for inspection copy agreement	CSTP, DDP, DFAO, DIE,	

<b>Planning and Environment Act 1987</b>			
		EMDF, MSTP, PSTP	
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, EMDF, MSTP, PSTP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
s 182	Power to enforce an agreement	CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CSTP, DDP, DIE, EMDF, MSTP, PSTP	
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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	

<b>Planning and Environment Act 1987</b>			
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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
s 184G(2)	Duty to comply with a direction of the Tribunal	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 184G(3)	Duty to give notice as directed by the Tribunal	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSTP, STP	
s 198(1)	Function to receive application for planning certificate	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP	
s 199(1)	Duty to give planning certificate to applicant	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SPAO, SSTP, STP	
s 201(1)	Function of receiving application for declaration of underlying zoning	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP	
s 201(3)	Duty to make declaration	CSTP, DDP, DIE, EMDF, MSTP, PSTP	

<b>Planning and Environment Act 1987</b>			
	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, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSTP, STP	
	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, EMDF, EMEP, MSP, MSTP, PPSP, PSTP	
	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, EMDF, MSTP, PSTP	
	Power to give written authorisation in accordance with a provision of a planning scheme	CSTP, DDP, MSTP, PSTP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDP, EMEP, MSP, PMUR, PPSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDP, EMEP, MSP, PMUR, PPSP	
<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 s 33	DDP, DIE, EMI, EMOE	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	DDP, DIE, EMI, EMOE	Duty of Council as a road authority under the Road Management Act 2004
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	DDP, DIE, EMI, EMOE	Where Council is a utility under s 3

<b>Rail Safety (Local Operations) Act 2006</b>			
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DDP, DIE, EMI, EMOE	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	CRM, DDP, DIE, EMI, EMOE	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	CAM, CRM, DDP, DIE, EMI, EMOE, SASO, SASU	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 s 34E(2)(a)-(c)	CRM, DDP, DIE, EMI, EMOE	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, EMI, EMOE	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 s 34D(2)(a)	CRM, DDP, DIE, EMI, EMOE	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 s 34D(2)(a)	CRM, DDP, DIE, EMI, EMOE	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CRM, DDP, DIE, EMI, EMOE	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	CAM, CRM, DDP, DIE, EMI, EMOE, SASO, SASU	Where Council is the relevant road authority

<b>Rail Safety (Local Operations) Act 2006</b>			
s 34I	Function of entering into safety interface agreements	DDP, DIE, EMI, EMOE	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	DDP, DIE, EMI, EMOE	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	DDP, DIE, EMI, EMOE	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	DIE, EMI	Where Council is the relevant road authority
<b>Residential Tenancies Act 1997</b>			
<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	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, TOEH	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CEH, EMRS	
s 142G(2)	Power to enter certain information in the Rooming House Register	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, TOEH	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, TOEH	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	DIE, EMPSFM	Where Council is the landlord

<b>Residential Tenancies Act 1997</b>			
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	CEH, EHO, EMPSFM, EMRS, TLEH, TOEH	
s 522(1)	Power to give a compliance notice to a person	CBS, CEH, EHO, EMRS, MBS, TLEH, TOEH	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DIE	
s 525(4)	Duty to issue identity card to authorised officers	AOSC, CRC, EMSRCS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CBS, CEH, EHO, EMPSFM, EMRS, MBS, TLEH, TOEH	
s 526A(3)	Function of receiving report of inspection	AOEH, CEH, EHO, HSO, TLEH, TLRATS, TOEH	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CBS, CEH, EHO, EMPSFM, EMRS, MBS, TLEH, TOEH	
<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, EMDF, EMI, EMOE	Obtain consent in circumstances specified in s 11(2)

<b>Road Management Act 2004</b>			
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DDP, DIE, EMDF, EMI, EMOE	
s 11(9)(b)	Duty to advise Registrar	DDP, DIE, EMDF, EMI, EMOE	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DDP, DIE, EMDF, EMI, EMOE	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DDP, DIE, EMDF, EMI, EMOE, MSP	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DDP, DIE, EMDF, EMI, EMOE	Power of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DDP, DIE, EMDF, EMI, EMOE	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DDP, DIE, EMDF, EMI, EMOE	Function of coordinating road authority where it is the discontinuing

Road Management Act 2004			
			body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DDP, DIE, EMDF, EMI, EMOE	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DDP, DFAO, DIE, EMDF, EMI, EMOE	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DDP, DIE, EMDF, EMI, EMOE	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

<b>Road Management Act 2004</b>			
s 14(4)	Function of receiving notice from VicRoads	CIT, DDP, DIE, EMDF, EMI, EMOE	
s 14(7)	Power to appeal against decision of VicRoads	CAM, CIT, DDP, DIE, EMDF, EMI, EMOE	
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	CAM, DDP, DIE, EMDF, EMI, EMOE	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CAM, DIE, EMDF, EMI	
s 15(2)	Duty to include details of arrangement in public roads register	CAM, DFAO, DIE, EMDF, EMI	
s 16(7)	Power to enter into an arrangement under s 15	CAM, DIE, EMDF, EMI	
s 16(8)	Duty to enter details of determination in public roads register	CAM, DFAO, DIE, EMDF, EMI	
s 17(2)	Duty to register public road in public roads register	CAM, DFAO, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAM, DIE, 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	CAM, DFAO, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CAM, DIE, 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	CAM, DFAO, DIE, EMDF, EMI	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
s 18(1)	Power to designate ancillary area	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAM, DFAO, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAM, DFAO, DIE, EMDF, EMI	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAM, DFAO, DIE, EMDF, EMI	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAM, DFAO, DIE, EMDF, EMI	
s 21	Function of replying to request for information or advice	CAM, DIE, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAM, DIE, EMDF, EMI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DDP, DIE, EMOE	
s 22(5)	Duty to give effect to a direction under s 22	DDP, DIE, EMOE	
s 40(1)	Duty to inspect, maintain and repair a public road.	CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRs, TLSR, TLUR	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS,	

Road Management Act 2004			
		TLPD, TLRS, TLSR, TLUR	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CAM, CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, SASU, TLPD, TLRS, TLSR, TLUR	
s 42(1)	Power to declare a public road as a controlled access road	CAM, DIE, EMDF, EMI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAM, DIE, EMDF, EMI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	CAM, DDP, DIE, EMDF, EMI, EMOE	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	CIT, DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road

<b>Road Management Act 2004</b>			
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, EMDF, EMI, EMOE	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 s 48M	DDP, DIE, EMDF, EMI, EMOE	
s 49	Power to develop and publish a road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 54(6)	Power to amend road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	

<b>Road Management Act 2004</b>			
s 63(1)	Power to consent to conduct of works on road	CAM, CRM, EMI, EMOE, RMCS, RMS, SASU, TLPD, TLRS, TLSR, TLUR	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	CAM, CEH, CRM, EMI, RMCS, RMS, SASU, TLPD, TLRS, TLSR, TLUR	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CAM, DIE, 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	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 67(3)	Power to request information	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 68(2)	Power to request information	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CAM, CID, CIT, CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, SASU, TLPD, TLPSE, TLRS, TLSR, TLUR	

<b>Road Management Act 2004</b>			
s 72	Duty to issue an identity card to each authorised officer	AOSC, CRC, DBS, EMSRCS, SCO	
s 85	Function of receiving report from authorised officer	DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DIE, EMDF, EMI	
s 87(1)	Function of receiving complaints	CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRS, TLSR, TLUR	
s 87(2)	Duty to investigate complaint and provide report	CRM, DBS, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRS, TLSR, TLUR	
s 112(2)	Power to recover damages in court	CRC, CRM, DIE, EMDF, EMI, EMOE, EMSRCS, RMCS, TLPD, TLRS, TLSR, TLUR	
s 116	Power to cause or carry out inspection	CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRS, TLSR, TLUR	
s 119(2)	Function of consulting with VicRoads	DDP, DIE, EMDF, EMI, EMOE	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	DDP, DIE, EMDF, EMI, EMOE	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS,	

<b>Road Management Act 2004</b>			
		TLPD, TLRs, TLRS, TLUR	
s 121(1)	Power to enter into an agreement in respect of works	CAM, DDP, DIE, EMDF, EMI, EMOE	
s 122(1)	Power to charge and recover fees	CAM, DDP, DIE, EMDF, EMI, EMOE	
s 123(1)	Power to charge for any service	CRM, DBS, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRS, TLRs, TLUR	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CAM, DIE, EMDF, EMI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not Delegated	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Not Delegated	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	CAM, DIE, EMDF, EMI	
sch 2 cl 5	Duty to publish notice of declaration	CAM, DIE, EMDF, EMI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager

<b>Road Management Act 2004</b>			
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CAM, CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRs, TLRs, TLUR	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CAM, DIE, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CAM, DIE, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CAM, CRM, DIE, EMDF, EMI, EMOE, RMCS, RMS, TLPD, TLRs, TLRs, TLUR	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CAM, DIE, EMDF, EMI	Where Council is the works manager

<b>Road Management Act 2004</b>			
sch 7 cl 13(2)	Power to vary notice period	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CAM, DIE, EMDF, EMI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAM, DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CAM, DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CAM, DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CAM, DDP, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CAM, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7A cl 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
sch 7 cl 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
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DIE, EMDF, EMI	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DIE, EMDF, EMI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

### Cemeteries and Crematoria Regulations 2015

##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)	CPG, EMOE, EMPSFM	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CPG, EMOE, EMPSFM	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	CPG, EMOE, EMPSFM	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	CPG, EMOE, EMPSFM	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	CPG, EMOE, EMPSFM	
r 40	Power to approve a person to play sport within a public cemetery	DIE, EMPSFM	
r 41(1)	Power to approve fishing and bathing within a public cemetery	DIE, EMPSFM	
r 42(1)	Power to approve hunting within a public cemetery	DIE, EMPSFM	
r 43	Power to approve camping within a public cemetery	DIE, EMPSFM	

**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 45(1)	Power to approve the removal of plants within a public cemetery	CPG, DIE, EMPSFM	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, DIE, EMOE, EMPSFM	
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	CPG, DIE, EMOE, EMPSFM	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, DIE, EMOE, EMPSFM	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules

<b>Cemeteries and Crematoria Regulations 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, DIE, EMOE, EMPSFM	See note above regarding model rules
<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, EMDF, EMEP, MSP, MSTP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will

Planning and Environment Regulations 2015			
			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, EMDF, MSP, MSTP, PSTP, SAO, SP, SSTP, STP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CSTP, DDP, DFAO, DIE, EMDF, MSP, MSTP, PSTP, SAO, SP, SSTP, STP	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, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PSTP, SAO, SP, SSTP, STP	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, EMDF, EMEP, MSP, MSTP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme

Planning and Environment Regulations 2015			
			to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DDP, DIE, EMDF, EMEP, MSP, MSTP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DDP, DIE, EMDF, EMEP, MSP, MSTP	
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, EMDF, EMEP, MSP, MSTP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CEH, EHO, EMPSFM, TLEH, TOEH	
r 11	Function of receiving application for registration	AOBS, AOEH, AOLLT, CEH, EHO, EMRS, HSO, LLEO, RSSO, TLEH, TLRATS, TOEH	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH, TOEH	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH, TOEH	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH	
r 13(4) & (5)	Duty to issue certificate of registration	CEH, EHO, TLEH, TOEH	
r 15(1)	Function of receiving notice of transfer of ownership	AOBS, AOEH, AOLLT, CEH, EHO, EMRS, HSO, LLEO, RSSO, TLEH, TLRATS, TOEH	
r 15(3)	Power to determine where notice of transfer is displayed	CEH, EHO, TLEH, TOEH	
r 16(1)	Duty to transfer registration to new caravan park owner	CEH, EHO, TLEH, TOEH	
r 16(2)	Duty to issue a certificate of transfer of registration	CEH, EHO, TLEH, TOEH	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, EHO, EMPSFM, TLEH	
r 18	Duty to keep register of caravan parks	CEH, TLEH	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CEH, EHO, TLEH, TOEH	
r 19(6)	Power to determine where certain information is displayed	CEH, EHO, 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	CEH, EHO, TLEH, TOEH	
r 22A(2)	Duty to consult with relevant emergency services agencies	CEH, EHO, TLEH, TOEH	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEH, EHO, TLEH, TOEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEH, EHO, TLEH, TOEH	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
r 25(3)	Duty to consult with relevant floodplain management authority	CEH, EHO, TLEH, TOEH	
r 26	Duty to have regard to any report of the relevant fire authority	CEH, EHO, TLEH, TOEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEH, EHO, TLEH, TOEH	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	AOBS, AOEH, AOLLT, CBS, CEH, EHO, EMPSFM, EMRS, HSO, LLEO, MBS, RSSO, TLEH, TLRATS, TOEH	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CBS, DIE, EMPSFM, EMRS, MBS	
r 40(4)	Function of receiving installation certificate	CBS, DIE, EMPSFM, EMRS, MBS	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CBS, DIE, EMPSFM, EMRS, MBS	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DIE, EMRS	
<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	

<b>Road Management (General) Regulations 2016</b>			
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)	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
r 13(1)	Duty to publish notice of amendments to road management plan	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	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	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	
r 16(3)	Power to issue permit	CAM, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CAM, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CAM, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CAM, DIE, EMDF, EMI, EMOE	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CAM, DIE, EMDF, EMI, EMOE	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))	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CAM, CRC, DIE, EMDF, EMI, EMOE, EMSRCS	

**Road Management (Works and Infrastructure) Regulations 2015**

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

Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CRC, DIE, EMDF, EMI, EMOE, EMSRCS	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CRC, DIE, EMDF, EMI, EMOE, EMSRCS	Where Council is the coordinating road authority

## Provisions for Growth Areas Facilitation Officer

S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DIE, CGAF, EMDF, AOGAF, GAFO	
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CSTP, DDP, DIE, MSTP, SP, PPSP, EMEP, MSP, CGAF, EMDF, PSTP, PMUR, AOGAF, GAFO	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			<p>approved infrastructure contributions plan</p> <p>This duty does not apply where Council is that planning authority</p>
s 46GZ(2)(a)	Function of receiving the monetary component	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	<p>Where the Council is the planning authority</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CSTP, DDP, DIE, MSTP, SP, PPSP, EMEP, MSP, CGAF, EMDF, PSTP, PMUR, AOGAF, GAFO	<p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This provision does not apply where Council is also the relevant development agency</p>
s 46GZ(2)(b)	Function of receiving the monetary component	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			<p>infrastructure contributions plan</p> <p>This provision does not apply where Council is also the collecting agency</p>
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, DFAO, PSTP, AOGAF, GAFO	<p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This provision does not apply where Council is also the relevant development agency</p>
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency specified in the approved infrastructure contributions plan

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CSTP, DDP, DIE, MSTP, SP, PPSP, EMEP, MSP, SPAO, CGAF, EMDF, DFAO, PSTP, PMUR, AOGAF, GAFO	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also</p>

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF,	If the VPA is the collecting agency under an

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

		PSTP, AOGAF, GAFO	approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DIE, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CSTP, DDP, DIE, MSTP, SP, PPSP, EMEP, MSP, CGAF, EMDF, PSTP, PMUR, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the development agency under an approved infrastructure

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

			contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is the collecting agency under an approved infrastructure contributions plan

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DIE, DBS, CGAF, EMDF, AOGAF, GAFO	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CSTP, DDP, DIE, MSTP, STP, CGAF, EMDF, DFAO, PSTP, SSTP, AOGAF, GAFO	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CSTP, DDP, DIE, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CSTP, DDP, DIE, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	
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, CGAF, EMDF, PSTP, AOGAF, GAFO	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CSTP, DDP, DIE, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CSTP, DDP, DIE, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	
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, CGAF, EMDF, PSTP, AOGAF, GAFO	

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

s 46Q(1)	Duty to keep proper accounts of levies paid	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, DFAO, PSTP, AOGAF, GAFO	
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, CGAF, EMDF, DFAO, PSTP, AOGAF, GAFO	
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, CGAF, EMDF, DFAO, PSTP, AOGAF, GAFO	
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, CGAF, EMDF, PSTP, AOGAF, GAFO	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, DFAO, PSTP, AOGAF, GAFO	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
s46Q(4)(e)	Duty to expend that amount on other works etc.	CSTP, DDP, DIE, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	With the consent of, and in the manner approved by, the Minister

**S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987**

s 46QC	Power to recover any amount of levy payable under Part 3B	CSTP, DDP, DIE, DBS, MSTP, CGAF, EMDF, PSTP, AOGAF, GAFO	
s 84AB	Power to agree to confining a review by the Tribunal	DIE, DBS, SO, CGAF, EMDF, AOGAF, TSODF, GAFO	

## Provisions for Regulatory Services Support Officer (RSSO)

<b>S6 Instrument of Delegation - Members of Staff - Food Act 1984</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19NA(1)	Power to request food safety audit reports	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, HSO, TLRSA TS, LLEO, RSSO	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, HSO, TLRSA TS, LLEO, RSSO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, HSO, TLRSA TS, LLEO, RSSO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, HSO, TLRSA TS, LLEO, RSSO	Where Council is the registration authority
<b>S6 Instrument of Delegation - Members of Staff - Residential Tenancies Act 1997</b>			
<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	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, TOEH, HSO, TLRSA TS, LLEO, RSSO	
s 142G(2)	Power to enter certain information in the Rooming House Register	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, TOEH, HSO,	

**S6 Instrument of Delegation - Members of Staff - Residential Tenancies Act 1997**

		TLRSATS, LLEO, RSSO	
s 142(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, TOEH, HSO, TLRSATS, LLEO, RSSO	

**S6 Instrument of Delegation - Members of Staff - Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010**

<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 11	Function of receiving application for registration	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, TOEH, EMRS, HSO, TLRSATS, LLEO, RSSO	
r 15(1)	Function of receiving notice of transfer of ownership	AOLLT, AOBS, AOEH, EHO, CEH, TLEH, TOEH, EMRS, HSO, TLRSATS, LLEO, RSSO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	AOLLT, AOBS, AOEH, EHO, MBS., CEH, EMPSFM, TLEH, TOEH, EMRS, HSO, TLRSATS, CBS, LLEO, RSSO	

## Removal of Delegates under the Planning and Environment Act 1987:

- Executive Manager Economic Partnership (EMEP)
- Manager Strategic Planning (MSP)
- Strategic Planning (SP)
- Strategic Planning Administration Officer (SPAO)

<b>Planning and Environment Act 1987</b>			
<b>Section</b>	<b>Item Delegated</b>	<b>Conditions and Limitations</b>	<b>Delegate</b>
s 46G1(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency	CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Where Council is the collecting agency	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency	AOGAF, CGAF, CSTP, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency	AOGAF, CGAF, CSTP, DDP, DFAO, DIE, EMDF, GAFO, MSTP, PSTP
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Where Council is the collecting agency under an approved infrastructure contributions plan	AOGAF, CGAF, CSTP, DDP, DIE, EMDF, GAFO, MSTP, PSTP

s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Where Council is a collecting agency or development agency	CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Must be done in accordance with Part 3	CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 46QD	Duty to prepare report and give a report to the Minister	Where Council is a collecting agency or development agency	CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 46Y	Duty to carry out works in conformity with the approved strategy plan		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 47	Power to decide that an application for a planning permit does not comply with that Act		CO, CSTP, DDP, DIE, EMDF, MSTP, POC, PSTP
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SPAO, SSTP, STP, TSODF
s 49(2)	Duty to make register available for inspection		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SPAO, SSTP, STP, TSODF
s 50(4)	Duty to amend application		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 50(45)	Power to refuse to amend application		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 50(6)	Duty to make note of amendment to application in register		CSTP, DDP, DFAO, DIE, EMDF, MSTP,

			PSTP, SO, STP, TSODF
s 50A(1)	Power to make amendment to application		CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSTP, PMUR, PPSP, PSTP, SAO, SO, SP, SPAO, SSTP, STP, TSODF
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given		CSTP, DDP, DFAO, DIE, EMDF, EMEP, MSP, MSTP, PMUR, PPSP, PSTP, SO, SP, SPAO, SSTP, STP, TSODF
s 50A(4)	Duty to note amendment to application in register		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 51	Duty to make copy of application available for inspection		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
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, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP

s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
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, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
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, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 52(3)	Power to give any further notice of an application where appropriate		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF

s 54(1)	Power to require the applicant to provide more information		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 54(1A)	Duty to give notice in writing of information required under s 54(1)		CSTP, DDP, DIE, EMDF, MSTP, PMUR, PPSP, PSTP, SO, SSTP, STP, TSODF
s 54(1B)	Duty to specify the lapse date for an application		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 57(5)	Duty to make available for inspection copy of all objections		CSTP, DDP, DFAO, DIE,

			EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 57A(5)	Power to refuse to amend application		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 57A(6)	Duty to note amendments to application in register		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 57B(1)	Duty to determine whether and to whom notice should be given		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 57B(2)	Duty to consider certain matters in determining whether notice should be given		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 57C(1)	Duty to give copy of amended application to referral authority		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 58	Duty to consider every application for a permit		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 58A	Power to request advice from the Planning Application Committee		CSTP, DDP, DIE, EMDF, MSTP, PSTP

s 60	Duty to consider certain matters		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 60(1A)	Duty to consider certain matters		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006	CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
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, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 62(1)	Duty to include certain conditions in deciding to grant a permit		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 62(2)	Power to include other conditions		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF

s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	This provision applies also to a decision to grant an amendment to a permit - see s 75	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 64(3)	Duty not to issue a permit until after the specified period	This provision applies also to a decision to grant an amendment to a permit - see s 75	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 64(5)	Duty to give each objector a copy of an exempt decision	This provision applies also to a decision to grant an amendment to a permit - see s 75	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	This provision applies also to a decision to grant an amendment to a permit - see s 75A	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF

s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	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	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP
s 69(1)	Function of receiving application for extension of time of permit		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 69(1A)	Function of receiving application for extension of time to complete development		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 69(2)	Power to extend time		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF

s 70	Duty to make copy permit available for inspection		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 71(1)	Power to correct certain mistakes		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 71(2)	Duty to note corrections in register		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 73	Power to decide to grant amendment subject to conditions		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 74	Duty to issue amended permit to applicant if no objectors		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP

s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP
s 76A(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit	CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP
s 76D	Duty to comply with direction of Minister to issue amended permit		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 83	Function of being respondent to an appeal		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 83B	Duty to give or publish notice of application for review		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
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, EMDF, MSTP, PSTP, SO, TSODF
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, EMDF, MSTP, PSTP, SO, TSODF
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, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 84(6)	Duty to issue permit on receipt of advice within 3 working days		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 86	Duty to issue a permit at order of Tribunal within 3 working days		CSTP, DDP, DIE, EMDF, MSTP,

			PSTP, SO, SSTP, STP, TSODF
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, TSODF
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 91(2)	Duty to comply with the directions of VCAT		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 93(2)	Duty to give notice of VCAT order to stop development		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF
s 95(3)	Function of referring certain applications to the Minister		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 95(4)	Duty to comply with an order or direction		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land		CSTP, DDP, DIE, EMDF, MSTP, PSTP
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, EMDF, MSTP, PSTP

s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment		CSTP, DDP, DIE, EMDF, MSP, MSTP, PSTP
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)		CSTP, DDP, DIE, EMDF, EMMP, EMPMO, MSTP, PSTP
s 96H(3)	Power to give notice in compliance with Minister's direction		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 96J	Power to issue permit as directed by the Minister		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 96K	Duty to comply with direction of the Minister to give notice of refusal		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate		CO, CSTP, DDP, DIE, EMDF, MSTP, POC, PSTP
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application		CSTP, DDP, DIE, EMDF, MSTP, PSTP
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, EMDF, MSTP, PSTP
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 97L	Duty to include Ministerial decisions in a register kept under s 49		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 97MH	Duty to provide information or assistance to the Planning Application Committee		CSTP, DDP, DFAO, DIE,

			EMDF, MSTP, PSTP
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance		CSTP, DDP, DIE, EMDF, MSTP, PSTP
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, EMDF, MSTP, PSTP, SSTP, STP
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 97Q(4)	Duty to comply with directions of VCAT		CSTP, DDP, DIE, EMDF, MSTP, PSTP, SSTP, STP
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions		CSTP, DDP, DFAO, DIE, EMDF, MSTP, PSTP, SAO, SSTP, STP
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 101	Function of receiving claim for expenses in conjunction with claim		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 103	Power to reject a claim for compensation in certain circumstances		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s.107(1)	function of receiving claim for compensation		CSTP, DDP, DIE, EMDF, MSTP, PSTP

s 107(3)	Power to agree to extend time for making claim		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 114(1)	Power to apply to the VCAT for an enforcement order		CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP
s 117(1)(a)	Function of making a submission to the VCAT where objections are received		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made		CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP
s 123(1)	Power to carry out work required by enforcement order and recover costs		CSTP, DDP, DIE, EMDF, EMRS, MSTP, PSTP
s 130(5)	Power to allow person served with an infringement notice further time		CSTP, DBS, DDP, DIE, EMDF, EMRS, MSTP, PSTP
s 149A(1)	Power to refer a matter to the VCAT for determination		CSTP, DDP, DIE, EMDF, MSTP, PSTP
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, EMDF, EMRS, MSTP, PSTP
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	Where Council is the relevant planning authority	CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 171(2)(f)	Power to carry out studies and commission reports		CSTP, DDP, DIE, EMDF, MSTP, PSTP
s 171(2)(g)	Power to grant and reserve easements		CSTP, DIE, EMDF, MSTP, PSTP, STP
s 173(1)	Power to enter into agreement covering matters set out in s 174		CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP

	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority		CSTP, DBS, DDP, DIE, EMDF, MSTP, PSTP
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9		CSTP, DDP, DIE, EMDF, MSTP, PSTP
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, DBS, DDP, DIE, EMDF, MSTP, PSTP
s 178C(4)	Function of determining how to give notice under s 178C(2)		CSTP, DDP, DIE, EMDF, MSTP, PSTP
	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, EMDF, EMEP, MSP, MSTP, PPSP, PSTP
	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, EMDF, MSTP, PSTP
	Power to give written authorisation in accordance with a provision of a planning scheme		CSTP, DDP, MSTP, PSTP
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district		DDP, EMEP, MSP, PMUR, PPSP
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible		DDP, EMEP, MSP, PMUR, PPSP

## **11.9. OUTSTANDING QUESTION TIME ITEMS**

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

### **OFFICER RECOMMENDATION**

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

### **EXECUTIVE SUMMARY**

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

As of 15 May 2019, there are no outstanding questions.

### **RATIONALE**

The City of Ballarat Meeting Procedure Local Law calls for a standard agenda item at each Council Meeting that reflects unanswered questions from Public Question Time.

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

- Meeting Procedure Local Law

### **OFFICERS DECLARATIONS OF INTEREST**

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

### **ATTACHMENTS**

Nil

**12. NOTICE OF MOTION**

Nil

**13. URGENT BUSINESS**

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

**11.3. AUSTRALIAN RALLY CHAMPIONSHIP: EUREKA RUSH, TOURISM GRANT FUNDING BUDGET**

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

(contractual matters)

**14.1. CONTRACT 2018/19-135 - PROVISION OF SERVICE AND REPAIR OF COUNCIL'S PLANT AND EQUIPMENT AND SUPPLY OF TYRES**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Adrian Smith – Manager Fleet Services

(contractual matters)

**14.2. TOURISM SERVICES**

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

(contractual matters)

**15. CLOSE**