

SETOUT DATA (A) - BIRDWOOD AVENUE No 2 KERB AND CHANNEL - REFER SD-K1			
No 6 KERB - REFER SD-K1			
DATA FOR LIP KERB / PAVEMENT			
EASTING	NORTHING	DESIGN LEVEL	DESCRIPTION
750180.328	5835051.744	417.224	A1
750180.316	5835050.988	417.255	A2
750181.160	5835048.853	417.333	A3
750183.266	5835047.840	417.377	A4
750183.778	5835047.932	417.382	A5
750185.823	5835048.222	417.406	A6
750187.678	5835049.129	417.431	A7
750189.162	5835050.566	417.458	A8
750190.129	5835052.392	417.488	A9
750190.484	5835054.426	417.520	A10
750190.592	5835061.233	417.630	A11
750190.119	5835062.477	417.623	A12
750189.419	5835062.949	TIE IN	A13
750193.928	5835060.329		A14
750195.128	5835060.310		A16
750195.048	5835055.242		A17
750195.024	5835053.743		A18
750194.996	5835050.077		A19
750194.356	5835049.487		A20
750193.766	5835050.096		A21
750193.824	5835053.750		A22
750193.848	5835055.250		A23
750200.219	5835062.881	TIE IN	A24
750199.002	5835062.339	417.623	A25
750198.491	5835061.108	417.630	A26
750198.383	5835054.292	417.520	A27
750198.874	5835052.248	417.494	A28
750199.581	5835050.294	417.481	A29
750201.017	5835048.911	417.474	A30
750202.841	5835047.944	417.468	A31
750204.875	5835047.588	417.461	A32
750206.143	5835047.568	417.457	A33
750208.278	5835048.412	417.434	A34
750209.191	5835050.519	417.380	A35
750209.202	5835051.182	417.360	A36

SETOUT DATA (B) - WALKER STREET (S) No 2 KERB AND CHANNEL - REFER SD-K1			
No 6 KERB - REFER SD-K1			
DATA FOR LIP / PAVEMENT			
EASTING	NORTHING	DESIGN LEVEL	DESCRIPTION
750193.033	5835292.796		B1
750193.785	5835293.316	422.576	B2
750194.286	5835294.644	422.627	B3
750194.318	5835296.685	422.679	B4
750193.982	5835299.045	422.741	B5
750192.931	5835301.185	422.802	B6
750191.268	5835302.893	422.863	B7
750189.159	5835304.003	422.895	B8
750186.809	5835304.405	422.881	B9
750185.292	5835304.423	422.855	B10
750183.809	5835303.833	422.795	B11
750183.168	5835302.371	422.877	B12
750183.154	5835301.757	422.822	B13
750197.748	5835301.686		B14
750198.357	5835302.259		B15
750198.948	5835301.667		B16
750198.911	5835299.370		B17
750198.888	5835297.870		B18
750198.821	5835293.668		B19
750198.212	5835293.078		B20
750197.621	5835293.687		B21
750197.688	5835297.862		B22
750197.711	5835299.382		B23
750203.355	5835292.603	TIE IN	B24
750202.844	5835293.175	422.578	B25
750202.185	5835294.519	422.633	B26
750202.219	5835296.653	422.697	B27
750202.626	5835298.989	422.763	B28
750203.733	5835301.086	422.808	B29
750205.434	5835302.740	422.829	B30
750207.561	5835303.789	422.827	B31
750209.908	5835304.132	422.801	B32
750211.391	5835304.114	422.774	B33
750212.877	5835303.473	422.729	B34
750213.466	5835301.986	422.667	B35
750213.455	5835301.527	422.648	B36

SETOUT DATA (C) - WALKER ST (N) No 2 KERB AND CHANNEL - REFER SD-K1			
No 6 KERB - REFER SD-K1			
DATA FOR LIP / PAVEMENT			
EASTING	NORTHING	DESIGN LEVEL	DESCRIPTION
750183.423	5835313.490	422.806	C1
750183.418	5835313.269	422.817	C2
750184.007	5835311.762	422.882	C3
750185.493	5835311.121	422.909	C4
750186.976	5835311.103	422.917	C5
750189.323	5835311.446	422.929	C6
750191.450	5835312.495	422.942	C7
750193.150	5835314.149	422.955	C8
750194.258	5835316.246	422.968	C9
750194.665	5835318.582	422.980	C10
750194.701	5835320.846	422.992	C11
750194.242	5835322.189	423.000	C12
750193.033	5835322.934	TIE IN	C13
750198.064	5835321.684		C14
750198.674	5835322.274		C15
750199.264	5835321.665		C16
750199.193	5835317.190		C17
750199.170	5835315.690		C18
750199.138	5835313.665		C19
750198.528	5835313.075		C20
750197.938	5835313.685		C21
750197.970	5835315.702		C22
750197.993	5835317.202	423.043	C23
750204.332	5835322.755	TIE IN	C24
750203.101	5835322.049	422.995	C25
750202.600	5835320.721	422.976	C26
750202.565	5835318.550	422.948	C27
750202.902	5835316.190	422.921	C28
750203.953	5835314.050	422.895	C29
750205.616	5835312.342	422.872	C30
750207.725	5835311.232	422.851	C31
750210.075	5835310.830	422.829	C32
750211.591	5835310.812	422.815	C33
750213.075	5835311.402	422.796	C34
750213.707	5835312.503	422.770	C35

SETOUT DATA (Z) - ALBION STREET DATA FOR CENTRELINE BROKEN WHITE LINE (LONGLIFE)			
EASTING	NORTHING	DESIGN LEVEL	DESCRIPTION
750194.448	5835055.246	417.615	Z1
750194.764	5835075.244	417.938	Z2
750195.081	5835095.241	418.261	Z3
750195.397	5835115.239	418.599	Z4
750195.714	5835135.236	418.969	Z5
750196.030	5835155.234	419.369	Z6
750196.347	5835175.231	419.801	Z7
750196.663	5835195.229	420.263	Z8
750196.980	5835215.226	420.796	Z9
750197.296	5835235.224	421.265	Z10
750197.612	5835255.221	421.774	Z11
750197.929	5835275.219	422.282	Z12
750198.245	5835295.216	422.741	Z13
750198.560	5835297.368	422.764	Z14
750198.876	5835315.214	423.097	Z15
750199.191	5835317.948	423.138	Z16
750199.507	5835335.211	423.352	Z17

ISSUE	AMENDMENT	DATE

EVERY CARE HAS BEEN TAKEN TO ENSURE THAT THE INFORMATION SHOWN ON THE DRAWING IS ACCURATE HOWEVER SOME VARIATIONS FROM RECORDS MAY EXIST, AND COMPLETE ACCURACY CANNOT BE GUARANTEED.

SETOUT DATA (A, B, C, Z)

SCALES

DO NOT SCALE THIS DRAWING
WARNING: THE LOCATION OF U/G SERVICES SHOWN IS BASED ON INFORMATION SUPPLIED BY OTHER AUTHORITIES AND SHOULD BE PROVEN ON SITE. ALL WORKS NEAR SERVICES SHALL COMPLY WITH REQUIREMENTS OF THE RELEVANT AUTHORITY

SURVEY:	DATE:
DRAWN:	DATE:
DESIGN:	DATE:
FILES:	DATE:

**CITY OF BALLARAT
ALBION STREET
BIRDWOOD AVE - WALKER ST**

Pete Bats *Vaughn North*
TEAM LEADER DESIGN MANAGER INFRASTRUCTURE



DRAWING No.
2020-53-10
SHEET 10 OF 10

9.7. TENDER 2019/20 - 539 CIVIC HALL STAGE 2 - CONSTRUCTION AWARD

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Alison Tonkin – Manager Major Projects

PURPOSE

1. To award Contract 2019/20 - 539 - the provision of Civic Hall Stage 2 Construction
2. The scope of this contract includes the construction of a new commercial kitchen, power upgrade, stage access lift and storage including external structure and roof repairs.

BACKGROUND

3. The Civic Hall Stage 2 Construction works will deliver improved facilities that better meet the needs and requirements of touring and local hirers thereby making it a far more attractive venue.
4. The Civic Hall currently has no kitchen facilities and therefore faces significant hire-in costs and inconvenience for installing a temporary kitchen to provide catering for events.
5. The infrastructure of the venue further presents limitations to the range and scale of events able to be held at the Civic Hall. These limitations include an electrical power supply that limits certain types of large events and is insufficient for a commercial kitchen and the stage loading arrangements are inefficient and limit the scale of set able to be imported.
6. Several original components of the building, particularly aspects of the roof, are approaching end of life and represent an increasing risk of disruptions and increasing maintenance costs over time.

KEY MATTERS

7. Four (4) tender submissions were received
8. The project is fully funded by the City of Ballarat in the current 2020/21 budget.

OFFICER RECOMMENDATION

9. That Council:

- 9.1 Enter into Contract Number 2019/20 - 539 for the provision of Civic Hall Stage 2 Construction with Colbrico Pty Ltd t/a Searle Bros Building Contractors for the total tendered price of \$1,088,828.17 (excluding GST).**

9.2 Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council

ATTACHMENTS

1. Governance Review [9.7.1 - 3 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports the Council Plan goals of prosperity and sustainability by providing improved facilities to the Civic Hall precinct and enhancing our built asset.
2. The report supports the goal to attract visitors to Ballarat through the increased ability to facilitate events and performances at the venue.

COMMUNITY IMPACT

3. The completion of Stage 2 works will complete the redevelopment of the Civic Hall as a performance and multipurpose event venue, building on the success of the building restoration works completed to date.
4. Enable Civic Hall to meet the needs and requirements of touring and local, professional, commercial, and not for profit hires, thereby making it an attractive solution within the Ballarat CBD
5. Diversify the use of the hall for the benefit of the community.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

6. This project will provide the users of the facility with a compliant kitchen, sufficient electrical capacity and access to the stage which will increase safety and capacity of the Hall to cater for the increasing demand in use.

ECONOMIC SUSTAINABILITY IMPLICATIONS

7. Approximately 40% (\$439,500) of the total project value will utilise labour, materials, plant and equipment sourced from within the defined group of local municipalities

FINANCIAL IMPLICATIONS

8. The tender price of the recommended tender submission was lower than the allocated construction budget for these works.
9. The project is fully funded by the City of Ballarat in the current 2020/21 budget

LEGAL AND RISK CONSIDERATIONS

10. Operational Impact - The works need to be conducted in a way that minimises the impact to the facility and ensures safety of all workers and the general public. Some level of coordination with the GovHub project team may be required to ensure safety to both parties are maintained.
11. Power Upgrade - Powercor has issued an Agreement for Lease between Ballarat City Council and Powercor for lease of land at Civic Hall for a power substation kiosk. Due to the term of the lease (30 years) the Lease will need to go to Council for approval after a period of public notification. This is subject to a separate Council Report.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

13. Consultation with user groups and in particular local catering companies has been managed by Councils Arts and Tourism Unit.
14. User groups will continue to be consulted throughout the project construction and will be provided with regular updates regarding the projects progress

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

9.8. SALE OF LAND - 12A ALBERT STREET, SEBASTOPOL

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Linda Skews – Property Officer

PURPOSE

1. This report recommends Council review its previous resolution (R379/18) and consider the disposal of the land known as 12A Albert Street, Sebastopol and provide authorisation for the Chief Executive Officer to execute documents to facilitate the sale, and;
2. Resolve that the sale of the subject site is conditional upon a commitment from the prospective purchaser that an allocation of free public parking, (numbers to meet the satisfaction of Council), will be retained and this commitment will be registered as a covenant and the title.

BACKGROUND

3. On the 12 December 2018 Council resolved to:
“Commence the process to dispose of the property located at 12A Albert St Sebastopol in accordance with Sections 189 & 223 of the Local Government Act 1989.
Consider any submissions received in accordance with section 223 of the Local Government Act 1989 relating to the proposed disposal of the property located at 12A Albert Street Sebastopol.
Following compliance of the processes in accordance with Sections 189 & 223 of the Local Government Act 1989 delegate the Chief Executive Officer the authority to advertise the site for sale, negotiate the terms and conditions of the sale, and formally sign the contract of sale and transfer of land documents.”
4. This matter is being brought before Council to review given the time passed since the previous resolution.
5. In accordance with Sections 189 and 223 of the *Local Government Act 1989*, public submissions were invited after a Notice of Intention to Sell Land was published on 2 July 2020. No submissions were received.
6. The land was offered for sale via an Expressions of Interest (EOI) campaign through managing agent Ray White Ballarat.
7. The EOI campaign closed on 2 October 2020 with one (1) offer being received.
8. The offer was received from Ganache Property Pty Ltd Atf Gp Unit Trust and / or nominee for the purchase price of \$453,570 plus GST, 5% deposit and 18 month settlement term.
9. Ganache Property Pty Ltd provided supporting documentation which outlines their intention to revitalise the area.

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports the Council Plan 2017-2021 goals of prosperity and liveability by providing a positive economic impact and commercial development within the Sebastopol precinct.

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. The proposal which has been received has been developed with a view that an upgrade of the amenity and precinct would offer a positive economic impact within Sebastopol.

FINANCIAL IMPLICATIONS

5. Council obtained an independent market valuation which is contained in Attachment 2.

LEGAL AND RISK CONSIDERATIONS

6. There are no risks to Council in selling the land.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. A public consultation process was conducted from 2 July 2020 to 29 July 2020. No Public submissions were received.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

12. ITEMS IN CAMERA – CONFIDENTIAL REPORTS
Council Meeting Agenda 9.8.2**12.1. 12A ALBERT STREET LAND SALE**

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

(Contractual matters)

RESOLUTION:

Council resolves to:

1. Commence the process to dispose of the property located at 12A Albert St Sebastopol in accordance with Sections 189 & 223 of the *Local Government Act 1989*.
2. Consider any submissions received in accordance with section 223 of the *Local Government Act 1989* relating to the proposed disposal of the property located at 12A Albert Street Sebastopol.
3. Following compliance of the processes in accordance with Sections 189 & 223 of the *Local Government Act 1989* delegate the Chief Executive Officer the authority to advertise the site for sale, negotiate the terms and conditions of the sale, and formally sign the contract of sale and transfer of land documents.

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

156

CARRIED
(R379/18)

NOTICE BOARD



MAYOR'S MESSAGE

This week saw more progress in the quest to reinvigorate our visitor economy.

Our Ballarat Information Centre staff are once again offering personal interactions with tourists and visitors, during this important school holiday period, thanks to a pop-up service at the Ballarat Central Library (29 June–3 July).

From Saturday, 4 July, the pop-up service will move to the Ballarat Art Gallery in the space formerly ran by Kittleby's, where it will operate from seven days a week, 10am–4pm, until works at the Town Hall are complete.

It has been great to see how the information centre has remained flexible and active in responding to visitor enquiries. Rest assured, all visitor activities maintain social distancing and are in accordance with COVID-19 procedures.

Our visitor information staff and volunteers are a direct link with our visitors, encouraging them to spend time in Ballarat, book into our newly re-opened tourist attractions and encouraging their support of local businesses.

If you have family staying with you these holidays, encourage them to pop in or contact the friendly BIC staff on 1800 446 633 to make the most of their stay and start planning their next trip!

And on that note – it was wonderful to see one of our favourite Council operated attractions – the Ballarat Art Gallery re-open its doors to visitors this week.

The Gallery has introduced 45-minute visitor sessions which can be booked online at the Gallery website, giving people the opportunity to enjoy two wonderful exhibitions on show.

This system limits the number of people in the building at any given time and allows for cleaning in between sessions.

Let's ensure we continue to do the right thing when it comes to COVID-19 and get more of Ballarat Open for business.



Mayor
Cr Bon Taylor

TENDERS

Tender documents can be obtained from aprocv.com.au/ballarat or by contacting City of Ballarat Customer Service Centre on 5320 5500.

Tender No	Tender Description	Closes Noon
2019/20-539	Building Services for Civic Hall Stage 2 Construction	8/07/2020
2019/20-490	Roadside safety and Fire Hazard slashing	15/07/2020
2019/20-556	Panel of Approved Suppliers – Statutory and Strategic Planning, Heritage Services	15/07/2020
2019/20-485	Powerline Clearance Program	22/07/2020
2019/20-562E	Expression of Interest – Her Majesty's Theatre Architectural Services	22/07/2020
2020/21-1	Panel of Approved Suppliers – Builders Services	22/07/2020



NOTICE OF INTENTION TO SELL LAND

The City of Ballarat hereby gives notice under Section 189 of the Local Government Act 1989 ("the Act") of its intention to sell the property known as 12A Albert Street, Sebastopol as shown in the marked areas on the plan below.

Written submissions relating to the sale of land will be considered in accordance with Section 223 of the Local Government Act and must be received by the Property Department, City of Ballarat, PO Box 655, Ballarat, VIC 3350, within 28 days of this notice.

Any person requesting to be heard in support of their written submission is entitled to appear in person or by a person acting on their behalf before a committee of Council, the day, time and place of which will be advised.

Should further information be requested please direct enquiries to Executive Manager Property Service and Facilities Management on 5320 5500.

NOTICE OF MEETING – PLANNING SPECIAL COMMITTEE

Notice is hereby given that the Planning Special Committee scheduled to be held on 8 July 2020 has been rescheduled to 15 July 2020 at 7pm.

Due to the COVID-19 restrictions, the meeting will not be open to members of the public. The meeting broadcast will be available on Council's website the week after the meeting.

NOTICE OF MEETING – HER MAJESTY'S THEATRE BOARD SPECIAL COMMITTEE

Notice is hereby given that the next meeting of the City of Ballarat Her Majesty's Theatre Board Special Committee will be a virtual meeting on Monday 6 July 2020 at 5.30pm.

Due to the COVID-19 restrictions, the meeting will not be open to members of the public. The meeting broadcast will be available on Council's website the week after the meeting.

BALLARAT WEST DEVELOPMENT CONTRIBUTIONS PLAN LEVY UPDATE

In accordance with the Ballarat Planning Scheme Schedule 1 to the Development Contributions Plan Overlay DCP01 Ballarat West Development Contributions Plan, Council is required to publish the revised land value and the adjustment of the contributions calculated as at 30th June of each year.

All property within Ballarat West Precinct Structure Plan		
Residential Levy	Commercial Levy	Community Infrastructure Levy
\$250,316.14 per net developable hectare	\$181,038.92 per net developable hectare	\$1,210 per dwelling (Capex)

Additional information is available by emailing BallaratWest@ballarat.vic.gov.au contacting Council on 5320 5500 or can be viewed on Council's website.

LATEST CITY OF BALLARAT NEWS

Stay up-to-date with the latest City of Ballarat news on our website: ballarat.vic.gov.au



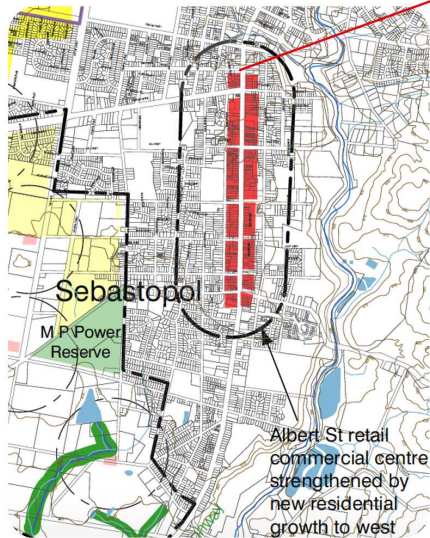
PROPOSAL TO PURCHASE
12a ALBERT STREET, SEBASTOPOL

CONFIDENTIAL - PREPARED BY GANACHE PROPERTY PTY LTD, OCT 2020

Ganache Property Pty Ltd would like to express interest in purchasing the lot at 12a Albert Street Sebastopol for the purpose of revitalising the area and introducing a significant economic investment into Sebastopol.

The stretch of land between Kent Street and 12a Albert Street is the 'forgotten' and inactive Residential zoned area on the commercially heavy Albert Street in Sebastopol.

This proposal is completely aligned with the Ballarat West Growth Area Plan and its objective is to help inject economic activity and commercial development in Sebastopol's main commercial centre.



CONFIDENTIAL



Current state of the lot

Photos taken during May 2018 illustrate the poor state of the lot at 12a Albert Street Sebastopol.

Based on recent visits the parking lot never seems to be utilised at more than 30-40% capacity, very often a lot less.

Additionally the lot presents a high liability with its uneven surfaces and lack of lighting at night.

Approx cost to Council to refurbish the lot

Given its size, our estimate is that it would cost The City of Ballarat in the range of \$700k - \$900k to completely refurbish and light up the lot.



CONFIDENTIAL

The vision

The objective of the purchase is to re-purpose and develop the lot into an economically active commercial site that will substantially benefit to the local amenity and community.

Upon successful acquisition of this lot, we are looking at bringing a significant investment to the area and introducing a range of blue chip, household name commercial tenants to the block. The new development will bring a high number of jobs, both during and post construction, as well as a new lease on life for a part of Ballarat that looks to be moving at a slower pace.



Ganache Property is currently negotiating (under NDA, for adjoining sites - see next page) with a few household name commercial tenants that have shown interest in setting up operations in the field of:

- supermarkets
- medical
- retail

The new life of the site, as a commercial development will bring a high level of benefits to the local amenity, economy and community.

A large part of the site will likely remain as a car park to service the new development too.

Example artist impression only.

CONFIDENTIAL

Ownership of surrounding landholding

Backed by it's great belief in the potential of the area Ganache Property has already made a substantial investment into the surrounding lots and is looking to further invest.

The areas highlighted in yellow are already owned by Ganache Property

The areas highlighted in red have contract signed and secured.



CONFIDENTIAL

Timeline

Pending a successful acquisition of the site, we would be looking at developing the property (in stages or in full) by 2022-2023.

In closing

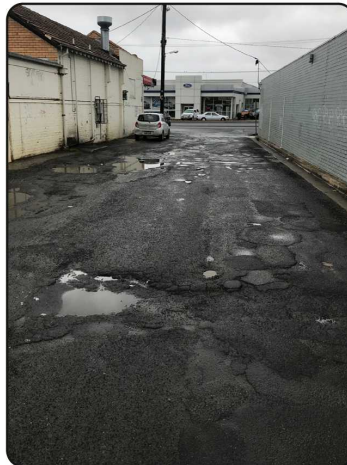
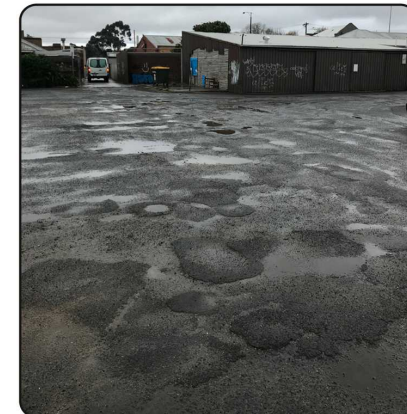
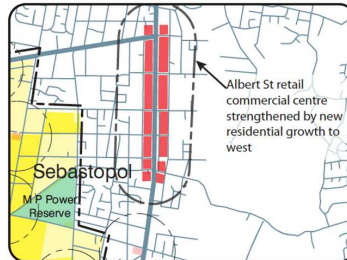
We would invite the City of Ballarat to consider the positive contributions that this proposal would bring and suggest that it deems 12a Albert Street a surplus.

We would encourage a meeting with the City of Ballarat to further discuss the potential sale of 12a Albert Street Sebastopol for the purpose of commercial development.

Please contact:
Velco Dojcinovski 0415 195 535
Ricky Marcelo 0414 353 507

velco@ganacheproperty.com.au

CONFIDENTIAL



9.9. PROPOSED SALE 14 & 16 BOAK AVENUE, MOUNT HELEN

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Linda Skewes – Property Officer

PURPOSE

1. This report recommends Council review and consider the disposal of the land known as 14 Boak Avenue and 16 Boak Avenue, Mount Helen, with consideration to submissions received in relation to Planning Application PLP/2020/348.
2. This land was considered surplus by Council (R464/17) in 2017 but given the delay in the disposal process being completed and several objections to the site being received following a planning application process, it is recommended that Council again consider its decision.

Council may wish to take the opportunity to defer the progression of the sale to undertake further consultation with the community and consider the cost implications should it wish to retain the site and refit for purpose of alternate use. These costs will not be available until the proposed future use, if any, is determined.

BACKGROUND

3. 16 Boak Avenue was previously the Mount Helen Preschool operated by Eureka Community Kinder Association which closed at the end of 2016 due to the operation of the preschool being no longer financially viable.
4. 14 Boak Avenue was an access point to the facility and used as a car park/driveway for the preschool.
5. This property has remained vacant since the end of 2016.
6. On the 13 December 2017 Council resolved to commence and satisfy statutory process to dispose of the land known as 14 Boak Avenue, Mount Helen being Reserve 1 on Plan of Subdivision 326983M, and 16 Boak Avenue, Mount Helen being Lot 1 on Plan of Subdivision 128750, and to provide a further report to Council post the exhibition period to deal with any submission raised through this process (R464/17).
7. On the 17 May 2018 a Notice of Intention to Sell Land was published. No submissions were received.
8. In order to dispose of 14 Boak Avenue, Mount Helen, prior to publishing another Notice of Intention to Sell Land due to the time that has lapsed, Officers are seeking further commitment from Council to proceed with the statutory requirements to dispose of the land deemed as potentially surplus.
9. Council is required to remove the status of Reserve 1 on Plan of Subdivision 326983M prior to disposal of the land.
10. A Planning Application PLP/202/348 was submitted by Beveridge Williams on behalf of the City of Ballarat to remove the reservation from Reserve 1 on Plan of Subdivision

326983M and to consolidate the land with Lot 1 on Plan of Subdivision 128750 which is freehold land that is owned by Ballarat City Council.

11. The planning application was also lodged to remove the drainage easement E-5 from the reserve which would become redundant if the parcels were consolidated.
12. Advertising for Planning Application PLP/2020/348 has been completed and 18 submissions received.

KEY MATTERS

13. Although no submissions were received at the time of advertising Council's intention to sell, 18 submissions have been received relevant to the Planning Application PLP/2020/348 objecting to the application.
14. The grounds for the objections include that the site should remain for community use as a park, community garden, community facility and that the community should be consulted on its future use. (Attachment 2).
15. Councils Planning Department recommend that the current application be withdrawn, and further consideration be given to the reserve status.
16. The general condition of the building is failing such that the long-term future should be considered with any remedial works (Attachment 3).
17. If Council resolve to rescind the previous resolution (R464/17) the land will remain unoccupied with a building in poor condition which will further deteriorate without further funds being committed to it.
18. If Council wishes to continue with the disposal of the surplus land, an expression of interest campaign could be directed at childcare organisations or other community-based entities.

OFFICER RECOMMENDATION

19. That Council:

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

or

19.2 Defer the progression of the sale until further community consultation is undertaken, and then reconsider if the site is to be retained and consider the ongoing whole of life cost implications of any proposed future use of the subject site.

ATTACHMENTS

1. Governance Review [9.9.1 - 2 pages]

2. Attachment 2 Planning Application PLP/2020/348 Objections [9.9.2 - 20 pages]
3. Attachment 3 Building Report dated 2012 [9.9.3 - 3 pages]
4. Council Resolution (R464/17) Dated 13 December 2017 [9.9.4 - 1 page]
5. Council Meeting Dated 13 December 2017 [9.9.5 - 15 pages]
6. Notice of Intention to Sell Land 17 May 2018 [9.9.6 - 1 page]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports the Council Plan 2017-2021 goals of prosperity and liveability by providing a positive economic outcome.

COMMUNITY IMPACT

2. Although the initial consultation to dispose of the site resulted in no submissions for or against the sale, the further planning process to remove the reserve status resulted in objections being received requesting that Council reconsider its intention and consider retaining the site for community use, or endeavour to ensure a prospective purchaser will develop the site and provide for a kindergarten, community centre, community garden etc.
3. There is a common theme within the objections that should the site be disposed of and result in a unit development it is perceived that this will have a detrimental impact on the amenity of the precinct. These matters are to be considered by Council as part of the planning process and not specific to the disposal consideration.
4. The disposal of surplus assets will provide Council with unbudgeted income to further enhance the municipality if it allocates funds to this area.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. The economic sustainability implication is that should Council resolve to not proceed with the sale this property will require significant maintenance works and with no future use proposed, will add to the number of buildings which Council is maintaining which do not perform to provide an income stream nor community benefit without significant investment.

FINANCIAL IMPLICATIONS

7. Council obtained an independent market valuation on both properties which are contained in Attachments 4 and 5. Council does maintain a reserve for the allocation of proceeds from asset disposal, although this has not been budgeted as income for the 20/21 budget given the complexities associated with the process of disposing of assets making it difficult to forecast the completion date of the transaction.

LEGAL AND RISK CONSIDERATIONS

8. There are no risks to Council disposing of this land and the land has been deemed as surplus to Council's requirements and the correct process has been complied with in accordance with all legislation.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

10. A public consultation process was conducted on 17 May 2018. No public submissions were received. Further community consultation will be undertaken in accordance with Section 223 of the *Local Government Act 1989*.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Friday, 18 September 2020 2:50 PM
To: Planning Records
Subject: FW: PLANNING APPLICATION PLP/2020/348 – 14 – 16 BOAK AVENUE MOUNT HELEN

-----Original Message-----

From: Ashleigh Bell <ashleigh.renee.bell@gmail.com>
Sent: Friday, 18 September 2020 1:55 PM
To: Info@Ballarat.vic.gov.au
Subject: PLANNING APPLICATION PLP/2020/348 – 14 – 16 BOAK AVENUE MOUNT HELEN

To whom it may concern,

I would like to submit an objection to the permit advertised to combine these 2 titles and also remove the reserve status from number 14.

The Council has previously expressed interest in selling this land which concerns me as a resident. This would open this space up for developers to build high density living complexes similar to what has been proposed for the corner of Eddy Ave and Boak Ave.

Mount Helen has a unique tranquil feel with large blocks and so many beautiful significant trees some of which reside on this land. These trees would be at risk of being removed should any major developments get approved for this site in future.

Mount Helen is such a family friendly neighborhood. Since we purchased our house almost 6 years ago now, we have seen the residents go from the original home owners who built the houses to many new young families moving into the area. It would be great to see this space utilised for something which could benefit the whole community, maybe a new park for children with some bike tracks as the area is rather hilly so its hard for small children to ride their bikes, as well without any footpaths it makes it a challenge for parents to feel comfortable with them using their bikes. A community garden space could be incorporated to promote the health and wellbeing of our residents.

2020 has been such a challenging year for so many families and we will all be feeling the financial impacts of the covid19 pandemic for many years to come as well as the effect this has had to so many people's mental health and wellbeing.

Having a real space for our community would help and benefit so many people during the covid19 recovery and it would open up a space for residents to meet their neighbors and build that strong sense of community support in the area.

I strongly urge the council to reconsider his application and to please take a moment to consider the neighborhood character of Mount Helen. With so much development and housing estates being built in Ballarat, Mount Helen is such a unique space and the residents who purchase homes here purchased them to have the open spaces and natural vegetation and wildlife at our door step.

Regards
Ashleigh Hughes

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Thursday, 17 September 2020 4:57 PM
To: Planning Records
Subject: FW: Objection to application for permit PLP/2020/348
Attachments: Mount Helen Pre School area 2.jpg

From: Darryl Trewin <trustyjanet@hotmail.com>
Sent: Thursday, 17 September 2020 4:51 PM
To: Info@Ballarat.vic.gov.au
Subject: Objection to application for permit PLP/2020/348

To Whom it may concern at Ballarat City Council,
I strongly object to this proposal as requested above at 14 Boak Avenue Mt.Helen. The Pre-School or Kindergarten should be renovated or rebuilt and offered to Mt.Helen parents instead of having to pay extraordinary high payments to the Queensland owned company "Good Start Learning' for children in Mt.Helen. Local or State government could pay for such a facility to be activated for families in Mt.Helen residential area. Also, we need additional playground space for families with swings, slides, safe climbing wall for children etc., and even public toilets properly maintained by council. Other possibilities could encompass a "Men's Shed' without having to travel to Buninyong. Retaining the area as a leafy 'suburb' of Ballarat by leaving the very well-established cypress trees [see attachment] exactly where they are, rather than jamming in further houses or units in an already built up area. Trees and shrubs actually assist in maintaining clean air.

Yours Sincerely,
Darryl Trewin
4 Shire Avenue,
Mt.Helen, 3350
Ph: 0427359400

P.S. From what I can ascertain the permit for the proposal is **PLP/2020/348**

Other information re this area of land is as follows: **Reserve No. 1 of PS326983M**

P.P.S. Please advise me asap if I have not clearly indicated the area of land in 14 Boak Avenue to which I am objecting to. i.e. I am objecting to the merging of Removal of reserve status of Reserve No. 1 of PS326983M, removal of drainage easement E-5 from the reserve and consolidate the land with Lot 1 of LP128750G

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Friday, 18 September 2020 2:50 PM
To: Planning Records
Subject: FW: Objection to PLANNING APPLICATION PLP/2020/348 (14 - 16 Boak Avenue, Mount Helen)

From: gareth@romork.net <gareth@romork.net>
Sent: Friday, 18 September 2020 2:11 PM
To: Info@Ballarat.vic.gov.au
Cc: gareth@romork.net
Subject: Objection to PLANNING APPLICATION PLP/2020/348 (14 - 16 Boak Avenue, Mount Helen)

Good Afternoon,

I would like to formally oppose the current planning application PLP/2020/348, including the application to remove the reserve status from 14 Boak Avenue Mount Helen and to combine this block with 16 Boak Avenue and remove.

Whilst I recognise that the council has proposed that these blocks are surplus to council requirements and therefore have potential to sell, that proposal does not recognise the value of this land and the use outside of a land sale potential.

It would appear that the application under Section 24 of the Subdivision Act does not take into account the current land use and value from that use. Whilst Section 24 allows for the removal of reserve status where the original use is no longer in operation, the land located at 14 Boak Avenue is still in active use by a number of members of the community for recreational activities and thus continues to be used as a reserve. It is recognised that whilst the recent formal use of the reserve status as a car park for the pre-school ceased with the closure of the pre-school in 2016, the use of the site as a recreation reserve for a number of activities including young families teaching children bike riding in a safe environment as well as being used as an active play space warrants the retention of this block as a reserve.

As part of the application the proposal identifies that the drainage easement E-5 appears to have been created as a section point of discharge for the lot on 14 Boak Avenue and I cannot comment on the purpose of such creation, the real observed usage of that easement during the recent years preceding the closure of the pre-school did not indicate that this was a common usage of the easement, rather was for access to the rear lot comprising 16 Boak Avenue.

Further to this, the current application does not clearly identify how the removal of the easement of this drainage easement will preserve and ensure the protection of the 3 significant large trees that border these two lots. These trees are historically significant to the area having reportedly been planted by one of the original occupants of the area and they provide a key wind break and protection within the neighbouring properties.

Based on the application to combine these blocks it would indicate that this would result in the larger block being offered for sale for development of a block of 2.502 m². This indicates an intention for development as high density housing or similar. Given that the surrounding lots listed in the plan peak at 1099 m² (outside of the lot designated as Good Start Early Learning Centre) and the majority of lots averaging around 800 m², the release of a block of such is congruous to the character of the area. Within the development proposal for 2 Eddy Avenue nearby, the council put forward a position that high density development was incongruous to the area and that they would work with the community to better define the development guidelines for this area to ensure that any future applications were in keeping with and sympathetic to the current character of the area. To my knowledge this work has not been completed, and based on the currently open 'Ballarat Neighbourhood Character Study' survey by the City of Ballarat the indication is that this work for the greater Ballarat area is not complete and such significant changes to land use

and size before the completion of this work may be premature. (I recognise that there is no building permit application for the lots as yet however want to ensure the current application is reviewed with consideration to the most likely outcome for the lots).

Rather than the current application advertised I believe that the community would benefit from a collaborative consultation with the council on retaining this space for the community. Potential alternatives to the current proposal may include the re-invigoration of the site as a pre-school, development of community playground, community garden, neighbourhood house or other use as an asset for the community. Whilst the reported closure of the pre-school was due to declining enrolments there has been a shift in the local demographics with increasing number of young families within the area a review of demand for such a service may indicate viability to return to the previous use as a pre-school.

There is already community use of the area and an enhancement to the amenities would provide further use and value. There has been strong research that indicates that communities that are involved, active and know each other have increased levels of resilience which ensures they are better able to respond to and recover from disasters and adverse events. Given we are currently within a pandemic, and subject to lockdown restrictions, a community space within this area provides a space for the community to be active, interact and build relationships to enable support. In turn this research indicates that there is a strong investment payback associated in terms of improved mental health and associated health care costs.

Whilst it is difficult within the current restrictions to canvas the local community for their thoughts, there is indicative support for an assessment to retain these lots as a community asset. In addition, due to the current restrictions which are only easing in the last 24 hours, there is a strong likelihood that the current application advertised on site may not be seen by the local residents, and thus may prevent the full range of feedback on said application.

I urge the council to withdraw this application and instead commit to a collaborative review of the use of these sites and how council and community can work together to improve the community value of these lots.

Please note I have submitted this via email as I have received an error message when trying to use eservices it advises my account is inactive or disabled and have requested this be amended.

Regards,
Gareth Smith.
Ph: 0428 427 384
E: gareth@romork.net

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Friday, 18 September 2020 11:31 AM
To: Planning Records
Subject: FW: Planning Application PLP/2020/348 – 14 – 16 Boak Avenue Mount Helen

From: Kim K <thekugeles@gmail.com>
Sent: Friday, 18 September 2020 11:28 AM
To: Info@Ballarat.vic.gov.au
Subject: Re: Planning Application PLP/2020/348 – 14 – 16 Boak Avenue Mount Helen

Re: Planning Application PLP/2020/348 – [14](#) – [16 Boak Avenue Mount Helen](#)

As a resident of 13 Boak avenue I would like to submit an objection to the current permit application to remove the reserve status and combine these blocks.

The Mount Helen area is well established as a low density residential area combined with reserves and green spaces which is what has attracted our family to the area. Loss of such space detracts from the very reasons that people chose this area.

Whilst I acknowledge that the council had identified these blocks as potentially surplus in 2017 and proposed a potential future sale of the blocks, there have been changes within the area which would warrant a review of the value and potential use for the site. Any proposed sale of a combined block of this size would indicate a predisposition to high density development which I believe does not fit the neighbourhood character. In addition, this would also add significant pressure to the traffic in the area, particularly given the distance to shops and the current public transport services available, also there are no footpaths through the area which is why we cross the road directly and then make our way down to the walking track along Geelong rd., an increase in traffic volume that would come with a high density development which the combination of these two blocks would lend itself to I believe could make it less safe to cross the road to a safe space to make our way to the walking track.

Given the changing profile of the resident profile, seeing an increase in young families within the area I believe there is other value that can be gathered from these sites rather than a once-off land sale value.

Our family currently use the reserve space from kids learning to ride bikes, kick a ball and carpark for visitors to other residents to ensure the street is vacant for traffic, and with the absence of a footpath the space has been invaluable in teaching our children to learn to ride bikes. As an alternate proposal, I would ask the council consider working with the residents in this area to develop these sites into an enhanced community space that may include a community garden, play spaces.

kind regards,

Kim and Steven Kugele

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Wednesday, 9 September 2020 2:16 PM
To: Planning Records
Subject: FW: Objection for planning permit

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Emily

From: Shannon <oshea.shannon@gmail.com>
Sent: Wednesday, 9 September 2020 2:05 PM
To: Info@Ballarat.vic.gov.au
Subject: Objection for planning permit

To: Statutory Planning Department

To whom it may concern,

I am writing to strongly object the 'Application for Planning Permit' proposed for 14-16 Boak Avenue Mount Helen Victoria 3350.

I am a home-owner of 18 Boak Avenue (right next door), so I strongly object to this for several reasons.

Firstly, as I am extremely concerned that if the plans were approved, it could result in a block of units or town-house development that would look most unattractive, take away the nice views and birds that we have and attract new people to the area. We enjoy living in this quiet family residential area where most people own their homes.

It is more than likely that these proposed plans would also result in the home owners who are happy where they are and have lived for many years, to want to sell their homes to get away from this - plus it would no doubt devalue the what surrounding homes would be worth if home-owners in this street were to try and sell. We did not buy in this area for this to happen!

In addition to this, I am very concerned that any future development on the proposed site, could mean the destruction of the lovely trees that have been planted there. There are possibly heritage issues here with regards to the trees on this land. My family and others would no longer be able to use this lovely community space to do things like kick the ball and run around.

Yours sincerely

Shannon O'Shea
18 Boak Avenue Mount Helen Vic 3350
ph: 0408343228
oshea.shannon@gmail.com

PLP/2020/348

11/9/2020

Objection raised over planning grounds.

Concerns over high density development.

In support of the site maintaining its reserve status and to be considered for playground/community garden.

Surname: FITTER

Given Names: Carrie

Address Line 1: 103 Boak Avenue

Suburb: Mount Helen

State Code: VIC

Postcode: 3350

Email Address: Carriemac@y7mail.com

September 16th, 2020

Objection Application number PLP/2020/348

Ballarat City Council,

We wish to object the planning permit for the removal of reserve status of Reserve No. 1 of PS326983M, removal of drainage easement E-5 from the reserve and consolidation of the land with Lot 1 of LP128750G

The plan of subdivision identified reserve no. 1 as an open space for residents within the immediate area surrounding the reserve and beyond. Since the closure of the Mt Helen Preschool in 2016, the reserve has remained a valuable asset to the community it services and needs to be maintained as a reserve for community use.

There are no reserves in Mount Helen accessible by footpath. The Boak Avenue reserve is within close proximity to public transport and a major walking track along Main Road. This reserve serves as a valuable if not untapped asset for the Mt Helen community due to its proximity to public transport and the local shopping complex.

Council has a responsibility to its community to explore more meaningful activation of the reserve to allow it to best serve residents in the area. Mt Helen has a much lower number of public reserves and play spaces than many other suburbs in the City of Ballarat. The 2017 City of Ballarat Playspace Strategy identified that Mt Helen only has two neighbourhood level play spaces and no local level play spaces.

The City of Ballarat 2008 Open Space Strategy shows that the Mt Helen community to the west of Geelong Road has access to only three reserves that are able to be used by the community for any meaningful recreation activity. There is a lack of diversity across these sites and this highlights the need to consider the reserve in question as an option to offer a more diverse recreation space for the community.

This reserve presents a unique opportunity for the council alongside the community to co-design a space that embraces the natural environment that make Mt Helen so special and unique. The City of Ballarat also needs to ensure that assets such as this reserve are not lost to the many families and young people that live within the suburb.

The loss of the kindergarten has increased the need for young families to have accessible space for outdoor activities for children within the Mount Helen community. Given this loss, the reserve should be regenerated as a community asset. Options that should be considered include;

- A community garden
- Accessible play space
- Sensory garden and play area
- Community picnic areas, seating and lawn
- Social sport and active recreation space

The reserve would provide an opportunity for residents with little or no back garden to have access to vital recreation and open community space. A recent decision by council will see a number of new

residents reside at 2 Eddy Avenue PLP/2017/308 where there will be construction of 10 dwellings and underground carpark. These residents have no yard and this reserve will be valuable for them and the many other residents in the area.

Examples of successful community gardens within Ballarat demonstrate community capacity building, linkages with neighbours (reduction of social isolation), partnerships with local businesses and organisations in the vicinity (Krooze In Cafe, Jete Dance Studio, IBM, Technology Park, Federation University, CFA) with the opportunity for produce swapping, seed sharing/saving among other community led initiatives.

We look forward to working with the City of Ballarat to regenerate this reserve to achieve its full potential as an even more engaging and vibrant asset for the Mt Helen community

Sincerely,

Michael and Kate Flynn

Michael.flynn85@gmail.com

Mobile: 0400 886 820

Objection to Planning Permit



It is believed that the removal of the reserve status and emerging of two blocks in unnecessary. It is also believed to provide no benefit.

Surname: Crossley

Given Names: Kevin Henry & Carole Lorraine

Address Line 1: 7 Boak Ave

Address Line 2: Mt Helen

Suburb: Ballarat

State Code: VIC

Postcode: 3350

Email Address: carole_crossley@hotmail.com

Date Received : 17/9/2020

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Monday, 21 September 2020 8:58 AM
To: Planning Records
Subject: FW: Objection to PLANNING APPLICATION PLP/2020/348 - 14 - 16 BOAK AVENUE MOUNT HELEN

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Emily

From: Drew Smith <drewsmith1306@gmail.com>
Sent: Saturday, 19 September 2020 9:05 PM
To: Info@Ballarat.vic.gov.au
Subject: Objection to PLANNING APPLICATION PLP/2020/348 - 14 - 16 BOAK AVENUE MOUNT HELEN

I am writing to formally object to the proposed plan for 14 & 16 Boak Avenue under PLP/2020/348

This plan is to amalgamate the two blocks and remove the reserve status of lot 14. Given the decision had been made to potentially sell this land as it was classified as "surplus" I am concerned that this would be attractive to a plan of high-density development which would not suit the aesthetic or amenity of the area, given the large block size that would result from this application.

Another concern is that the removal of the reserve status is unwarranted as the space is still frequently used by residents of the area as it is one of only a few reserve spaces in the area that can be used for recreation and other activities in the area.

As this decision has made partly due to the closure of the preschool formerly on the site which means that a section of the space in this plan has been in a state of disuse since then, it would be ideal instead to see these two blocks retained for the community as a community space.

The proposed plan of removal of reserve status and the merging of the two blocks also raises the concern for the possible removal of the trees at these sites, which all 4 of have roots that extend out, potentially underneath many of the surrounding properties and the impacts of the removal of these are not readily apparent. Any works impacting or to remove these trees would be detrimental to the community given their local historical significance. As these trees would no longer be protected under the reserve status it is of great source of concern for what would happen to them in the future and the application does not identify any potential impacts to the trees resulting from the proposed removal of the drainage easement.

Furthermore, the site is subject to an environmental significance overlay (42.01) but does not address what, if any, impacts the proposed application would have on this.

Kind Regards,
Drew Smith
0435441306

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Monday, 21 September 2020 8:58 AM
To: Planning Records
Subject: FW: Objection to Planning Proposal PLP/2020/348

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Emily

From: Rhys Smith <rhyssmith744@gmail.com>
Sent: Saturday, 19 September 2020 9:05 PM
To: Info@Ballarat.vic.gov.au
Subject: Objection to Planning Proposal PLP/2020/348

As a resident close to both 14 and 16 Boak Avenue, I would like to formally object to planning application PLP/2020/348. The proposal to remove the reserve status of 14 Boak Avenue and the combination of it with 16 Boak Avenue fails to recognise the potential use of this land as a community space, or protect the notable trees on the block.

I am concerned that the larger block size would make the area likely for development into high density development, which is uncharacteristic to the rest of the area. The council currently has an open consultation in place with the 'Ballarat Neighbourhood Character Study' and it would be desirable for the results of this to also be available prior to any decision being made in relation to this area. It was positive to see the fencing off of the corner of Geelong Road and Eddy Avenue and would be desirable to maintain the blocks of 14 and 16 Boak Avenue in a similar fashion.

The Mount Helen area is a rapidly growing community. Particularly, more families with young children are moving to the area. This provides a new opportunity to use this land for a more community minded space, to support the current and continued growth. In addition, the scheduled developments on Eddy Avenue will provide increase the number of families in the community, increasing the need for such a space.

Possible uses of this land for the benefit of the community could include a playground, garden or recreational space.

Current circumstances (including restrictions necessitated by the COVID pandemic) have restricted the community's ability to see the on-site posted information about proposal PLP/2020/348, and as such it is unlikely that a significant portion of nearby residents are aware of the proposal.

I encourage the council to work with the community in determining an alternate plan for the land, to best fit the needs of the residents and the area.

Regards,

Rhys Smith

0434 090 704

PLP/2020/348

11/9/2020

I would like to submit an appeal against granting this application. I am concerned about removal of trees. Mt Helen has lost many trees integral to the character of the suburb. The land indicated would be better used for community amenity purposes.

Surname: McKindley-Hodge

Given Names: Judith

Address Line 1: 214 Boak Avenue

Suburb: MT HELEN

State Code: VIC

Postcode: 3350

Email Address: maemcts@gmail.com

Re: Planning Application PLP/2020/348 14-16 Boak Avenue, Mount Helen,

I wish to respond to plans to remove the reserve status of 14 Boak Avenue and merge it with 16 Boak Avenue. One can presume that the blocks are being merged in order for the council to on sell them. Mount Helen has seen a large influx recently of young families buying into the area. In my street alone we have four young families buy into the area in the last twelve months, three of which have children under two years of age. Since the kinder was closed, we now no longer have any council run community buildings or services in our immediate area with the exception of a couple of playgrounds. There are no maternal and child health facilities, meeting rooms for community groups such as senior citizens or playgroups or kindergartens. Sporting facilities are catered for by the local University but these are run at a significant cost to its patrons. Two privately run childcare facilities in the area indicate that there is a demonstrated need for more facilities to cater for young families.

An area such as this could be used for so many community based activities such as a community garden, Dog park etc. The building itself repurposed for community based group activities.

Merging of the blocks would presumably lead to plans for subdivisions , more high density housing with no actual community facilities to cater for the needs of the growing and changing demographic.

I strongly believe the long term benefit to the community of this asset were it to be utilised to its full potential would far outweigh the short term financial benefit to council.

Thankyou for your time

Deb Parkinson

From: Info@Ballarat.vic.gov.au
To: [Planning Records](#)
Subject: FW: Planning Application PLP/2020/348 14-16 Boak Avenue Mount Helen
Date: Monday, 14 September 2020 11:43:23 AM

-----Original Message-----

From: Esme Gibson <jegibson@fastmail.fm>
Sent: Monday, 14 September 2020 11:40 AM
To: Info@Ballarat.vic.gov.au
Subject: Planning Application PLP/2020/348 14-16 Boak Avenue Mount Helen

Planning Application PLP/2020/348. 14 – 16 Boak Avenue Mount Helen.

As a resident of Ashley Grove, Mount Helen, I would like to submit an objection to any development of the land comprising the above.

The Mount Helen area is already fully established as a pleasant living space; and has a full complement of residents and dwellings at the present time. While we realise that Council have found the land in question to be potentially surplus, and recognise the need to extract value from it, we would much prefer to see the land used for some community purpose. This might take the form of recreation space, playground, etc; such a space would be well used as there are more and more families with younger children coming into the Mount Helen area.

In this regard, it was pleasing to see the recent fencing off of the land on the corner of Boak Avenue and Geelong Road; this has provided – and preserved - a space that enhances the area, and the local businesses that stand adjacent.

It would be good to see this green space extended in some form to Blocks 14 and 16 nearby.

It would be most unfortunate if the two amalgamated blocks were used for more housing development, given that a large area of land at the eastern end of Mandingo Drive, formerly Yarana Drive Park, is presently being developed for that purpose. This will add further traffic to the local road network, which is already at – or over- its capacity.

We are also awaiting, with trepidation, the result of the application to construct units on the corner of Boak and Eddy Avenues, which has been expected for some time, and will no doubt add further traffic problems at the intersection with Geelong Road, if carried through.

John Gibson.

--

John Gibson
jegibson@fastmail.fm

Objection to Planning Permit



I am opposed to the reserve status being removed from this site as a lost of family and the community use this for recreational use. I would support more of a community approach to the use of this land such as a community center,

Surname: Barton

Given Names: Simon

Address Line 1: 118 Yarana Drive

Address Line 2: Mt Helen

Suburb: Ballarat

State Code: VIC

Postcode: 3350

Email Address: copter99@hotmail.com

Date Received : 14/9/2020

Emily Krutop

From: Info@Ballarat.vic.gov.au
Sent: Monday, 21 September 2020 8:26 AM
To: Planning Records
Subject: FW: Planning Application Objection: APLICATION PLP/2020/348 for 14 - 16 Boak Avenue, Mount Helen

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Emily

From: cassia@romork.net <cassia@romork.net>
Sent: Friday, 18 September 2020 6:18 PM
To: Info@Ballarat.vic.gov.au
Subject: Planning Application Objection: APLICATION PLP/2020/348 for 14 - 16 Boak Avenue, Mount Helen

Good Evening,

I would like to formally oppose the current planning application PLP/2020/348, including the application to remove the reserve status from 14 Boak Avenue Mount Helen and to combine this block with 16 Boak Avenue.

Whilst I recognise that the council has proposed that these blocks are surplus to council requirements and therefore have potential to sell, that proposal does not recognise the value of this land and the use outside of a land sale potential.

It would appear that the application under Section 24 of the Subdivision Act does not take into account the current land use and value from that use. Whilst Section 24 allows for the removal of reserve status where the original use is no longer in operation, the land located at 14 Boak Avenue is still in active use by a number of members of the community for recreational activities and thus continues to be used as a reserve. It is recognised that whilst the recent formal use of the reserve status as a car park for the pre-school ceased with the closure of the pre-school in 2016, the use of the site as a recreation reserve for a number of activities including young families teaching children bike riding in a safe environment as well as being used as an active play space warrants the retention of this block as a reserve.

As part of the application the proposal identifies that the drainage easement E-5 appears to have been created as a section point of discharge for the lot on 14 Boak Avenue and I cannot comment on the purpose of such creation, the real observed usage of that easement during the recent years preceding the closure of the pre-school did not indicate that this was a common usage of the easement, rather was for access to the rear lot comprising 16 Boak Avenue.

Further to this, the current application does not clearly identify how the removal of the easement of this drainage easement will preserve and ensure the protection of the 3 significant large trees that border these two lots. These trees are historically significant to the area having reportedly been planted by one of the original occupants of the area and they provide a key wind break and protection within the neighbouring properties.

Based on the application to combine these blocks it would indicate that this would result in the larger block being offered for sale for development of a block of 2.502 m². This indicates an intention for development as high density housing or similar. Given that the surrounding lots listed in the plan peak

at 1099 m2 (outside of the lot designated as Good Start Early Learning Centre) and the majority of lots averaging around 800 m2, the release of a block of such would be incongruous to the character of the area. Within the development proposal for 2 Eddy Avenue nearby, the council put forward a position that high density development was incongruous to the area and that they would work with the community to better define the development guidelines for this area to ensure that any future applications were in keeping with and sympathetic to the current character of the area. To my knowledge this work has not been completed, and based on the currently open 'Ballarat Neighbourhood Character Study' survey by the City of Ballarat the indication is that this work for the greater Ballarat area is not complete and such significant changes to land use and size before the completion of this work may be premature.

Rather than the current application advertised I believe that the community would benefit from a collaborative consultation with the council on retaining this space for the community. Potential alternatives to the current proposal may include the re-invigoration of the site as a pre-school, development of community playground, community garden, neighbourhood house or other use as an asset for the community. Whilst the reported closure of the pre-school was due to declining enrolments there has been a shift in the local demographics with increasing number of young families within the area a review of demand for such a service may indicate viability to return to the previous use as a pre-school. Despite an expanding population, Mount Helen is lacking in community amenities, and residents are forced to travel elsewhere to access their needs. Reinvigorating this as a community asset would also benefit neighbouring suburbs.

There is already community use of the area and an enhancement to the amenities would provide further use and value. There has been strong research that indicates that communities that are involved, active and know each other have increased levels of resilience which ensures they are better able to respond to and recover from disasters and adverse events. Given we are currently within a pandemic, and subject to lockdown restrictions, a community space within this area provides a space for the community to be active, interact and build relationships to enable support. In turn this research indicates that there is a strong investment payback associated in terms of improved mental health and associated health care costs.

Whilst it is difficult within the current Covid -19 restrictions to canvas the local community for their thoughts, there is indicative support for an assessment to retain these lots as a community asset. In addition, due to the current restrictions which are only easing in the last 24 hours, there is a strong likelihood that the current application advertised on site may not be seen by the local residents, and thus may prevent the full range of feedback on said application.

I urge the council to withdraw this application and instead commit to a collaborative review of the use of these sites and how council and community can work together to improve the community value of these lots.

Regards,

Cassia Drever-Smith.

Contact: 0408 775 29

Objection to Planning Permit



We believe this area should remain a reserve and be used for community purposes such as a community garden.

Surname: Fisher

Given Names: Ryan David and Rebekah Jayne

Address Line 1: 10 Ashley Grove

Suburb: Mount Helen

State Code: vic

Postcode: 3350

Email Address: rebekahmoffett@hotmail.com

Date Received : 13/9/2020

PLP/2020/348

11/9/2020

Objection raised over planning grounds.

Concerns over high density development.

In support of the site maintaining its reserve status and to be considered for playground/community garden.

Surname: FITTER

Given Names: Simon

Address Line 1: 103 Boak Avenue

Address Line 2: Boak ave

Suburb: Mount Helen

State Code: VIC

Postcode: 3350

Email Address: Fitter.simon@yahoo.com

COSSINS KINNAIRD & TRAVERS Pty Ltd ACN 078 745 749 ABN 83 215 214 924
Trading as

BRUCE COSSINS & ASSOCIATES

Consulting Civil, Structural & Building Engineers

Registered Building Practitioner EC1070, BS-U1198

Office :- First Floor 6 Dawson St Nth. Ballarat

Postal Address :- P.O. Box 1878 Ballarat Mail Centre 3354

Phone / Fax 03 53334881, Mobile 0417 572071

BUILDING REPORT

Job No BCA600912

Date : 24 / 5 / 2012

Location : 16 Boak Ave
Mt Helen

Client : Ballarat City Council
P. O. Box 655
Ballarat 3353

Client Brief

The pre-school centre and 16 Boak Ave Mt Helen has been subjected to movement with subsequential distress

The client has requested that a preliminary inspection be undertaken of the building to assess the building distress.

The building was inspected on Monday 21 st May 2012 with Mr Ross Goynes representing the City of Ballarat.

Property and Building Details

Property Address : 16 Boak Avenue, Mt Helen 3350

Class of Building : Formerly a dwelling converted to a preschool centre.

Building : Building estimated to have been constructed pre the 1960's

Construction : Single storey
Brick veneer
Timber floors on brick piers
Tile roof

Building Inspection Related to Client Brief

Client Brief

The building was formerly a dwelling and now used as a pre-school. The change of use has involved the removal of numerous internal walls.

General Comments:

The building has been subjected to movement for many years with the occupiers being aware of increased distress in the past months.

From the external inspection numerous area of brickwork have been replaced/repointed and articulation joints cut in the brick veneer. This work is difficult to put a time span on but it would be reasonable to consider that the building has been suffering from movement over a long period of time.

From the internal inspection the floors are sloping generally to the external perimeter wall with discernable movement in ceilings and cornices. The installed beams where walls have been removed are exhibiting cracking at supports. The large number of walls removed could be contributing to the overall movement of the building as the structural connectivity has been altered. Thus minor footing movement is accentuated in the building.

Movement of Concern

The movement of concern is the north east corner of the building, east wall at and adjacent to the window. (This room is currently used as a staff office.)

The brickwork at this location has had articulation joints installed under both sides of the window. The brickwork under the window has been reconstructed.

The articulation joints have opened at the top with an estimated increased gap of 15 mm. The gaps at these locations are due to the cut joints allowing movement.

The corner brickwork has bowed and cracked. The base has rotated out and the upper brickwork has been restrained by the roof structure and eaves.





Options Considered

- Underpin the corner of the building to arrest the rotation.
- Demolish the brick veneer at the corner and reconstruct
- Treat the foundation soils to restore wall and restrict further movement
- Seal gaps with a flexible sealant and monitor the movement.

Conclusion:

The building has suffered distress throughout and underpinning, reconstruction and foundation treatment are considered to not be suitable and may in fact cause further distress to the building.

Recommendation :

The gaps to the brickwork at the north east corner of the building should be filled with a flexible sealant. The gaps / cracking should then be monitored at regular intervals say quarterly and the Council assets section notified of significant movement.

The brickwork is tied to the stud wall frames and thus is not a safety issue at this time.

The general condition of the building is such that the long term future should be considered with any remedial works

Bruce K. T. Cossins
BEng(Civil), CE, MBS, FAIBS, MIEAust, CPEng
Registered Engineer and Building Surveyor

Dated 24 / 5 / 2012

RESOLUTION:

Council resolves to:

1. Commence and satisfy the statutory process in accordance with Sections 189 and 223 of the *Local Government Act 1989*, to dispose of land and building assets deemed as potentially surplus.
2. Provide a further report to Council post the exhibition period to deal with any submissions raised through this process.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R464/17)

Ordinary Council Meeting Agenda

13 December 2017

9.13. ASSET REALISATION

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

RECOMMENDATION

Council resolves to:

- 1. Commence and satisfy the statutory process in accordance with Sections 189 and 223 of the *Local Government Act 1989*, to dispose of land and building assets deemed as potentially surplus.**
- 2. Provide a further report to Council post the exhibition period to deal with any submissions raised through this process.**

EXECUTIVE SUMMARY

This report is to commence the process to undertake a review of potentially surplus land and building assets contained within Council's property portfolio, and following the review provide a further report to Council to deal with any submissions received.

Council's intention to consider the sale of the assets identified within this report will be advertised in accordance with statutory obligations, and submissions for consideration can be lodged by the public wishing to be heard relating to the sale of all, or any of the identified properties.

The resolution to complete the statutory process does not obligate Council to disposing of any asset that it determines it wishes to retain the ownership of.

This is the initial step in the process to determine if the realisation of specified assets has merit.

RATIONALE

Council has a responsibility to ensure its property portfolio is performing and this performance is measured by the financial return being derived, or the community benefit its properties are providing. The property portfolio is constantly being reviewed and it is requested that Council commence the process of notification under the Local Government Act of the potential of disposal of the listed assets in order to ascertain community views to inform any further action.

In the event of the sale process progressing, a continued due diligence process will be undertaken on all properties identified below to ensure suitability for sale including land status, soil testing, cultural and heritage values etc.

Maps identifying properties will be attached to this report.

Property	Further identifier
15 Lake View Court Ballarat Nth	RES1/LP126274
1 Kurrajong Road, Wendouree	LP55613, Lots 569 - 578
Kohinoor Community Centre, 417 Errard Street South, Ballarat Central	CA 12A Sec 76
Part of Janson Road	294m2 of Southern end of Janson Road Brown Hill
Eastern Peake Road Parcel	Pt CA A Eastern Peake Road
Centrecare Carpark	Carpark 28 - 32 Peel Street North, Bakery Hill
Waringa Drive Mitchell Park	Reserve 1 Waringa Drive, Mitchell Park
102 – 104 Scott Street Buninyong	102-104 Scott Street, Buninyong
Giot Drive, Wendouree	Lot 1 PS545482N
La Trobe St Road Reserve	Road Reserve West of 930 La Trobe St, Delacombe
14 -16 Boak Avenue Mount Helen	Mt Helen Kinder
507 Humffray Street Sth Golden Point	Eureka Family Resource Centre
Lot 1 Gillies Road Mount Rowan	

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

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

Ordinary Council Meeting Agenda

13 December 2017

REPORTING AND COMPLIANCE STATEMENTS

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

Human Rights - It is considered that this Report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2007*.

Social/Cultural – the asset realisation of surplus assets will provide Council with unbudgeted income to further enhance the social and cultural fabric of the municipality if it allocates funds to this area.

Financial/Resources – the asset realisation of surplus assets will provide Council unbudgeted income.

Implementation/Marketing – the statutory process engages the community in that any property that Council considers disposing of will be advertised seeking submissions relating to the disposal of the asset in accordance with section 223 of the *Local Government Act 1989*.

Following the statutory process being satisfied and if the assets are to be offered for sale a marketing strategy will be implemented.

CONSULTATION

Consultation has been undertaken with all relevant Council and Government departments. This recommended course of action is the initial phase of consultation with the community in relation to their views in respect to any potential sale of the identified assets.

OFFICER' 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

- *Local Government Act 1989*
- *Valuation of Land Act 1960*

ATTACHMENTS

1. Asset Realisation [9.13.1]



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10/08/2016
 SCALE:1:913
 Prepared by Jacinta Baxter





LP55613 Lots 569 – 578 Wendouree

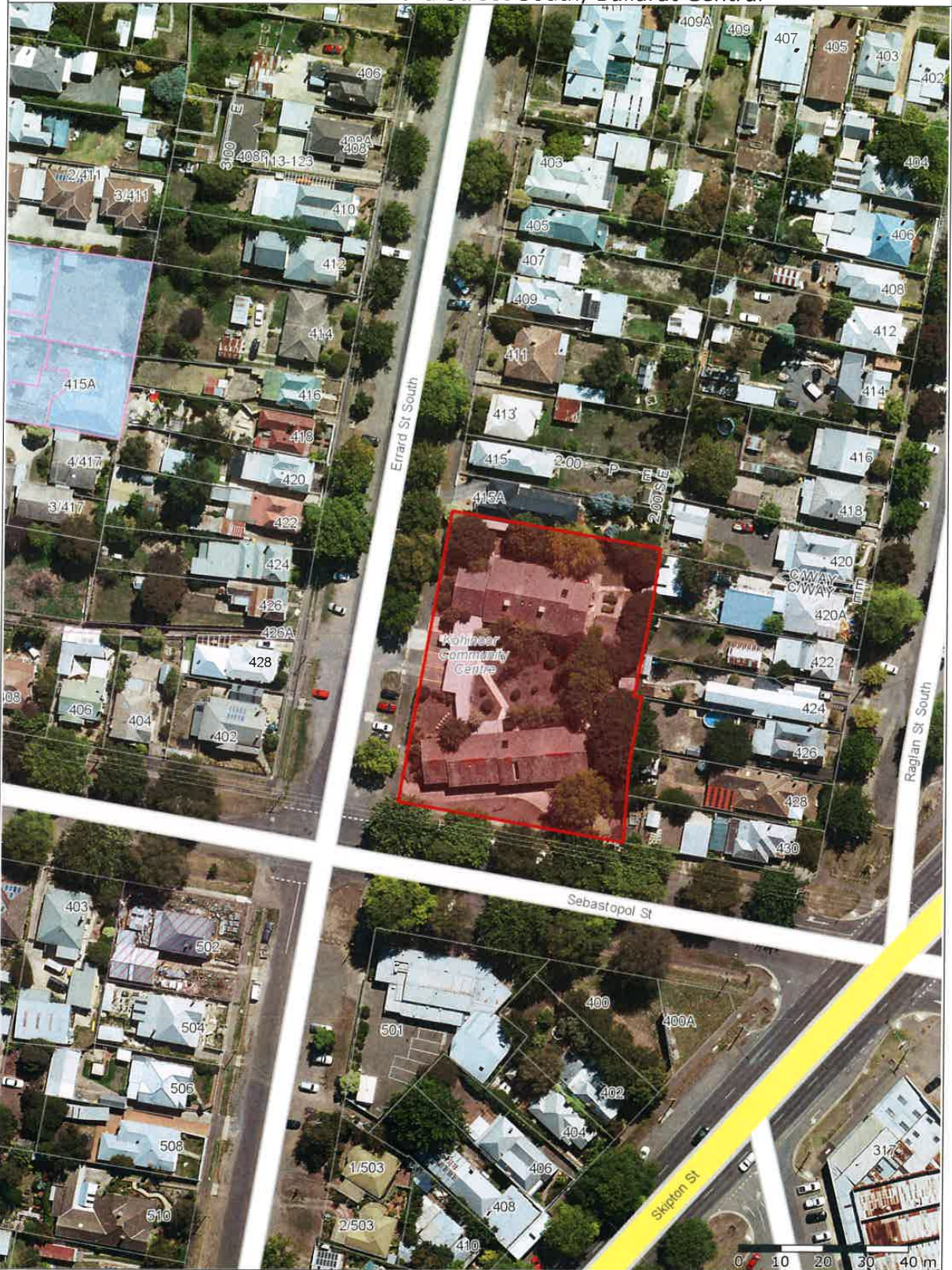


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Kohinoor – 417 Errard Street South, Ballarat Central



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10/08/2016



SCALE:1:1196

Prepared by Jacinta Baxter



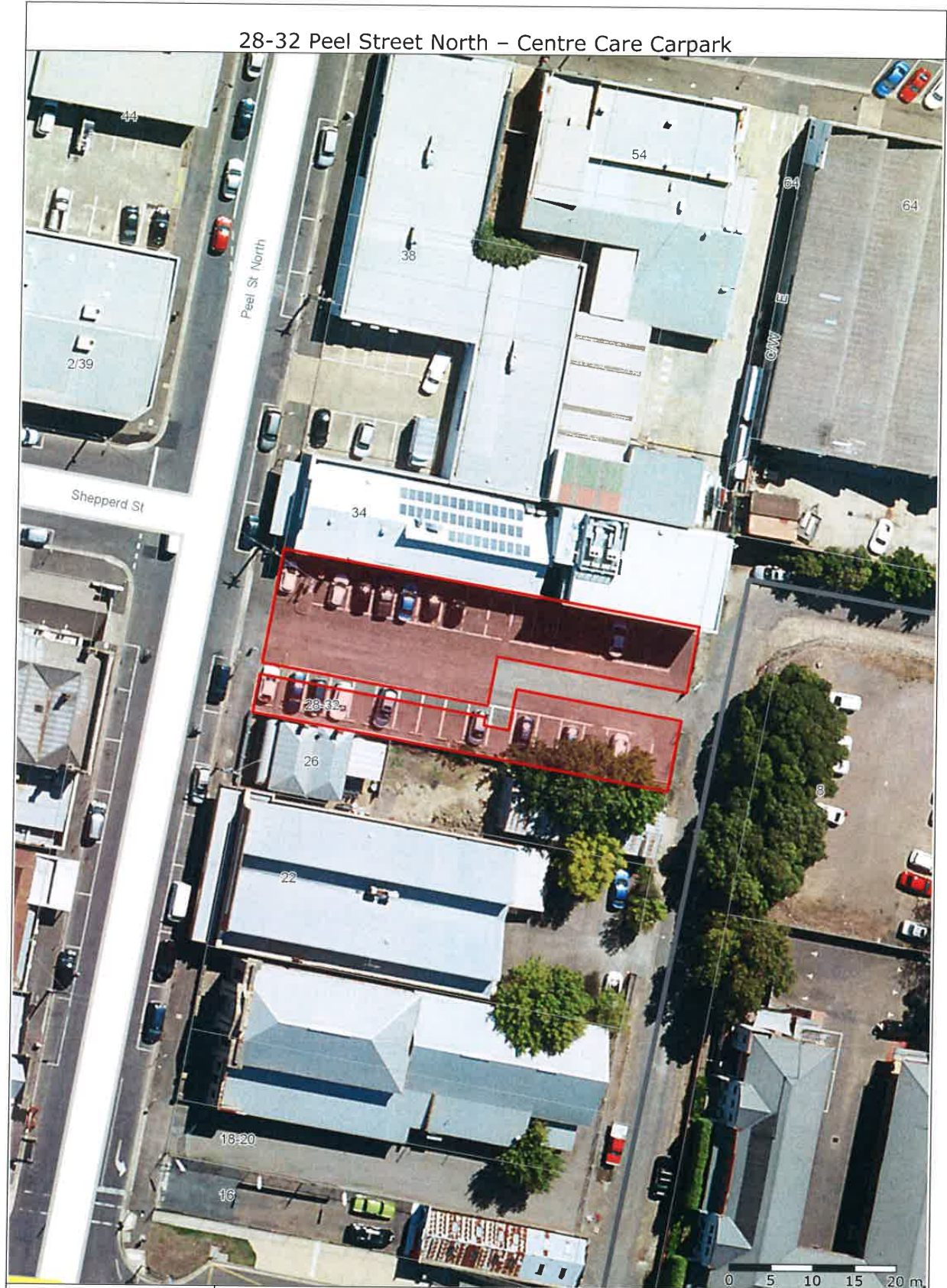




Southern end of Janson Road – Closed Road Reserve

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28-32 Peel Street North – Centre Care Carpark





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		SCALE:1:659	
		Prepared by Jacinta Baxter	

Notice of intention to sell land

17 May 2018

In accordance with the resolution of Council at its meeting 13 December 2017 the City of Ballarat hereby gives notice under Section 189 of the Local Government Act 1989 ("the Act") of its intention to consider disposing of surplus land, at the following addresses;

- 1 Kurrajong Road, Wendouree (Lot 569, Lot 570, Lot 571, Lot 572, Lot 573, Lot 574, Lot 575, Lot 576, Lot 577, Lot 578)
- 102-104 Scott Street, Buninyong
- 15 Lake View Court, Ballarat North
- 417 Errard Street South, Ballarat Central (Kohinoor)
- 2 Ealing Avenue Reserve (formerly Lot 1 Giot Drive, Wendouree)
- 14-16 Boak Avenue, Mount Helen (Mount Helen Kindergarten)
- Reserve 1 Waringa Drive, Mitchell Park • Road Reserve West of 930 La Trobe Street, Delacombe

Parcels are indicated in red on the public notices section of the ballarat.vic.gov.au website.

Written submissions relating to the sale of land will be considered in accordance with Section 223 of the Local Government Act and must be received by the Property Department, City of Ballarat, PO Box 655, Ballarat, Vic. 3350, within 28 days of this notice.

Any person requesting to be heard in support of their written submission is entitled to appear in person or by a person acting on their behalf before a committee of Council, the day, time and place of which will be advised. Should further information be requested please direct enquiries to Executive Manager Property Services and Facilities Management on 5320 5500.

Date of Publication: 17 May 2018

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 **Ballarat Council**  @cityofballarat

Ballarat Sebastopol BMX Club riders will soon enjoy longer riding time following the installation of four new light poles at the site 📢📢📢📢
More details: bit.ly/2F5oTZB



📖 📧 1h

 **Ballarat Council**  @cityofballarat

How beautiful is Ballarat from the air on a sunny morning! 🌞🍷

Great capture by Explore Ballarat 📸
[#LoveBallarat](#) [#PicOfTheWeek](#)



9.10. TENDER 2020/21-166 NORTH BALLARAT SPORTS CLUB ROOF & A/C REPLACEMENT PROJECT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: John McKenna – Facilities Management Contract Coordinator

PURPOSE

1. The proposed project is in relation to the North Ballarat Sports Club / Mars Stadium Changeroom building, located at Mars Stadium, 725 Creswick Road, Wendouree.
2. The tendered scope of project works includes roof replacement, upgrade / replacement of air conditioning plant and associated works.
3. The purpose of this report is to recommend the awarding of the contracted construction works following a City of Ballarat public tender process.

BACKGROUND

4. The condition of the building's existing roof is poor which causes constant maintenance issues, leaks and disruption to Council's commercial tenant (North Ballarat Sports Club). The roof is deemed beyond repair and the works are essential to restore the asset to good repair.
5. In order to replace the roof, all air conditioning existing plant and structures must be craned off. As the majority of the large air conditioning packaged unit plant are aged, deteriorated and at the end of standard service life, it is proposed to replace and re-install new modern equivalent air conditioning plant and platforms on the newly replaced roof structure.
6. Detailed project design drawings and documentation were prepared based on the above scope to go out to Council public tender.
7. The replacement of the roof was identified as a key issue in the negotiations of the sale of the property in 2017.

KEY MATTERS

8. The tender was advertised in The Ballarat Times News Group, Council's website and eProcure from 01-Oct-2020. The invitation period closed on 28 October 2020 with 2 local tenderers providing tender submissions.
9. The works are required to be completed while the Sports Club and building remain in operation. The main complexity to the works will be programming, staging and managing the works in a way to ensure safety and to not significantly impact the Sports Club's operations.

10. Following a detailed evaluation process, the tender evaluation panel assessed that the cheapest priced submission adequately addressed all the evaluation criteria and is recommended as having provided the best value for money submission.

OFFICER RECOMMENDATION

11. That Council:

- 11.1 Enter into Contract Number 2020/21 - 166 for the provision of North Ballarat Sports Club - Roof & A/C Plant Replacement Works with S.J. Weir (Ballarat) Pty Ltd for the total tendered price of \$1,226,639.00 (ex GST).**
- 11.2 Reserve the right to award the additional priced Tender Option for Air Conditioning Platform Screens for \$52,021.26 & GST during the course of the construction works subject to appearance of new units, project budget etc.**
- 11.3 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

ATTACHMENTS

1. Governance Review [9.10.1 - 2 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. These proposed works are required in accordance with Council's Property & Facilities Management responsibility to keep Council building and assets in good repair and condition and in line with the sustainability objectives contained within the Council plan.

COMMUNITY IMPACT

2. There is a community expectation that an asset of this significance is maintained to a high level and the current situation where the tenant's operations are impacted due to the condition of the roof is not acceptable.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. Following completion of the works it is envisaged the buildings energy efficiency performance will improve with the scope of the new roof including modern insulation bringing the thermal insulation properties of the roof up to current regulations.
4. In addition, greater efficiencies will result from the new air conditioning plant which will replace older R22 refrigerant plant with this gas being phased out from importation due to it being ozone depleting. An associated upgrade of the BMS air conditioning controls as well as the modern more efficient air conditioning plant should also result in better energy efficiencies for the building.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. Council needs to invest in its assets to ensure maximum performance is achieved either from an income stream or community benefits,

FINANCIAL IMPLICATIONS

6. Funding for the project will come from Council's Facilities Management Capital Renewal budget.

LEGAL AND RISK CONSIDERATIONS

7. Programming, staging and managing works while the building remains in operation.
8. There is also a risk that any delay in awarding the contract works will impact Council's ability to complete these roof works in the dryer weather months and prior to winter, which is a risk for these type of external refurbishment works.

HUMAN RIGHTS CONSIDERATIONS

9. Nil

COMMUNITY CONSULTATION AND ENGAGEMENT

10. Ongoing engagement and consultation will be required throughout the works with the North Ballarat Sports Club commercial tenant, as well as applicable Council departments etc.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. Council officers involved in the consideration and awarding of this contract have declared no conflict of interest.

9.11. ENDORSE SERVICE LEVEL AGREEMENT WITH SYLVANIA SCHREDER FOR LED STREETLIGHTING BULK SUPPLY

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Peter Bate - Team Leader Design & Survey

PURPOSE

1. For Council to endorse Service Level Agreement with Sylvania Schreder for the supply of Pedestrian Category LED Street Lighting to the value of \$1,370,586 excl. GST.

BACKGROUND

2. The City of Ballarat has more than 13,000 streetlights on Powercor's network infrastructure. This service currently costs Council \$1.2 million each year in electricity costs, plus \$0.8 million in management costs by Powercor (total \$2 million per year).
3. Council has allocated \$3.5 million across 2020/21 and 2021/22 to commence the retrofit of the city's streetlighting to LED, focussing initially on residential street lighting (Pedestrian Category). This is referred to through this report as "minor roads lighting". The key drivers of this resolution were,
 - a. Commitment to the City of Ballarat's Carbon Neutrality and 100% Renewables Action Plan,
 - b. Mercury vapour (MV) lighting is the dominant lighting type in Ballarat and offers the best business case of all lighting types to switch to LED, and
 - c. Imminent supply issues for lighting containing mercury in Australia from 2021, and to coincide with the City of Ballarat's next bulb replacement program scheduled for 2022 for most minor roads lighting.

KEY MATTERS

Project Scope

4. The current project focusses on fitting almost 6,750 minor roads LED lighting which is approximately 55% of the streetlighting in Ballarat. This will achieve return on investment in approximately 6 years, save Council up to \$9.8 million over 20 years, and reduce the City of Ballarat's greenhouse gas emissions by 2,000 tonnes each year.
5. Almost 95% of the minor roads streetlights in this project are currently mercury vapour (MV) and the remainder are T5 fluorescent and compact fluorescent (CFL) streetlights. The project will also install 165 new LED streetlights to existing Powercor poles not currently used for lighting.
6. The current project does not focus on main roads lighting or Council managed public/security lighting within the City of Ballarat.

Design Outcomes

7. LED is a far superior technology to existing lighting. The LED lights will provide,

- a. Greater uniformity of light across and along the street,
 - b. Better colour rendering and visibility,
 - c. Greater reliability and less depreciation of the light output over time,
 - d. Life expectancy of 20 years compared to MV bulb replacement every 4 years,
 - e. Minimise light spill to neighbouring areas, and
 - f. Improve compliance with Australian Standards (safety and lighting levels).
8. Photometric modelling was completed, which determined compliance of approximately 78% for minor roads against the minimum road safety standards when existing fittings are changed to LED. The current lighting in Ballarat would be much lower compliance due to the inferior technology and age of assets (most of Ballarat's MV lighting was installed in the 1980's).
9. The LED streetlight design process engaged widely across Council to identify gaps in the modelled future performance of LED minor roads lighting and to identify strategic priorities to address those gaps. This step is vital considering the superior performance and life expectancy of LED streetlights. These opportunities can be summarised by the following three groupings:
- a. Council strategic priorities that value from addressing modelled non-compliance or to achieve a higher level of compliance

This includes several lights being installed at a higher specification than 17 watt and the installation of 165 new lights on Powercor poles not currently used for lighting. These strategic improvements cost \$140,000 and are factored into the current project budget. They include, but not limited to, improved lighting in some dull areas in the Health, Knowledge and City Living Precinct and priority areas of the Right to the Night program, where on-road bike routes occur or are planned to occur as per the Cycling Strategy, and improving lighting above minimum standard at social infrastructure sites (e.g. community halls) where night occupancy and on-road parking occurs.

- b. Cost shared lighting with Department of Transport (DoT)

There are 158 minor roads streetlights in Ballarat that have shared management costs between the City of Ballarat and Department of Transport (DoT). Inclusion of these will minimise the mobilisation efforts and achieve consistency and completeness in LED minor roads streetlighting in the municipality. This task adds \$120,000 to the project, which is shared between the City of Ballarat and DoT.

- c. Heritage streetlights

Ballarat has almost 650 heritage streetlights (also predominantly MV light type), which are considered non-standard fittings by Powercor. These might be added to the project depending on budget and additional design works to consider variations in pole type, paint colour and entry point (location of mounting systems and wires). It is important to note, that if these are not included in the current project it is likely that additional funds will be required to address this at the next scheduled change of mercury vapour bulbs in 2022.

Implementation

10. The City of Ballarat has engaged consultant Ironbark Sustainability to provide oversight. Ironbark Sustainability has been appointed by the Municipal Association of Victoria (MAV Panel SL8010) as the street lighting experts to support councils.

11. Sylvania Schreder is the preferred streetlighting supplier, at a cost of \$1,370,586 excl. GST. The key terms of the Service Level Agreement (SLA) are summarised in the next sub-section, and the SLA attached.
12. Installation of streetlighting on Powercor's distribution network assets is non-contestable and will occur through Powercor's appointed contractor(s). This is currently planned from February to September 2021. Powercor's contractor(s) will also be responsible for recycling old streetlighting and generation of evidence to substantiate an estimated \$720,000 energy efficiency rebate to the City of Ballarat under the Victorian Energy Upgrades (VEU).

Sylvania Schreder - Service Level Agreement

13. The most effective way to access lighting is via the MAV Panel of Suppliers SL3911. All Councils in Victoria have access to this panel by Ministerial Exemption executed by Tim Bull MLA, Minister for Local Government dated 7 May 2014.
14. A Service Level Agreement (SLA) has been received from Sylvania Schreder for the sum of \$1,370,586 excl. GST for lighting supply and delivery of the assembled lighting with fixtures and fittings ready for installation.
15. Sylvania Schreder is recommended by Council officers because:
 - a. The MAV Panel price between suppliers (for 5,000 to 10,000 units) is near equal for minor road lighting approved for use in the Powercor region, and warranty terms much the same between suppliers,
 - b. It offers superior photometric performance for the equally lowest energy use option, and they offer a varied product range (i.e. 17, 22 and 33 watt) which allows for better tailoring to meet Australian Standards and Council's strategic objectives (see Design Outcomes), and
 - c. The company is well regarded by councils in the first Lighting the Regions project in 2014 by the Central Victorian Greenhouse Alliance (CVGA).
16. Key terms of the SLA:
 - a. The payment schedule is achievable in line with staged deliveries from late 2020 to match a 6 month works program by Powercor commencing February 2021,
 - b. Warranty includes 10 years for the lights and 5 years for day/night sensors. The City of Ballarat's warranties are transferred to Powercor upon installation and testing,
 - c. Products are not considered "accepted" until they are tested, and faults are to be rectified by the supplier. If the replacement items are also found to be faulty Council reserves the right to terminate the supply order, and
 - d. The supply order can easily be varied to scale down the project to manage budget, if required. No penalties apply when prior notice of 30 days is given, and previous supplies have been paid.

OFFICER RECOMMENDATION

17. That Council:

- 17.1 Delegate to the CEO the authority to endorse Service Level Agreement with Sylvania Schreder for the supply of \$1,370,586 excl. GST of Pedestrian Category LED Street Lighting under MAV Panel SL3911.**

- 17.2 Acknowledge the extensive planning work by Council Officers that has occurred to design a municipal wide Pedestrian Category LED retrofit program.**
- 17.3 Understand that installation and recycling services will occur by Powercor's approved supplier(s) under Powercor's project management direction; and**
- 17.4 Understand that budget allocation for additional retrofits of Pedestrian Category LED Street Lighting will likely be required prior to 2022 if not all can be completed through this project.**

ATTACHMENTS

- 1. Governance Review [9.11.1 - 2 pages]
- 2. SL3911 MAV Short Form Hardware Agreement Sylvania 20201119 [9.11.2 - 8 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Council Plan 2017-2021 aims to reduce environmental impact and cost to operate community services.
2. Changing streetlights to LED is a flagship of the Carbon Neutrality and 100% Renewables Action Plan.

COMMUNITY IMPACT

3. Improved lighting compliance with the Australia Standards in terms of safety and lighting levels.
4. Targeted improvements, in-line with Council strategic priorities, to address non-compliance or achieve a higher level of compliance than predicted. These opportunities are discussed in the Design Outcomes section of the report.
5. Some groups have concern regarding the 'blue' wavelength of light, but this is mainly related to higher specification main roads lighting and hence less of an issue to this project.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

6. The current project focusses on minor roads lighting as the first step to changing streetlighting to LED and will reduce Council's greenhouse gas emissions by 2,000 tonnes each year.

ECONOMIC SUSTAINABILITY IMPLICATIONS

7. The chosen 17 watt LED is 82% more efficient than mercury vapour lighting, which is almost 95% of the lighting to be changed through this project.
8. Overall the project will achieve return on investment in approximately 6 years and save Council up to \$9.8 million over 20 years.

FINANCIAL IMPLICATIONS

9. The project will incur an estimated \$3.486 million upfront cost across 2020/21 and 2021/22. Approximately \$805,000 will be received in arrears from rebates and repayments, returning the project to an estimated \$2.681 million net spend.
10. The net spend provides \$820,000 contingency (23.5%) from the \$3.5 million allocation, or becomes a catalyst to commence works on the Heritage lights on minor roads that are not currently included in this project.
11. Budget summary (excl. GST),

Costs (excl. GST)	Revenues (excl. GST)
-\$1,370,586 lighting supply and delivery by Sylvania Schreder	+\$720,000 estimated rebate under the Victorian Energy Upgrade (VEU). This is net rebate after consultancy fees.
-\$1,698,059 installation and recycling services by Powercor's contractors (offer received)	+\$85,000 estimated repayments from Department of Transport for shared cost lighting (TBC based on agreement to be signed with DoT).

-\$328,000 variation for Powercor final design and installation of 165 new lights on poles not currently used for lighting (estimate TBC).	
-\$90,000 design and implementation oversight by Ironbark Sustainability	

LEGAL AND RISK CONSIDERATIONS

12. The main risk to Council is potential liability for accidents where the claimant believes non-compliant lighting was the cause. This project improves lighting against the standards, and therefore reduces this risk to Council,
13. Risks during implementation such as damage to public/private property and Occupational Health and Safety (OHS) are the responsibility of Powercor.
14. Other implementation risks include product faults (unlikely and covered by warranty) and accuracy of data (monitoring and evaluation by Ironbark Sustainability).

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

16. No community or external stakeholder consultation occurred, which is usually only required when planning lighting programs for major roads lighting. The Design Outcomes in the report were developed in consultation with several units from across Council using an interview process developed by the MAV and Ironbark Sustainability through their experiences with more than 100 Councils across Victoria and Tasmania.
17. Community queries usually relate to the works schedule or perception of over illumination. A Communications Plan has been developed and reviewed by the City of Ballarat's Media team. Ironbark Sustainability will also provide an escalation service for Customer Service enquiries requiring further advice.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

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David Hickey
Roadway & Infrastructure
Sylvania-Schröder
ACN 604 331 937
96 -112 Gow Street
Padstow NSW 2211

XX/XX/2020

Dear David,

AGREEMENT FOR THE SUPPLY OF GOODS/SERVICES

This letter sets out the terms on which Sylvania-Schröder [ACN 604 331 937] (**You/Your**) will supply Ballarat City Council [44 594 264 321] (**Us/We/Our**) with goods and/or services (**Agreement**).

1. SCOPE

You will supply to Us the goods and services detailed in the Schedule (together, **Supplies**) in accordance with the terms and condition of this Agreement, and any proposal document you have provided to Us in connection with the Supplies (**Proposal**) which will be incorporated and form part of this Agreement but only to extent that such Proposal does not conflict with the remainder of this Agreement. You acknowledge that no terms or conditions included in your Proposal (or any other document We receive from You), will apply to the Supplies or form part of this Agreement, unless specifically agreed to in writing by Us - even if We have signed a receipt / invoice for the Supplies, and that receipt / invoice incorporates additional terms.

2. TERM OF AGREEMENT

This Agreement will commence on the date set out in the Schedule and will continue until the later of:

- a. the date on which all Supplies have been provided under and in accordance with this Agreement; or
- b. the relevant time period set out in the Schedule has expired,

unless terminated earlier in accordance with clause 16 (**Term**).

3. YOUR GENERAL OBLIGATIONS

- a. You must:
 - i. provide the Supplies in accordance with this Agreement (including the Schedule) and with due skill, care and diligence, to the highest professional standards in accordance with all (A) applicable Laws, (B) good industry practices, (C) any applicable standards, requirements or specifications set out in the Schedule; and (D) Our reasonable policies and procedures notified in writing to You from time to time;
 - ii. hold any accreditation or membership of professional or other bodies that is required for the provision of the Supplies as (or otherwise set out in the Schedule or the Proposal), and maintain such accreditation or membership during the Term;
 - iii. ensure that your personnel have the necessary skills and experience to provide the Supplies to a standard expected of a reputable supplier of similar goods and/or services;
 - iv. keep Us informed of all matters of which We ought reasonably to be aware (including any actual or likely delay in the provision of the Supplies), and provide such information as reasonably required by Us; and
 - v. in performing the Supplies, not interfere with our activities or those of any other person on our premises and comply with, and ensure that your personnel comply with all our reasonable

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directions while on our premises, including those regarding occupational health and safety and security, and ensure that our premises are left secure, clean and fit for immediate use.

- b. Unless the Schedule provides differently, You agree to supply at Your own expense, all labour, plant, equipment, tools, appliances or other property and items. Unloading to be undertaken by customer unless otherwise agreed in writing. You require to fulfil your obligations under this Agreement.

4. DELIVERY AND ACCEPTANCE

- a. You must provide the Supplies to Us in the manner, and at the time, specified in the Schedule. Time is of the essence in the provision of such Supply.
- b. Unless otherwise agreed in writing by Us, You must pack Supplies that are goods in a manner which is sufficiently robust and adequate, to protect those Supplies from damage or deterioration during transit and delivery to Us.
- c. The Supplies must:
 - i. be of merchantable quality and fit for the purposes for which the Supplies are ordinarily used;
 - ii. conform with samples provided to Us (if any);
 - iii. conform to any applicable Australian product / service standards; and
 - iv. comply with any applicable standards, requirements or specifications set out in the Schedule, (together the **Acceptance Criteria**).
- d. You will pay to Us, on demand, the amount of any loss, damage caused to Us, or for which we may become liable, due to the Goods not being delivered in accordance with any of the requirements of the Contract and we shall have the right to set off against such amounts, any amount payable to You if mutually agreed by both parties. The Project Manager will determine the amount of any loss, damage or liability incurred by Us for the purpose of this clause, acting reasonably and independently of the parties.

5. ACCEPTANCE

- a. We will not be deemed to have accepted any Supplies until We have had a reasonable time to inspect and test those Supplies against the Acceptance Criteria. Payment for the Supplies before inspection does not constitute acceptance of the Supplies.
- b. If upon inspection or testing We find that any Supplies do not meet the Acceptance Criteria (**Defective Supplies**), then We may:
 - i. reject the Defective Services by notifying You, and require that you promptly re-perform or make good the Defective Services; and
 - ii. withhold payment for any Defective Services until rectified.
- c. Where any previously rejected Supplies fails to again meet the Acceptance Criteria after 1 further round of inspection or testing by Us, then We may reject the relevant Supply, whereupon You will be in breach of this Agreement and will (without limiting any other remedy available to Us):
 - i. refund the Charges paid in respect of the Supplies; and
 - ii. where required by the Customer, remove the rejected Supply(ies) (and associated materials), at Supplier's cost.

6. TITLE AND RISK TO GOODS

Title to any Supplies being goods, will pass to Us free of encumbrances on payment for them, and risk in them will pass to Us on ~~Our acceptance, or where acceptance is not relevant,~~ on delivery. If We reject any such goods (because they don't comply with the Acceptance Criteria), then risk will remain with Us until You have recollected those goods or We return them to You.

7. FEES & PAYMENT

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- a. The fees (and any agreed expenses) for the Supplies (together, **Charges**) are specified in the Schedule.
- b. The Charges are firm (and not subject to any escalation), and exclusive of GST. All expenses must be pre-approved by Us in writing.
- c. You will invoice the Charges to Us as specified in the Schedule (or if not specified, monthly in arrears). All invoices must comply with the *A New Tax System (Goods and Services Tax Act) 1999* (Cth), and include sufficient detail to enable Us to identify the Supplies concerned, when they were supplied and (if relevant) accepted and the amount payable in respect of each item
- d. We will pay each correctly prepared and issued invoice within 30 days after the end of the month in which it was received by Us.

8. INTELLECTUAL PROPERTY

- a. Each party retains ownership of any of its pre-existing intellectual property (**IP**) rights that it may provide to the other under this Agreement. You grant Us a royalty free, perpetual (unless otherwise specified in the Schedule), non-exclusive licence to use, modify and copy for Our internal business purposes, any such pre-existing IP that You provide to Us as Supplies.
- b. IP rights in any materials You produce for Us (ie, any developed IP) under this Agreement will be owned by Us (and You assign to Us any IP You have in them). We grant You a non-exclusive, non-transferable licence to use those materials to provide the Supplies to Us during the Term.

9. CONFIDENTIALITY & PRIVACY

- a. The terms of this Agreement and all information You obtain in performing this Agreement must be kept confidential by You and may not (without Our prior written consent or as required by law) be used or disclosed by You to third parties except for the purposes of providing the Supplies to Us.
- b. You must:
 - i. comply (to the same extent as We must) with all applicable Privacy Laws when accessing, collecting, storing, using or otherwise handling personal information in connection with this Agreement;
 - ii. not transfer any personal information outside of Australia (or allow it to be accessed from outside Australia) without Our prior written consent;
 - iii. promptly notify Us of any threatened or actual breach of this clause 9.b; and
 - iv. if We request, co-operate with Us to resolve any complaint under any Privacy Law and provide other reasonable assistance required by Us to comply with any applicable Privacy Law.

For the purpose of this clause, **Privacy Law** means the *Privacy Act 1988* (Cth), the *Information Privacy Act 2000* (Vic), the *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth) and the *Health Records Act 2001* (Vic)), and all other laws in Australia which relate to the protection of personal information relevant to You or Us.

- c. You must not make any public announcement relating to this Agreement for any advertising, informational or promotional material without Our prior written consent.

10. INSURANCE

- a. You must maintain the following insurance policies (in valid and enforceable format) with reputable insurers for the Term and for at least 7 years following the termination or expiration of this Agreement:
 - i. a broad form public liability policy of insurance (against liability in respect of personal injury, death and property damage) for not less than [A\$20 million] for each occurrence, or such other amount specified in the Schedule;
 - ii. professional indemnity insurance for not less than [A\$5 million] per claim (or such other amount as specified in the Schedule);

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- iii. product liability insurance with a minimum cover of [A\$10 million] per claim or such other amount specified in the Schedule;
- iv. workers' compensation pursuant to applicable workers' compensation legislation; and
- v. any other insurance which:
 - A. may be appropriate for your business, or relevant to your obligations under this Agreement;
 - B. a reasonable and prudent person engaged in the relevant industry would take out and maintain; or
 - C. are required by applicable law.
- b. Within 10 business days after Our request, You must provide satisfactory evidence (including certificates of currency) that You have effected and/or renewed the insurance policies as required by this clause or that You continue to be a beneficiary under a particular insurance policy meeting those requirements.
- c. You must immediately advise Us if, at any time during the Term, You cease to have the benefit of an insurance policy as required by this clause.
- d. Where You notify Us (or We reasonably suspect) that You cease to have the benefit of any insurance policy as required by this clause, then We may suspend (without liability or other payment) Your provision of the Supplies on notice to You until such a time that You provide Us with appropriate evidence that You are fully compliant with this clause 10.

11. WARRANTIES

- a. Each party warrants that it has the power to enter into, and perform its obligations under, this Agreement.
- b. In fulfilling Your obligations under this Agreement, You warrant and represent that:
 - i. You will:
 - A. perform Your obligations under this Agreement with all due care and skill and in a proper, professional, diligent and skilful manner by appropriately qualified and trained personnel;
 - B. retain sufficient, appropriately qualified and trained personnel to ensure timely performance of your obligations;
 - C. comply with all applicable federal, state laws and local laws, industry codes and standards, including Privacy Laws;
 - ii. the provision of the Supplies by You and the receipt or use by Us of them, will not infringe the rights (which may include the IP rights) of any third party;
 - iii. any tangible Supplies will (A) be new on delivery to Us (unless otherwise agreed in the Schedule), (B) be of merchantable quality and fit for the purposes for which they are ordinarily used, (C) be free from any defects in materials, manufacture and workmanship, (D) conform to any applicable Australian product / service standards, and (E) be free from liens, charges, encumbrances and security interests and no financing statement may be registered or maintained in respect of the Supplies in the Personal Property Securities Register (PPSR); and
 - iv. to the best of Your knowledge, no conflict of interest affecting You (or any of Your employees, agents or subcontractors) exists or is likely to arise in the performance of Your obligations under this Agreement. For the purpose of this clause, "conflict of interest" includes engaging in any activity, or obtaining any interest, likely to conflict with the performance by You of, or to restrict You in performing, Your obligations under this Agreement. You must immediately notify Us in writing of any conflict of interest and comply with any direction given by Us to manage that conflict of interest, which may include a direction by Us that this Agreement will terminate immediately.
- c. You must ensure that We receive the full benefit of all warranties provided by the manufacturer in respect of all Supplies comprising goods.

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12. INDEMNITIES

You agree to defend and indemnify Us against any claim, loss, demand, charge, expense or liability (including reasonable legal costs on a full indemnity basis) made against or incurred by Us as the result of:

- a. any unlawful, negligent or wilfully wrong act or omission by You or Your personnel;
- b. any personal injury, death or property damage, or breach of confidentiality or privacy, arising from or caused by You or Your personnel; or
- c. the provision of the Supplies by You (or Your subcontractors and other personnel) and/or their receipt or use by Us of any Supplies), infringing the rights (which may include the IP rights) of any third party.

13. LIABILITY

- a. This clause does not exclude, restrict or modify the application of any statutory provision where to do so would contravene that statute or cause any part of this clause to be void.
 - b. With the exception of any liability for fraud or wilful misconduct, under clause 9 (Confidentiality & Privacy), under any indemnities or for any breach of law under clause 11.b.i.C:
 - i. neither You or Us will be liable to the other for any consequential or indirect loss; and
 - ii. the liability of each of You or Us for all other loss and damage arising from or connected with a breach of this Agreement is limited in the aggregate to 3 times the total Charges paid and payable (assuming full and proper performance of Your obligations) under this Agreement.

14. RECORDS, AUDIT AND PERFORMANCE MONITORING

- a. You must, during the Term and for 7 years thereafter, maintain full, true, and up-to-date accounts and records relating to this Agreement.
- b. You agree to comply with (as if You were bound to the same extent as Us), co-operate with Us and assist Us to comply with any applicable laws relating to archival, record keeping or freedom of information requirements (including under the *Public Records Act 1973 (Vic)* and the *Freedom of Information Act 1982 (Vic)*).
- c. We may, at Our cost, request that an audit be conducted on Your facilities, premises, systems, records, books and personnel to enable Us to assess whether or not You and the Supplies comply with this Agreement.
- d. You agree to give the auditors full co-operation and access to Your premises and relevant records.

15. VARIATION

We may vary or cancel our order for the Supplies at any time before they are delivered to Us. If this occurs, then (A) You must take all necessary steps to mitigate any losses which You may suffer as a result of the variation / cancellation, and (B) Our liability to You for any variation / cancellation is limited to Your direct and substantiated costs that result from such variation / cancellation (which must not exceed the Charges for the relevant varied / amended Supplies). Alternatively, We may terminate this Agreement in whole or part (and without penalty) in accordance with clause 16 below.

16. TERMINATION

- a. We may terminate this Agreement in whole or part on 30 days' prior written notice to You (without having to show cause), provided that We pay You for any Supplies properly provided before such termination takes effect.
- b. Either party may also terminate this Agreement immediately on notice, if the other:
 - i. breaches this Agreement in a material way and fails to remedy that breach (if it can be remedied) within 30 days after receiving notice of the breach; or
 - ii. becomes insolvent.

17. CONSEQUENCES OF EXPIRY OR TERMINATION

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- a. Upon expiry or termination of this Agreement, You must:
 - i. facilitate reasonable access to, and transfer of, all data, IP rights and assets belonging to Us; and
 - ii. as soon as reasonably practicable, and at Our election, destroy or delete all documents and materials containing Our confidential information which are in Your possession, custody or control.
- b. Clauses 7, 8, 9, 10, 11.b.ii, 11.b.iii(E), 12, 13, 14, this clause 17 and clause 18 will survive termination or expiry of this Agreement.

18. GENERAL

- a. **(Notices)** Any notice from one of us to the other must be in writing, and sent to the recipient's registered business address (or any different address notified previously by the recipient).
- b. **(Waiver)** If a party does not exercise a right at any time in connection with a default under this Agreement, this does not mean that party has waived the right or cannot exercise the right later.
- c. **(Severance)** If a clause of this Agreement is held illegal, void or unenforceable, it will be severed so that the remainder of this Agreement continues to be legal and enforceable.
- d. **(Sub-Contracting)** You must not transfer, assign or sub-contract all or any part of Your rights or obligations under this Agreement without Our prior written consent. You remain responsible to Us for all acts or omissions of Your sub-contractors.
- e. **(Force Majeure)** No party is liable for any failure or delay in performing its obligations under this Agreement to the extent due to anything beyond that party's reasonable control.
- f. **(Governing Law & Jurisdiction)** This Agreement is governed by the laws of Victoria, Australia, and each party submits to the exclusive jurisdiction of the courts of that State and appeal courts from them.
- g. **(Entire Agreement)** This Agreement is the entire agreement between the parties as to its subject matter and supersedes any prior understanding or agreement between them. It may be altered only in writing executed by the parties.
- h. **(Counterparts)** This Agreement may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.
- i. **(Interpretation)** In this Agreement, unless the context otherwise requires: (i) headings are for ease of reference only and do not affect the meaning of this Agreement; (ii) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Agreement or any part of it; (iii) a reference to the word 'including' or 'includes' is to be construed without limitation to the preceding words; (iv) the word "acknowledge" is to be interpreted as "acknowledge and agree"; and (v) a reference to "\$" or "dollar" is to the Australian dollar.

* * * *

If these terms are acceptable to You, please sign and return a copy of this letter to Us.

Yours faithfully,

Name of Signatory]
[Title of Signatory]
Ballarat City Council

MA  V PROCUREMENT

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You agree and accept the terms and conditions as outlined in this Agreement -

Signed By Your
Authorised Representative: _____
Printed Name: _____
Position: _____
Date: _____

SCHEDULE

SERVICE STATEMENT

TERM OF AGREEMENT	
COMMENCEMENT DATE	The date that the last party signs this agreement
LENGTH OF AGREEMENT	Until receipt of final delivery in accordance with the Acceptance Criteria outlined in this Agreement
RENEWAL OPTIONS	N/A

DESCRIPTION OF SERVICES/GOODS

Supply of:

Items	Product Code	Total Qty
StreetLED3 17W with standard PE cell	JLC99A06L17	6,902
StreetLED3 33W (with standard PE cell)	JLB99A15L33 + Z15217	14
Total		6,916

Note – Council reserves the right to adjust the quantity of units sought under this agreement pending confirmation of actual project light numbers. The overall fee shall be reduced accordingly.

SPECIFICATIONS/REQUIREMENTS FOR THE SERVICE/GOODS

Goods to be supplied:

- “installation-ready”, i.e. with all ancillary components (e.g. fixing bolts) pre-installed
- to Council’s nominated site address: *To be confirmed before delivery*
- As per the below delivery schedule:

Delivery Date (week beginning)	Product Type	Total
01/02/2020	No. x StreetLED3 17W (with standard PE cell) No. x StreetLED3 33W (with standard PE cell)	TBC
TBC	TBC	TBC
TBC	TBC	TBC
Total		6,916

- Warranty on Luminaires: 10 years from date of delivery and acceptance to the nominated site.
- Warranty on PE Cells: 5 years from date of delivery and acceptance to the nominated site.
- Warranties are to be transferred from Council to the relevant DNSP upon installation.

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ACCEPTANCE PROCESS AND ADDITIONAL ACCEPTANCE CRITERIA FOR THE SERVICE/GOODS					
Contacts					
The Council Contact is Peter Bate. P: 0417 011 781 E: peterbate@ballarat.vic.gov.au					
The Council Representative is Libby Gleeson - Ironbark Sustainability. P: 0403 249 923 E: libby@realaction.com.au					
<i>The contact at Council's nominated delivery site will be confirmed once an installation contractor is engaged.</i>					
The Supplier Contact is David Hickey. P: 0437 878 530 E: dhickey@sylvania-schreder.com					
Process for acceptance					
As soon as possible after the commencement of this Contract, the Council Contact will notify the Supplier of the following in writing:					
<ul style="list-style-type: none"> (a) the location of Council's nominated delivery site; and (b) the name and contact details of the Contact at Council's nominated delivery site (Delivery Contact). 					
At least seven calendar days before the Delivery Date, the Supplier Contact will notify the Council Contact, Delivery Contact and Council Representative in writing of the date and time for delivery.					
If the Supplier or the Supplier Contact becomes aware of any circumstances which may result in the Supplies not being delivered in accordance with clause 4a of this Contract, the Supplier Contact must:					
<ul style="list-style-type: none"> (a) immediately notify the Council Contact, Delivery Contact and Council Representative in writing; and (b) take all reasonable steps to minimise any loss or damage caused to Council, or for which we may become liable, due to the Supplies not being delivered in accordance with any of the requirements of the Contract. 					
The Supplies are accepted when the Delivery Contact accepts delivery and takes possession of the Supplies.					
FEES AND EXPENSES					
Items	Unit Price (ex GST)	Qty	Total (ex GST)	Total (inc GST)	
StreetLED3 17W with standard PE cell (JLC99A06L17)	\$198	6,902	\$1,366,596.00	\$1,503,255.60	
StreetLED3 33W with standard PE cell (JLB99A15L33 + Z15217)	\$285	14	\$3,990.00	\$4,389.00	
Total		6,916	\$1,370,586.00	\$1,507,644.60	
*Delivery to the nominated site is included within the total price (unloading not included).					

9.12. DRAFT COMMUNITY ENGAGEMENT POLICY

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

PURPOSE

1. To provide Council with a draft version of a new Community Engagement Policy and request that it be placed on public exhibition until 13 January 2021.

BACKGROUND

2. The *Local Government Act 2020* (the Act) requires Council to develop and maintain a Community Engagement Policy. The new policy must be in place by 1 March 2021.
3. Section 55 of the Act empowers councils to decide on the best methods of engagement on anything that has a significant impact on the whole community or a specific community cohort or location.
4. The main provisions to this new power are that Council must apply ‘deliberative’ processes for certain strategic plans including the Community Vision, Council Plan, Financial Plan and Asset Plan. The new requirements will mean significant changes to the style of community engagement undertaken in the development of these strategic documents with much more focus on effective partnering and collaboration with community members.
5. The draft policy builds on the organisation’s current community engagement practice, the Community Engagement Framework adopted in 2019 and recommendations from the Victorian Auditor General on public participation.
6. The draft policy does not apply to statutory processes prescribed in other Acts, such as planning matters covered by the *Planning and Environment Act 1987*, nor does it apply to unplanned interactions with Council such as service requests or complaints.

KEY MATTERS

7. The draft Community Engagement Policy is a formal expression of Council’s commitment to engaging the Ballarat community through the use of appropriate, effective and inclusive practices. The purpose of the draft policy is to:
 - Inform the community about Council’s commitment and approach to community engagement and encourage them to become involved.
 - Recognise diversity within the community and incorporate this into the planning and design of community engagement activities.
 - Enable a consistent, transparent and high-quality approach to the design and delivery of community engagement.

- Provide guidance to Council Officers, Councillors and the community on our engagement principles, methods and available resources.

OFFICER RECOMMENDATION

8. That Council:

8.1 Place the draft Community Engagement Policy on public exhibition until Wednesday 13 January 2021.

ATTACHMENTS

1. Governance Review [9.12.1 - 2 pages]
2. Draft Community Engagement Policy November 2020 [9.12.2 - 8 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The draft Community Engagement Policy is directly linked to the creation of a new Community Vision, Council Plan and Financial Plan by 31 October 2021 and a new Asset Plan by 30 June 2022.

COMMUNITY IMPACT

2. The draft policy seeks to lift Council's overall effectiveness in relation to community engagement. Effective community engagement has many benefits for Councillors, Council Officers, and the groups and individuals that create Ballarat's diverse community. The draft policy aims to ensure that people participate in community engagement in a meaningful way – where they understand how they are informing a decision. This can strengthen the relationship between the community and Council.

FINANCIAL IMPLICATIONS

3. The new *Local Government Act 2020* requires that Council must apply 'deliberative' engagement to certain strategic plans and complex projects. Deliberative engagement is usually more in-depth than some standard consultation methods and as a result, there will be financial implications for project budgets moving forward depending on the size and scope of the initiative.

LEGAL AND RISK CONSIDERATIONS

4. Risk management processes are considered on an individual basis and referred to Council's Governance area where appropriate. The implementation of well-designed community engagement processes seeks to mitigate reputational risks for Council through improving community confidence and satisfaction. There are implications for Council's compliance with the *Local Government Act 2020* if the Community Engagement Policy is not developed and in place by 1 March 2021.

HUMAN RIGHTS CONSIDERATIONS

5. The draft Community Engagement Policy advocates for a multi-faceted approach to engagement to ensure that members of the community are aware of engagement processes and are provided with the opportunity to fulfil their right to freedom of expression.

COMMUNITY CONSULTATION AND ENGAGEMENT

6. The draft policy is a culmination of several strategic pieces of work that were underpinned by engagement. These include the Victorian Auditor General's Audit into public participation, the creation of the 2019 Community Engagement Framework and supporting reference materials, and the first formal review of community engagement practice undertaken across the organisation which was considered by Council in September 2020.

7. It is proposed that the draft policy be placed on public exhibition until 13 January 2021. Whilst acknowledging that it is not an ideal time of year to be engaging community members on the process, an engagement plan has been developed to gain feedback from a broad cross-section of community members.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

8. There are no direct or indirect interests that need to be declared in relation to this report.



COMMUNITY ENGAGEMENT POLICY

1.0 Purpose

The purpose of the Community Engagement Policy is to:

- Inform the community about the City of Ballarat's (Council's) commitment and approach to community engagement and encourage them to become involved.
- Recognise diversity within the community and incorporate this into the planning and design of community engagement activities.
- Enable a consistent, transparent and high-quality approach to the design and delivery of community engagement.
- Provide guidance to Council Officers, Councillors and the community on our engagement principles, methods and available resources.

2.0 Scope

This policy applies to all areas of Council and provides a framework for Councillors, Council Officers and consultants / agencies acting on behalf of Council.

The policy should be implemented in line with Council's Communications and Marketing Plan, which support internal and external engagement through appropriate corporate communication and marketing activities.

3.0 Policy Statement

3.1 Council's Commitment and Policy Objectives

Council has a strong commitment to engage with the community. Council recognises that engagement leads to well-informed decisions at a strategic and operational level, achieves effective and transparent governance, and is fundamental to bold, vibrant and thriving communities.

The Community Engagement Policy has three overarching objectives:

- Deliver engagement opportunities for our community to participate in Council's decision-making process, ensuring outcomes that benefit our community reflect their input.
- Provide a strong foundation for understanding and working with our community – promoting shared responsibility for decisions and trust in the decision-making process.
- Strengthen collaborations, partnerships and new ways to involve and engage the community.

3.2 Our Approach and Principles

Our engagement work is necessarily guided by Victorian Government legislation and we are obliged to follow some processes. These processes often relate to long term and strategic planning and finance, for example the Council budget, developing the community vision, the four-year Council Plan or amending the planning scheme.



Section 56 of the *Local Government Act 2020* outlines a set of five overarching principles that are central to our engagement practice. They broadly outline the need for community engagement to be transparent, accountable, meaningfully informed and representative. The act also outlines the process for developing a Community Vision.

Community engagement enables the public to participate in decisions that impact on their lives. Councillors will make decisions based on legislative requirements, the expert advice of Council Officer and community inputs gathered through formal and informal engagement.

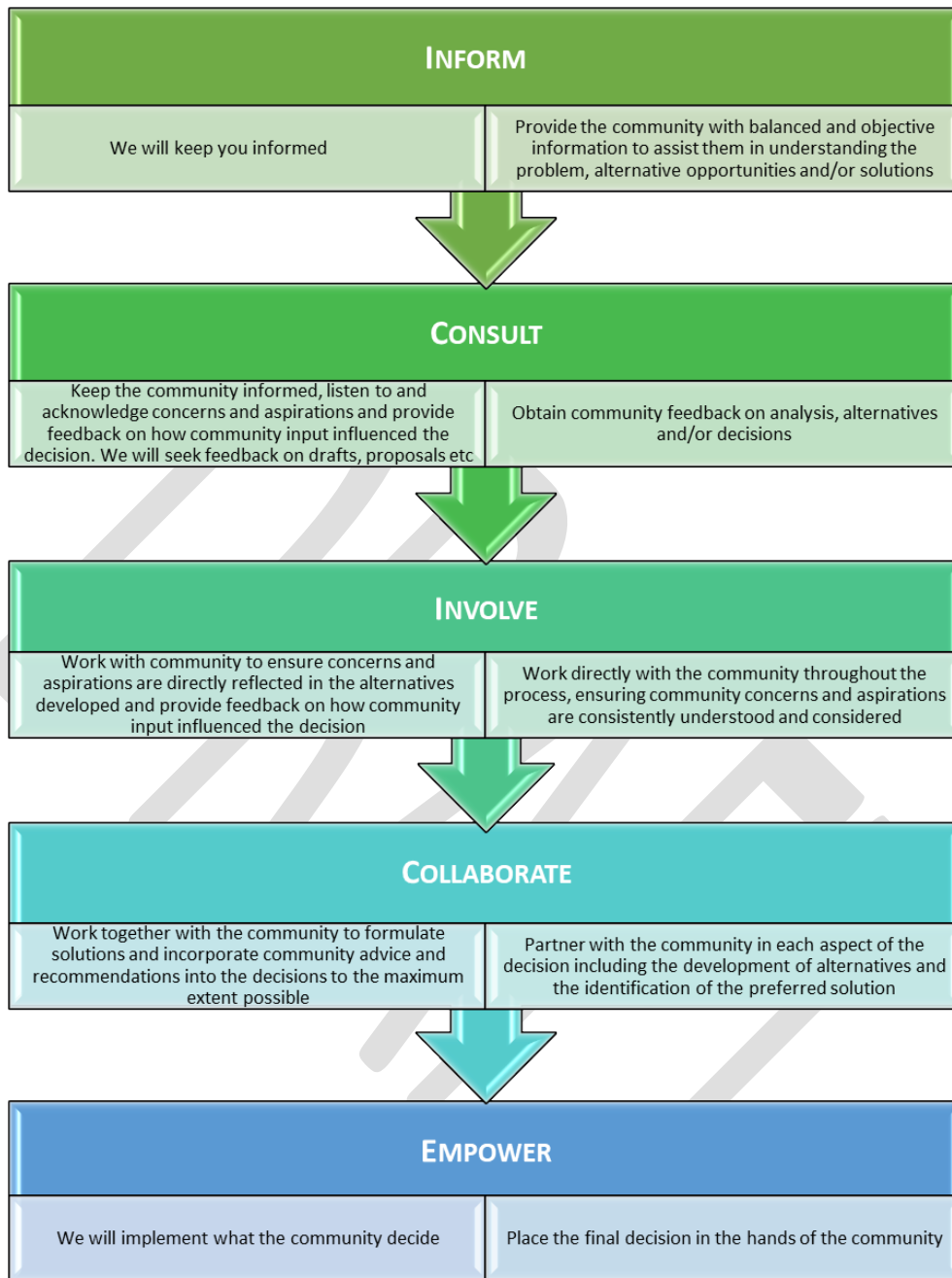
This policy is based on a set of principles. It recognises that engagement is a planned process which should be tailored to circumstances, considering factors such as complexity, community values, sensitivity, timing and opportunity.

To deliver the intent of the principles, we commit to the following actions. We will:

- Enable the community to provide meaningful and relevant input into decision-making.
- Be clear about the objectives of engagement and the opportunities to influence decision-making.
- Be respectful of all community members, Council Officers and Councillors.
- Provide accurate, timely and accessible information.
- Provide engagement opportunities for all community members, including those considered hard-to-reach.
- Provide multiple and varied opportunities for the community to participate in each engagement process.
- To engage community members and stakeholders in the decision-making process.
- Inform the community of the final decision and how their input was considered.
- Review and evaluate the effectiveness of the community engagement.
- Plan, resource and report on our engagement processes appropriately.

3.3 IAP2 Code of Ethics

As members of the International Association of Public Participation (IAP2), City of Ballarat commits to the IAP2 Code of Ethics for community engagement practitioners. Our approach is guided by the IAP2 Spectrum of Engagement which describes five levels of engagement from 'inform' through to 'empower'. It matches the role of the community with the level of influence they should expect. Many projects will have more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others. The following table is the IAP2 Spectrum of Engagement which City of Ballarat uses to guide the design of engagement processes.



3.4 Process & Project Planning

Why? Effective engagement strengthens Council’s decision-making by connecting community and stakeholders to the policies, projects and services that impact their lives. Community engagement has many benefits for Councillors, Council Officers, and the groups and individuals that create Ballarat’s diverse community. A clearly defined engagement process helps to ensure that people participate in a meaningful way – where they understand how they are informing a decision. This can strengthen the relationship and trust between the community and Council.



When? Council engages with its community through day-to-day operations, services provision and planned engagement processes. Council is responsible for determining when to engage and the level of influence community can have in the process. This level of influence may be determined by technical requirements, timeframes and available resources. Instances where Council may only be able to provide feedback on the outcome of a decision-making process include emergency management, public risk issues, internal policy development, response to legislative requirements or time sensitive matters.

Who? Council's projects, policies, service provision and operations intersect in the day-to-day lives of community members and stakeholders across the whole municipality. Engagement should seek to connect with a broad range of community members to create fair and inclusive engagement processes. These include stakeholders such as business and industry, children, emergency services, environmental groups, Indigenous community members, families, people with a disability, older residents, ratepayers, visitors, young people.

How? Successful engagement processes are underpinned by careful planning which clearly define the engagement purpose, identifies who needs to be engaged, and chooses the appropriate activities. Council encourages the development of a structured community engagement plan for each piece of significant engagement work being undertaken.

A Typical Project Engagement Plan:

Project Description
Background
Project Scope
Project Stakeholder Matrix
Confirming Negotiables v Non-Negotiables
Actual Engagement Activities
Key Messages
Communications
Collateral Required

*Whilst Council has a working version of an official community engagement template to assist officers develop up engagement processes, a new online template is being developed and will be available in early 2021.



3.5 Tools and Methods

Different types of engagement suit different decisions according to the level of impact, and level of influence the community will have. Every project or decision will vary according to its context, who it affects and how it impacts them as well as what can be influenced or is achievable.

	Inform	Consult	Involved	Collaborate	Empower
Examples of Council decisions and planning			The Local Government Act requires deliberative engagement practices for: <ul style="list-style-type: none"> • Long Term Community Visions • 4 Year Council Plan • Financial Management Plans, and • Asset Management Plans On long term and significant impact projects like these we use methods to partner with the community		
			High Impact and complex projects for example, major park upgrades, precinct master planning or annual budget planning require extra levels of interaction and often happen over several stages		
		Decisions carrying a lower impact still require community input but less time and resource intensive methods			
		Sometimes options are limited for practical reasons for example work must be carried out we will ask you how and when it should happen			
	Sometimes we may need to inform you of a decision where there is no opportunity for community input. For example, where there are public safety issues that need to be addressed, we are not the decision-making authority, or there is no real options available. In these cases, we will keep you informed				

*Adapted from the City of Yarra Community Engagement Policy Template 2020

The tools and methods used make a big difference to who can participate and how meaningful the feedback is. It is important to note that projects will often use different methods at different stages. For example, consultation may happen early in a process to gather ideas at early stages and then involve, collaborate or empower to finalise priorities, design details or decision details. The following table provide a commentary in relation to the types of methods and tools we employ according to the type of engagement.



The content of actual engagement activities depends on the type of process being designed. They could include:

Inform	Consult	Involve	Collaborate	Empower
Fact sheets Websites Open houses	Public comment Focus groups Surveys Public meetings	Workshops Deliberative polling	Citizen Advisory Committees Consensus building Participatory decision making	Citizen juries Ballots Delegated decisions

3.6 Roles and Responsibilities

Everyone with a relationship with Council has role in the successful implementation of the Community Engagement Policy.

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> • Good level of understanding of the Community Engagement Policy and Resources • Adhere to engagement principles in their day-to-day interactions with community • Respectful of engagement processes, Council Officers, community members and stakeholders
Executive Leadership Team	<ul style="list-style-type: none"> • Good level of understanding of the Community Engagement Policy and Resources • Advocate for the consistent implementation of the Policy • Resource staff to deliver community engagement • Advocate to Councillors about the role of community engagement
Engagement Specialists	<ul style="list-style-type: none"> • High level of understanding of the Community Engagement Policy and Resources • Support Officers to design and deliver community engagement • Identify opportunities to strengthen and improve engagement processes • Lead review and evaluation process with a focus on continuous improvement
Officers	<ul style="list-style-type: none"> • Good level of understanding of the Community Engagement Policy and Resources • Use Policy and Resources to design and deliver engagement processes • Co-ordinate engagement activities across departments and groups • Seek out engagement specialists when requiring support and guidance • Create appropriate and relatable communications on large scale projects that have either a community impact or would generate community interest
Community Members	<ul style="list-style-type: none"> • Respectful of engagement processes Councillors, Officers and other community members and stakeholders • Constructively participate in engagement processes • Share local knowledge, values and expertise
Representative Bodies and Advisory Committees	<ul style="list-style-type: none"> • Bring a representative voice to Council processes • Strengthen relationships between Council and community members • Advocate for minority groups • Encourage and promote community engagement opportunities among networks • Disseminate information among networks

3.7 Evaluation

Council is committed to learn from engagement process. As part of reporting this, Council will produce an annual report of its community engagement activity. In addition to the annual review, a number of Key Result Areas and indicators are to be used when evaluating individual community engagement processes.

KRA	Indicator
Planning, resourcing and structures enable the achievement of engagement objectives	1. The detail of engagement planning was consistent with stakeholder/community expectations 2. The time and budget allocated was consistent with stakeholder/community expectations 3. The internal structures and responsibilities were clarified early in the engagement planning
Timely and clear communication builds trust and increases participation	4. Stakeholders/community were given sufficient time and information to engage in a meaningful way, and at influential stages of the process 5. Outcomes and commitments made to stakeholders/community were recorded and followed through in a timely way 6. The results of the process were communicated back to stakeholders/community.
Diversity of participation ensures balance and enables deep understanding of stakeholder and community perspectives	7. The stakeholders/community engaged was representative of the project impact and risk 8. The engagement process ensured there was equitable opportunity for participation for a diverse range of perspectives to be shared 9. There was transparency of communicating engagement details including goal, negotiables, timelines and events
Influence to the extent promised builds sustainable decisions	10. The influence/input from stakeholders/community matched the level of engagement promised 11. The decision or outcome was considered "sustainable" (economically viable, technically feasible, environmentally consistent and socially acceptable)
Goal orientated engagement builds support and honours the time and resources committed	12. The engagement process enabled practical project outcomes to be achieved 13. Stakeholders/community demonstrate support for the engagement process
Engagement builds learning opportunities for all	14. The process enabled knowledge capture and sharing to improve practice 15. Participation in the engagement process benefited the stakeholders/community involved

Adapted from the City of Melbourne Evaluation Framework (2014)

4 Supporting documents and references

4.1 Legislation

- *Local Government Act 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Public Administration Act 2004*
- *Equal Opportunity Act 2010*
- *Child Safety Act 2015.*

4.2 Associated Documents

- Public Participation in Government Decision Making – Victorian Auditor General's Officer – Better Practice Guide
- IAP2 Quality Assurance Standards – Core Values, Practitioners Code of Ethics and the IAP2 Spectrum of Engagement.

4.3 Definitions

Community Engagement	Community engagement is providing a range of opportunities for a two-way exchange. Community engagement strengthens relationships, shapes decisions and enables us to learn from each other.
Community	A group of people, the members of which reside in the same geographical area or have a shared background, interest, affiliation or membership.
Stakeholder	Any individual or group of people with a specific stake in the outcome of a decision.
Hard-to-reach	Individuals and groups that are more difficult to involve in community engagement and have multiple barriers to engagement.
Communication	Imparting or exchanging information or ideas, utilising a range of channels and activities.
Participation	Participation by communities in activities the help achieve desired outcomes.
Deliberation	An engagement process with a select group of community members. The process focusses on a defined issue, weights up options and provides recommendations to decision-makers.
Partnerships	Occurs when two or more people or organisations work together to realise or achieve a goal.

5 Policy owner

Executive Manager Engaged Communities

6 Authorisation

Adopted by Ballarat City Council on XX.

9.13. CONTRACTS DELEGATED COMMITTEE MINUTES

Division: Corporate Services
Director: Sean Portelli
Author/Position: Lorraine Sendall – Executive Assistant Director Corporate Services

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meetings of this Committee held on 5th August, 2nd September and 9th September 2020, eight contracts and one variation to a contract were approved by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to these Contracts.

BACKGROUND

2. To ensure good governance and transparent decision making, minutes of meetings of the Special committees are presented to Council and kept in accordance with the adopted Terms of Reference and Meeting Procedure Local Law 2018. This report advises that minutes of the Contracts Approval Special Committee (the Committee) are attached to this report for the meeting held on 29 July 2020
3. The Committee has been established to more effectively facilitate Council's Capital Works Program. To that end, the Committee has been established and will meet weekly, as required, in order to provide Council Officers with necessary decisions of Council to enable procurement processes to be completed.

KEY MATTERS

4. Local Content

Contract	Awarded to	Value	Outcomes	Local Content Outcome
2018/19-26	Variation to Contract	\$258,749.94 (excluding GST)	Fernery with the Ballarat Botanical Gardens	No
2020/21-1	Panel	Hourly rates	Panel of Approved Suppliers – Builder Services	Yes
2020/21-33	Pitchcraft Pty Ltd	\$865,684.00 (excluding GST)	Construction of Soccer Pitches, Victoria Park	No

2019/20-565	Enoch Civil Pty Ltd	\$841,429.00 (excluding GST)	Reconstruction of Gracefield Road	Yes
2020/21-30	Pitchcraft Pty Ltd	\$795,877.83 (excluding GST)	Natural Turf Oval at Alfredton Village Green	No
2020/21-13	Butler Excavations Pty Ltd	\$291,058.60	Doodts Road Reconstruction (Walker St to Nerrina Rd)	Yes
2020/21-9	CiQ Construction Management Pty Ltd	\$619,076.00 (excluding GST)	Russell Square Changerooms	Yes
2020/21-24	Fulton Hogan Industries Pty Ltd	\$778,253.74 (excluding GST)	Armstrong St Sth Streetscape Improvement Works	Yes
2019/20-277	Panel	Hourly Rates	Landscaping and Horticultural Services	Yes

OFFICER RECOMMENDATION

5. That Council:

- 5.1 Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.**
- 5.2 Receive the Contracts Approval Delegated Committee minutes of the meeting held on 5 August, 2 September and 9 September 2020.**

ATTACHMENTS

1. Contracts Minutes Wednesday 5 August 2020 [9.13.1 - 4 pages]
2. Contracts Minutes Wednesday 2 September 2020 [9.13.2 - 4 pages]
3. Contracts Minutes Wednesday 9 September 2020 [9.13.3 - 7 pages]



CONTRACTS SPECIAL COMMITTEE

MINUTES

5 August 2020

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS COMMITTEE
OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 5 AUGUST 2020 AT 4:30PM**

**Janet Dore
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Mark Harris
Cr Ben Taylor
Cr Grant Tillett

IN ATTENDANCE

Ms Janet Dore (Chief Executive Officer)
Mr Sean Portelli (Director Business Services)
Mr Darren Sadler (Acting Director Infrastructure and Environment)
Mr Anthony Schreenan (Senior Projects Officer)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 29 July, 2020 as circulated, be confirmed.

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

SECTION 89 MATTERS

RESOLUTION:

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

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

TABLE OF CONTENTS

	PAGE(S)
5.1 CONTRACT VARIATIONS – BALLARAT BOTANIC GARDENS FERNERY – STAGE 1 (RO DARREN SADLER / ANTHONY SCHREENAN)	4

**5.1 CONTRACT 2018/19-26 VARIATIONS
– BALLARAT BOTANIC GARDENS FERNERY – STAGE 1**
(RO – Darren Sadler / Anthony Schreenan)

SUMMARY

This report recommends that the Contracts Special Committee approves three variations to the Contract for the construction of the Fernery within the Ballarat Botanical Gardens.

RESOLUTION

The Contracts Approval Special Committee resolves to:

1. Approve the variations to Contract 2018/19-26:-

- a. Variation 2 \$ 192,529.94 plus GST
- b. Variation 3 \$ 64,900.00 plus GST
- c. Variation 4 \$ 1,320.00 plus GST

for the variation to the total cost of construction of the Fernery within the Ballarat Botanical Gardens of \$258,749.94 plus GST which will now have the total cost at \$1,668,854.94 requiring approval of a further \$268,854.94 budget allocation.

2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.

Moved Cr Grant Tillett
Seconded Cr Mark Harris

CARRIED

RESOLUTION:

That the Contracts Committee resolves to come out of committee and adopt the resolutions made therein.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4.53pm

Confirmed this 2nd day of September, 2020

.....
Cr Mark Harris
Chairperson



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

2 September 2020

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 2 SEPTEMBER 2020 AT 4:30PM**

**Janet Dore
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Mark Harris
Cr Ben Taylor
Cr Grant Tillett

IN ATTENDANCE

Mr Sean Portelli (Director Business Services)
Mr Darren Sadler (Acting Director Infrastructure and Environment)
Mr John McKenna (Facilities Management Contract Coordinator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Ms Janet Dore (Chief Executive Officer)

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 5 August, 2020 as circulated, be confirmed.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

SECTION 89 MATTERS

RESOLUTION:

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

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

TABLE OF CONTENTS

	PAGE(S)
5.1 CONTRACT 2020/21-1 PANEL OF APPROVED SUPPLIERS – BUILDER SERVICES (RO DARREN SADLER / JOHN MCKENNA)	4

5.1 CONTRACT 2020/21-1 PANEL OF APPROVED SUPPLIERS – BUILDER SERVICES
(RO – Darren Sadler / John McKenna)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves a panel of suitably skilled suppliers for building and carpentry services for Council to utilise for minor project work.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

1. Enter into Contract Number 2020/21-1 for the provision of Panel of Approved Suppliers – Builder Services with the following contractors:-
 - CIQ Construction Management;
 - SF & DJ Construction Pty Ltd;
 - Colbrico Pty Ltd t/a Searle Bros Building Contractors;
 - Evo Con Constructions;
 - 4Front Construction t/a/ Fixed Maintenance;
 - Andrew Preston Building Pty Ltd;
 - Masterson Builders Pty Ltd;
 - T & N Williams Pty Ltd t/a/ Tim Williams;
 - Peter F Broadhead Pty Ltd t/a/ PFB Building Services.

2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

RESOLUTION:

That the Contracts Committee resolves to come out of committee and adopt the resolutions made therein.

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4:35pm

Confirmed this 9th day of September, 2020


.....
Cr Mark Harris
Chairperson



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

9 September 2020

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 9 SEPTEMBER 2020 AT 4:41PM**

**Janet Dore
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Mark Harris (Chair)

Cr Ben Taylor

Cr Grant Tillett

IN ATTENDANCE

Ms Janet Dore (Chief Executive Officer)

Mr Sean Portelli (Director Corporate Services)

Mr Darren Sadler (Acting Director Infrastructure and Environment)

Ms Natalie Robertson (Acting Director Development and Growth)

Ms Lorraine Sendall (Minutes)

APOLOGIES

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 2 September, 2020 as circulated, be confirmed.

Moved Cr Grant Tillett

Seconded Cr Ben Taylor

CARRIED

SECTION 89 MATTERS

RESOLUTION:

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

Moved Cr Ben Taylor

Seconded Cr Grant Tillett

CARRIED

TABLE OF CONTENTS

	PAGE(S)
5.1 CONTRACT 2020/21-33 CONSTRUCTION OF SOCCER PITCHES VICTORIA PARK (RO NATALIE ROBERTSON / MARK POWELL)	4
5.2 CONTRACT 2019/20-565 GRACEFIELD ROAD RECONSTRUCTION (RO DARREN SADLER / ROBIN HAND)	4
5.3 CONTRACT 2020/21-30 ALFREDTON VILLAGE GREEN UPGRADE (RO NATALIE ROBERTSON / CAROL BROWN)	5
5.4 CONTRACT 2020/21-13 DOODTS ROAD RECONSTRUCTION (RO DARREN SADLER / ROBIN HAND)	5
5.5 CONTRACT 2020/21-9 RUSSELL SQUARE CHANGE ROOMS (RO NATALIE ROBERTSON / ANGELINE DOOLEY)	6
5.6 CONTRACT 2020/21-24 ARMSTRONG STREET SOUTH - STREETScape IMPROVEMENT WORKS (RO DARREN SADLER / ROBIN HAND)	6
5.7 CONTRACT 2019/20-277 LANDSCAPING AND HORTICULTURAL SERVICES (RO DARREN SADLER / RICHARD NICHOLLS)	7

5.1 CONTRACT 2020/21-33 CONSTRUCTION OF SOCCER PITCHES VICTORIA PARK
(RO – Natalie Robertson / Mark Powell)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the construction of two soccer pitches at Victoria Park.

Nine submissions were received with no submissions being received from local contractors.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract Number 2020/21-33 for the construction of soccer pitches at Victoria Park to Pitchcraft Pty Ltd for the total tendered price of \$865,684.00 (excluding GST).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Grant Tillett
Seconded Cr Mark Harris

CARRIED

5.2 CONTRACT 2019/20-565 GRACEFIELD ROAD RECONSTRUCTION
(RO – Darren Sadler / Robin Hand)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the reconstruction of Gracefield Road, commencing at Gracefield Drive and extending 70 metres past Cypress Road.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract Number 2019/20-565 'Gracefield Road Reconstruction' to Enoch Civil Pty Ltd for the total tendered price of \$841,429.00 (excluding GST).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

5.3 CONTRACT 2020/21-30 ALFREDTON VILLAGE GREEN UPGRADE
(RO – Natalie Robertson / Carol Brown)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the construction of a natural turf oval at the Alfredton Village Green.

Eight submissions were received with no submissions being received from local contractors.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract Number 2020/21-30 for the construction of a natural turf oval at Alfredton Village Green to Pitchcraft Pty Ltd for the total tendered price of \$795,877.83 (excluding GST).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

5.4 CONTRACT 2020/21-13 DOODTS ROAD RECONSTRUCTION
(RO – Darren Sadler / Robin Hand)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the reconstruction of Doodts Road (Walker Street to Nerrina Road).

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract Number 2020/21-13 for the reconstruction of Doodts Road (Walker Street to Nerrina Road) to Butler Excavations Pty Ltd for the total tendered price of \$291,058.60 (excluding GST).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

5.5 CONTRACT 2020/21-9 RUSSELL SQUARE CHANGE ROOMS
(RO – Natalie Robertson / Angeline Dooley)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the construction of changerooms at Russell Square.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

1. Award Contract Number 2020/21-9 for the provision of Russell Square Change Rooms with CiQ Construction Management Pty Ltd for the total tendered price of \$619,076.00 (excluding GST).
2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

5.6 CONTRACT 2020/21-24 ARMSTRONG STREET SOUTH
(RO – Darren Sadler / Robin Hand)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for Streetscape Improvement Works in Armstrong Street South (between Dana and Grant Streets).

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

1. Award Contract Number 2020/21-24 'Armstrong Street South – Streetscape Improvement Works' to Fulton Hogan Industries Pty Ltd for a total tendered price of \$778,253.74 (excluding GST).
2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.

Moved Cr Grant Tillett
Seconded Cr Mark Harris

CARRIED

5.7 CONTRACT 2019/20-277 LANDSCAPE SERVICES
(RO – Darren Sadler / Richard Nicholls)

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a panel of suppliers from suitably qualified companies and/or individuals with the expertise and resources to provide a range of professional services in landscaping and horticultural services.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Enter into Contract Number 2019/20-277 for the provision of Landscaping and Horticultural Services with:**
 - 1. Ballarat Lawns and Gardens**
 - 2. S.H.A.E. Enterprises Pty Ltd**
 - 3. Fulton Hogan Pty Ltd**
 - 4. AMLA Services Pty Ltd**
 - 5. Ballarat Groundworks Pty Ltd**
 - 6. The Landscape Trust t/a Ballarat Landscape Suppliers Pty Ltd**

For a period of three (3) years with provision of two (2) x one (1) years extension subject to annual review of performance at Council's sole discretion.

- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

RESOLUTION:

That the Contracts Committee resolves to come out of committee and adopt the resolutions made therein.

Moved Cr Mark Harris
Seconded Cr Grant Tillett

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4:55pm

Confirmed this 16th day of September, 2020

.....
Cr Mark Harris
Chairperson

9.14. COUNCILLOR REPRESENTATION ON COMMITTEES AND EXTERNAL BODIES 2021

Division: Executive Unit
Director: Janet Dore
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The report is for Council to adopt the Councillor Representation for Committees and External Bodies.

BACKGROUND

2. The report brings forward an extensive list of Delegated Committees, Advisory Committees, Non-advisory Committees, Boards and Organisations with the Councillor representations for 2021.

KEY MATTERS

3. In accordance with section 8.1.2 of the City of Ballarat Governance Rules, Councillors must be appointed to Committees, delegated committees and boards by at least the last Council Meeting of the calendar year.
4. At least two Councillors must be appointed to Delegated Committees in accordance with section 63(1)(a) of the *Local Government Act 2020* (the Act).
5. There is no requirement in the Act to appoint Councillors to Advisory Committees and Community Asset Committees.

OFFICER RECOMMENDATION

6. **That Council:**
 - 6.1 **Endorse the 2021 appointments of Councillor Representation on Committees, Boards, Organisations and Groups as detailed in attachment 2.**
 - 6.2 **Ensure that all the Committees, Board, Organisations and Groups are notified of Council's revised representatives.**

ATTACHMENTS

1. Governance Review [9.14.1 - 1 page]
2. 2021 Boards and Committees [9.14.2 - 5 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

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

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

City of Ballarat – Councillor Representatives

Committees and Boards 2020 to 2021

No	Title	Description	Membership	2020 Councillor Representative/s	2021 Councillor Representative/s	Details relating to Chairperson	Councillor Representative Chairperson	Alternate Councillor Representative
1.0	Community Grant Allocations Delegated Committee	Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>	Total 7 3 Councillors 4 External	Cr Coates Cr Tillett Cr Hudson	Cr Hudson Cr Moloney Cr McIntosh	Councillor appointed by Council	Cr Hudson	
1.1	Contracts Approval Special Committee	Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>	Total 3 3 Councillors	Cr Tillett Cr Taylor Cr Harris	Cr Taylor Cr Moloney Cr Hargreaves	Councillor appointed by Council	Cr Taylor	
1.2	Her Majesty's Theatre Board Special Committee	Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>	Total 12 3 Councillors (only 1 voting) 9 External	Cr McIntosh Cr Moloney Cr Johnson	Cr McIntosh Cr Hargreaves	Councillor appointed by Council	Cr McIntosh	
1.3	Planning Delegated Committee	Delegated Committee in accordance with s63 <i>Local Government Act 2020</i>	All 9 Councillors	All Councillors	All 9 Councillors	Councillor appointed by Council	Cr Moloney	
2.0	Audit and Risk Committee	Audit and Risk Committee in accordance with section 53 <i>Local Government Act 2020</i>	Total 7 3 Councillors 4 External	Mayor of the Day Cr Tillett Cr Coates	Cr Johnson Cr Taylor Cr Harris	Chairperson is appointed from the external members of the Committee	Independent	
3.0	Coghill's Creek / Glendaruel Cemetery	Other Committees Established Under Acts	All Councillors	All Councillors (as Trustees)		Mayor Cr Moloney	Cr Moloney	All Councillors (as Trustees)
3.1	Learmonth Cemetery	Other Committees Established Under Acts	All Councillors	All Councillors (as Trustees)		Mayor Cr Moloney	Cr Moloney	All Councillors (as Trustees)

City of Ballarat – Councillor Representatives

Committees and Boards 2020 to 2021

No	Title	Description	Membership	2020 Councillor Representative/s	2021 Councillor Representative/s	Details relating to Chairperson	Councillor Representative Chairperson	Alternate Councillor Representative
4.0	Ballarat Airport/ Aerodrome Advisory Committee	Advisory Committee	Total 9 3 Councillors 6 External	Cr McIntosh Cr Tillett Cr Moloney	Cr Eddy Cr McIntosh Cr Moloney	Councillor appointed by Council	Cr Moloney Cr Eddy	
4.1	Ballarat Friends of Ainaro Community Advisory Committee	Advisory Committee	Total 4 1 Councillor 3 External	Cr Coates	Cr Eddy Cr Hudson	Chairperson elected by the Committee	Cr Eddy	
4.2	Ballarat Heritage Advisory Committee	Advisory Committee	Total 18 2 Councillors 16 External	Cr McIntosh Cr Moloney	Cr McIntosh	Council to appoint or Committee to appoint if Council fails to do so	Cr McIntosh	Cr Moloney
4.3	Ballarat Municipal Observatory Advisory Committee	Advisory Committee	Total 4 1 Councillor 2 External 1 Officer (non-voting)	Cr Harris	Cr Hargreaves Cr Harris	Council to appoint or Committee to appoint if Council fails to do so	Cr Harris	
4.4	Ballarat Regional Soccer Facility Advisory Committee	Advisory Committee	Total 8 2 Councillors 6 External	Cr Hudson Cr Taylor	Cr Hudson	Council to appoint or Committee to appoint if Council fails to do so	Cr Hudson	
4.5	CEO Performance Review Advisory Committee	Advisory Committee	Total 5 5 Councillors but may include all 9 Councillors	All Councillors	All Councillors	Mayor of the Day	Cr Moloney	
4.6	Child Friendly Ballarat Advisory Committee	Advisory Committee	Total (unknown) 1 Councillor	Cr McIntosh	Cr Johnson	Councillor appointed by Council	Cr Johnson	
4.7	Community Safety Advisory Committee	Advisory Committee	Total 1 1 Councillor	Cr Coates Cr Hudson Cr Johnson	Cr Hudson Cr Coates	Chairperson elected by the Committee		
4.8	Disability Advisory Committee	Advisory Committee	Total 13 1 Councillor 12 External	Cr Coates	Cr Johnson	Council to appoint or Committee to appoint if Council fails to do so	Cr Johnson	
4.9	Intercultural Advisory Committee	Advisory Committee	Total 13 At least 1 Councillor	Cr Coates	Cr Coates Cr Johnson	Council to select chairperson from Councillors	Cr Coates	

City of Ballarat – Councillor Representatives

Committees and Boards 2020 to 2021

No	Title	Description	Membership	2020 Councillor Representative/s	2021 Councillor Representative/s	Details relating to Chairperson	Councillor Representative Chairperson	Alternate Councillor Representative
4.10	Koorie Engagement Action Group Advisory Committee	Advisory Committee	Total 10 1 Councillor 9 External	Cr Coates	Cr Coates Cr Hargreaves Cr Moloney	Councillor is co-chair of Committee	Cr Coates	
4.11	Lake Learmonth Advisory Committee	Advisory Committee		Cr Tillett	Cr Eddy	Council to appoint or Committee to appoint if Council fails to do so	Cr Eddy	
4.12	Lake Wendouree & Gardens Advisory Committee	Advisory Committee	Total 3 3 Councillors	Mayor of the Day - (Cr Taylor) Cr Moloney Cr McIntosh	Cr Moloney Cr McIntosh	Council to appoint or Committee to appoint if Council fails to do so	Cr McIntosh	
4.13	Tourism Events Stakeholder Reference Group	Stakeholder Reference Group	Total 8 2 Councillors 6 External	Mayor of the Day Cr Moloney	Cr Eddy Cr Moloney	Chairperson elected by the Committee		
4.14	Ballarat Major Events Precinct Stakeholder Reference Group	Stakeholder Reference Group	Total 12 2 Councillors 10 External	Mayor of the Day Cr Hudson	Cr Eddy Mayor	Chairperson elected by the Committee		
5.0	Sebastopol RSL Hall Community Asset Committee	Advisory Committee	Total 5 members 1 Councillor 4 External	Cr Hudson	Cr Hudson	Chairperson is appointed from the members of the Committee		
6.0	Active Transport Working Group	Non-Advisory Committee		Cr Coates Cr Moloney	Cr Coates Cr Taylor			
6.1	Arch of Victory/Avenue of Honour Advisory Committee	Groups and Organisations	Total 16 Mayor ex officio 2 Ward Councillors	Cr Harris Cr Moloney	Cr Moloney Cr McIntosh			
6.2	Art Gallery of Ballarat Board	Groups and Organisations		Cr Harris	Cr Harris			

City of Ballarat – Councillor Representatives

Committees and Boards 2020 to 2021

No	Title	Description	Membership	2020 Councillor Representative/s	2021 Councillor Representative/s	Details relating to Chairperson	Councillor Representative Chairperson	Alternate Councillor Representative
6.3	Australian Local Government Women's Association (ALGWA)	Groups and Organisations	Membership organisation	Cr Coates Cr Johnson Cr McIntosh	Cr Coates Cr Hargreaves Cr Johnson Cr McIntosh			
6.4	Central Highlands Councils Victoria	Groups and Organisations	Total 16 Mayors and CEOs of the 8 members Councils	Mayor of the Day - (Cr Taylor)	Mayor	CHCV to appoint Chair from Mayors of the 8 member Councils		
6.5	Central Victorian Greenhouse Alliance	Groups and Organisations		Cr Coates	Cr Coates			
6.6	Commerce Ballarat	Groups and Organisations		Cr Rinaldi	Cr Hargreaves			
6.7	Committee for Ballarat	Groups and Organisations		Mayor of the Day - (Cr Taylor)	Mayor			
6.8	Grampians Central West Waste & Resource Recovery Group	Groups and Organisations		Cr Tillett	Cr Taylor			
6.9	Local Learning Education Network	Groups and Organisations		Cr Coates	Cr Eddy			
6.10	Municipal Association of Victoria (MAV)	Groups and Organisations		Cr Johnson	Cr Johnson			Cr Coates
6.11	MAV Rural South-Central Region Group	Groups and Organisations		Cr Johnson	Cr Johnson			Cr Coates
6.12	Regional Cities Victoria	Groups and Organisations	Total 20 Mayors and CEOs of the 10 member Councils	Mayor of the Day - (Cr Taylor)	Mayor	Chair elected from the Mayors of the 10 member Councils		

City of Ballarat – Councillor Representatives

Committees and Boards 2020 to 2021

No	Title	Description	Membership	2020 Councillor Representative/s	2021 Councillor Representative/s	Details relating to Chairperson	Councillor Representative Chairperson	Alternate Councillor Representative
6.13	Regional Capitals Australia (Board)	Groups and Organisations	Total 16 Mayors and CEOs of 8 Regional Capitals representing states and territories	Mayor of the Day - (Cr Taylor) <i>(note subject to no other Victorian Regional City nominating)</i>	Mayor	Chair and Deputy Chair elected from the Mayors of the 8 Regional Capitals		
6.16	World League of Historical Cities (Board)	International Organisation	Total 8 1 City of Ballarat representative	Cr McIntosh	Mayor	Chair is Mayor of Kyoto Daisaku Kadokawa	Cr Moloney	
6.18	Municipal Emergency Management Planning Committee	Other Committees Established Under Acts	This Committee will be disbanded on 1 December 2020 to align with changes to the <i>Emergency Management Legislation Amendment Act 2018</i>					
6.19	Municipal Fire Management Planning Committee	Other Committees Established Under Acts	1 Councillor	Cr Tillett	Cr Taylor			
6.20	Regional Sustainability Alliance	Groups and Organisations	1 Councillor	Cr Coates	Cr Coates			

9.15. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Executive Unit
Director: Janet Dore
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

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

BACKGROUND

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

KEY MATTERS

5. The position title Growth Areas Facilitation Officer (GAFO) has changed to Development Contributions Accountant (DCA) which has been updated in the Instrument of Delegation at Attachment 2.

OFFICER RECOMMENDATION

That Council:

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

accordance with any guidelines or policies of Council that may from time to time adopt.

ATTACHMENTS

1. Governance Review [**9.15.1** - 1 page]
2. S6 Instrument of Delegation - Members of Staff [**9.15.2** - 128 pages]

EVALUATION**ATTACHMENT 1****ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

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

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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



Ballarat City Council

Instrument of Delegation

S6 Instrument of Delegation - Members of Staff



Instrument of Delegation

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

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

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

Title	Position
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
AOSTP	Administration Officer Statutory Planning
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



Title	Position
CRM	Coordinator Road Maintenance
CSS	Construction Site Supervisor
CSTP	Coordinator Statutory Planning
CSTPO	Coordinator Statutory Planning Operations
DCA	Development Contributions Accountant
DCS	Director Corporate Services
DDG	Director Development and Growth
DIE	Director Infrastructure and Environment
EHO	Environmental Health Officer
EMDF	Executive Manager Development Facilitation
EMEG	Executive Manager Economic Growth
EMGR	Executive Manager Governance and Risk
EMI	Executive Manager Infrastructure
EMO	Executive Manager Operations
EMPSFM	Executive Manager Property Services and Facilities Management
EMRS	Executive Manager Regulatory Services
HSO	Health Services Officer
LLEO	Local Laws Events Officer
MBS	Municipal Building Surveyor
MED	Manager Economic Development



Title	Position
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
SSP	Senior Strategic Planner
SSTP	Senior Statutory Planner



Title	Position
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
TLSR	Team Leader Sealed Roads
TLUR	Team Leader Unsealed Roads
TOBS	Technical Officer Building Services
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;

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

(a) policy; or

(b) strategy

adopted by Council;

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

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

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

..... Mayor/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
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CPG, DIE, EMO, 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, EMO, 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, EMO, 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, EMO, EMPSFM	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, DIE, EMO, EMPSFM	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	CPG, DIE, EMO, EMPSFM	
s 15(4)	Duty to keep records of delegations	AOSC, CRC, DCS, EMGR, SCO	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, 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, EMO, EMPSFM	
s 19	Power to carry out or permit the carrying out of works	CPG, DIE, EMO, EMPSFM	
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, DIE, EMO, EMPSFM	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, DIE, EMO, EMPSFM	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CPG, DIE, EMO, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CPG, DIE, EMO, 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, EMO, 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, EMO, EMPSFM	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CPG, DIE, EMO, 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	DCS	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CPG, DIE, EMO, EMPSFM	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, DIE, EMO, EMPSFM	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DIE, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60(2)	Power to charge fees for providing information	DCS	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, DIE, EMO, EMPSFM	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, DIE, EMO, 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, EMO, 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, EMO, EMPSFM	
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, DIE, EMO, EMPSFM	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CPG, DIE, EMO, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, DIE, EMO, EMPSFM	
s 72(2)	Duty to comply with request received under s 72	CPG, DIE, EMO, EMPSFM	
s 73(1)	Power to grant a right of interment	CPG, DIE, EMO, EMPSFM	
s 73(2)	Power to impose conditions on the right of interment	CPG, DIE, EMO, EMPSFM	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, DIE, EMO, EMPSFM	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CPG, DIE, EMO, 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, EMO, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 80(2)	Function of recording transfer of right of interment	CPG, DIE, EMO, EMPSFM	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCS	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CPG, DIE, EMO, EMPSFM	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, DIE, EMO, EMPSFM	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CPG, DIE, EMO, 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, EMO, 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;	DIE, EMPSFM	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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.		
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DIE, EMPSFM	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DIE, EMPSFM	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DIE, EMPSFM	
s.86(5)	duty to provide notification before taking action under s.86(4)	DIE, EMPSFM	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DIE, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, 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, DCS, DIE, EMO, EMPSFM	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, DIE, EMO, EMPSFM	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, DIE, EMO, EMPSFM	
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, EMO, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, EMPSFM	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, DIE, EMO, 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, EMO, 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, EMO, EMPSFM	
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, DIE, EMO, 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, EMO, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, DIE, EMO, 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, EMO, EMPSFM	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, DIE, EMO, 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, EMO, 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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 108	Power to recover costs and expenses	CPG, DIE, EMO, EMPSFM	
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, EMO, 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, EMO, 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, EMO, 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	DCS	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, EMPSFM	
s 112	Power to sell and supply memorials	CPG, DIE, EMO, EMPSFM	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CPG, DIE, EMO, EMPSFM	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CPG, DIE, EMO, EMPSFM	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CPG, DIE, EMO, 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, EMO, EMPSFM	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CPG, DIE, EMO, EMPSFM	



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



Domestic Animals Act 1994			
Provision	Powers and Functions 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 Council authorised officer

Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CEH, CSTP, CSTPO, DDG, EHO, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP, TLEH, TOEH	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CEH, CSTP, CSTPO, DDG, EHO, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP, TLEH, TOEH	



Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CEH, 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, DDG, 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, EHO, TLEH, TOEH	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEH, DDG, 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, DDG, 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	CEH, DDG, EHO, TLEH	If s 19(1) applies Only in relation to temporary food premises or mobile food premises



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process		
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDG	If s 19(1) applies
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, DDG, 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



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19CB(4)(b)	Power to request copy of records	CEH, DDG, EHO, TLEH	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEH, DDG, 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, DDG, 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, TOBS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH, DDG, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEH, DDG, 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
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, DDG, 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, TLRATS, TOBS	Where Council is the registration authority



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, TLRATS, TOBS	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, DDG, EHO, TLEH	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEH, DDG, EHO, TLEH	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEH, DDG, 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, DDG, 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, DDG, EHO, TLEH	Where Council is the registration authority



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, TOBS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEH, DDG, 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, DDG, EHO, TLEH	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEH, DDG, EHO, TLEH	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CEH, DDG, EHO, TLEH	Where Council is the registration authority Only if satisfied of 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, DDG, EHO, TLEH	



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEH, DDG, TLEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH, DDG, 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, DDG, 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, DDG, EHO, TLEH	Where Council is the registration authority



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

Local Government Act 1989			
Provision	Powers and Functions 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	DDG, EMDF	
s 185L(4)	Power to declare and levy a cladding rectification charge	Not Delegated	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSTP, CSTPO, DDG, EMDF,	If authorised by the Minister



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMEG, MSP, MSTP, PSTP	
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CSTP, CSTPO, DDG, EMDF,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMEG, MSP, MSTP, PSTP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 8A(5)	Function of receiving notice of the Minister's decision	CSTP, CSTPO, DDG, EMDF, EMEG, 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, CSTPO, DDG, EMDF, EMEG, 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, CSTPO, DDG, 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, CSTPO, DDG, EMDF,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, CSTPO, DDG, EMDF, MSP, MSTP, PSTP	
s 12B(1)	Duty to review planning scheme	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CSTP, CSTPO, DDG, EMDF,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMEG, MSP, MSTP, PSTP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 17(2)	Duty of giving copy s 173 agreement	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 18	Duty to make amendment etc. available	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PPSP, PSTP, SP, SPAO, SSP	
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, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	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, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 21(2)	Duty to make submissions available	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SP, SPAO, SSP	
s 21A(4)	Duty to publish notice	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 22	Duty to consider all submissions	CSTP, CSTPO, DDG, EMDF, EMEG, EMO, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSTP, CSTPO, DDG, EMDF, EMEG, MSP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP	
s 26(1)	Power to make report available for inspection	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 26(2)	Duty to keep report of panel available for inspection	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP	
s 28	Duty to notify the Minister if abandoning an amendment	CSTP, CSTPO, DDG, EMDF, EMEG, 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, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 30(4)(b)	Duty to provide information in writing upon request	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 32(2)	Duty to give more notice if required	CSTP, CSTPO, DDG, EMDF,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP	
s 33(1)	Duty to give more notice of changes to an amendment	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP	
s 36(2)	Duty to give notice of approval of amendment	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 38(5)	Duty to give notice of revocation of an amendment	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP	
s 40(1)	Function of lodging copy of approved amendment	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 41	Duty to make approved amendment available	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
s 42	Duty to make copy of planning scheme available	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SSP, 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 is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	DDG, EMDF, EMEG	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DDG, EMDF, EMEG	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, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	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	CSTP, CSTPO, DDG, EMDF, EMEG, MSP,	Where Council is a responsible public entity



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	entity when performing a function or duty or exercising a power in relation to the declared area	MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
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	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDG, EMDF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDG, EMDF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	AOGAF, CGAF, DCA, DDG, EMDF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDG, EMDF	
s 46GP	Function of receiving a notice under s 46GO	DDG, EMDF	Where Council is the collecting agency



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DCA, DDG, EMDF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	AOGAF, CGAF, DCA, DDG, EMDF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDG, EMDF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DDG, EMDF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DDG, EMDF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DDG, EMDF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DCA, DDG, EMDF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	AOGAF, CGAF, DCA, DDG, EMDF	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	AOGAF, CGAF, DCA, DDG, EMDF	
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	DCS, DDG, EMDF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDG, EMDF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDG, EMDF	Where Council is the development agency



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDG, EMDF	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DDG, EMDF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DDG, EMDF	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	AOGAF, CGAF, DCA, DDG, EMDF	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DDG, EMDF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the collecting agency



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	AOGAF, CGAF, CSTP, CSTPO, DCA, DCS, DDG, EMDF, MSTP, PSTP	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
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
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, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	AOGAF, CGAF, DCA, DDG, EMDF	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	AOGAF, CGAF, CSTP, CSTPO, DCA, DCS, DDG, EMDF, 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, DCA, DCS, DDG, EMDF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	AOGAF, CGAF, CSTP, CSTPO, DCA, DCS, DDG, EMDF, MSTP, PSTP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DCA, DDG, EMDF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	AOGAF, CGAF, DCA, DDG, EMDF	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, CSTPO, DCA, DCS, DDG, EMDF, MSTP, PSTP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	AOGAF, CGAF, DCA, DDG, EMDF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	AOGAF, CGAF, DCA, DCS, DDG, EMDF	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	AOGAF, CGAF, DCA, DCS, DDG, EMDF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	AOGAF, CGAF, CSTP, CSTPO, DCA, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	AOGAF, CGAF, CSTP, CSTPO, DCA, DDG,	



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	AOGAF, CGAF, CSTP, CSTPO, DCA, DDG, EMDF, MSTP, PSTP	
s 46Q(1)	Duty to keep proper accounts of levies paid	AOGAF, CGAF, CSTP, CSTPO, DCA, DCS, DDG, EMDF, 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, CSTPO, DCA, DCS, DDG, EMDF, 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, CSTPO, DCA, DDG, EMDF, 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, CSTPO, DCA, DCS,	Only applies when levy is paid to Council as a 'development agency'



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, MSTP, PSTP	
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, CSTPO, DCA, DCS, DDG, EMDF, 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, CSTPO, DDG, 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, CSTPO, DCA, DDG, EMDF, 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, CSTPO, DCA, DCS, DDG, EMDF, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QD	Duty to prepare report and give a report to the Minister	CGAF, DCA, DDG, EMDF	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, CSTP, CSTPO, DDG, EMDF, MSTP, POC, PSTP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 49(2)	Duty to make register available for inspection	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 50(5)	Power to refuse to amend application	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 50(6)	Duty to make note of amendment to application in register	AOSC, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SCO, SO, STP, TSODF	
s 50A(1)	Power to make amendment to application	CSTP, CSTPO, DDG, EMDF, EMEG, MSTP, PMUR, PPSP, PSTP, SAO, SO, SP, SPAO, SSP, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SO, SP, SPAO, SSP, SSTP, STP, TSODF	
s 50A(4)	Duty to note amendment to application in register	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 51	Duty to make copy of application available for inspection	CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, STP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO,	



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, STP, TSODF	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 54(1)	Power to require the applicant to provide more information	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSTP, CSTPO, DDG, EMDF, MSTP, PMUR, PPSP, PSTP, SO, SSTP, STP, TSODF	
s 54(1B)	Duty to specify the lapse date for an application	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, STP, TSODF	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSTP, CSTPO, DDG, 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)	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 57(5)	Duty to make available for inspection copy of all objections	AOSTP, CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 57A(5)	Power to refuse to amend application	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57A(6)	Duty to note amendments to application in register	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57B(1)	Duty to determine whether and to whom notice should be given	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 57C(1)	Duty to give copy of amended application to referral authority	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 58	Duty to consider every application for a permit	AOSTP, CSTP, CSTPO, DDG,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 58A	Power to request advice from the Planning Application Committee	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 60	Duty to consider certain matters	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 60(1A)	Duty to consider certain matters	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSTP, DDG, EMDF, MSTP, PSTP, SSTP, STP	
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, CSTPO, DDG, EMDF, MSTP, PSTP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SO, SSTP, STP, TSODF	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(2)	Power to include other conditions	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	AOSTP, CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SO, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CSTPO, DDG, 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, CSTPO, DDG, 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, CSTPO, DDG, 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, CSTPO, DDG, 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)	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	This provision applies also to a decision to grant an amendment to a permit - see s 75A



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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 included on the permit



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 69(1A)	Function of receiving application for extension of time to complete development	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 69(2)	Power to extend time	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make copy permit available for inspection	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SO, SSTP, STP, TSODF	
s 71(1)	Power to correct certain mistakes	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 71(2)	Duty to note corrections in register	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 73	Power to decide to grant amendment subject to conditions	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 74	Duty to issue amended permit to applicant if no objectors	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, 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	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SSTP, STP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	AOSTP, CSTP, CSTPO, DDG, 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(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	AOSTP, CSTP, CSTPO, DDG, 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 recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	AOSTP, CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 83	Function of being respondent to an appeal	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 83B	Duty to give or publish notice of application for review	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP,	



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



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 93(2)	Duty to give notice of VCAT order to stop development	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 95(3)	Function of referring certain applications to the Minister	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 95(4)	Duty to comply with an order or direction	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSTP, CSTPO, DDG, 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, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96H(3)	Power to give notice in compliance with Minister's direction	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 96J	Power to issue permit as directed by the Minister	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, POC, PSTP	
s 97C	Power to request Minister to decide the application	DDG, EMDF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 97Q(4)	Duty to comply with directions of VCAT	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SSTP, STP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 101	Function of receiving claim for expenses in conjunction with claim	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 103	Power to reject a claim for compensation in certain circumstances	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s.107(1)	function of receiving claim for compensation	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 107(3)	Power to agree to extend time for making claim	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 114(1)	Power to apply to the VCAT for an enforcement order	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CSTP, CSTPO, DCS, DDG, EMDF, MSTP, PSTP	Except Crown Land
s 129	Function of recovering penalties	CSTP, CSTPO, DCS, DDG, EMDF, MSTP, PSTP	
s 130(5)	Power to allow person served with an infringement notice further time	CCPE, CSTP, CSTPO, DCS, DDG, EMDF, EMRS, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1)	Power to refer a matter to the VCAT for determination	CSTP, CSTPO, DDG, 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	CCPE, CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 171(2)(g)	Power to grant and reserve easements	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, STP	



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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, CSTPO, DCS, DDG, EMDF, MSP, 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, CSTPO, DDG, 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, CSTPO, DCS, DDG, EMDF, MSTP, PSTP	
s 178A(1)	Function of receiving application to amend or end an agreement	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SPAO, SSP, SSTP, STP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 178A(5)	Power to propose to amend or end an agreement	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CSTP, CSTPO, DDG, EMDF, MSP, MSTP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP,	If no objections are made under s 178D



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SP, SSP, SSTP, STP	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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP,	After considering objections, submissions and matters in s 178B



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SP, SSP, SSTP, STP	
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSTP, CSTPO, DDG, EMDF, MSP, MSTP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PMUR, PPSP, PSTP, SP, SPAO, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CSTP, CSTPO, DDG, EMDF, EMPSFM, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 179(2)	Duty to make available for inspection copy agreement	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
s 182	Power to enforce an agreement	CSTP, CSTPO, DDG, EMDF,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMRS, MSTP, PSTP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CSTP, CSTPO, DDG, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, 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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SPAO, SSP, SSTP, STP	
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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	
s 184G(2)	Duty to comply with a direction of the Tribunal	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	
s 184G(3)	Duty to give notice as directed by the Tribunal	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 198(1)	Function to receive application for planning certificate	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SAO, SSTP, STP	
s 199(1)	Duty to give planning certificate to applicant	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SPAO, SSTP, STP	
s 201(1)	Function of receiving application for declaration of underlying zoning	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SSTP, STP	
s 201(3)	Duty to make declaration	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP	
	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, CSTPO, DDG, EMDF, MSP, MSTP, PMUR, PPSP, PSTP, SP, SSP, SSTP, STP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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, CSTPO, DDG, EMDF, EMEG, 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, CSTPO, DDG, EMDF, MSTP, PSTP	
	Power to give written authorisation in accordance with a provision of a planning scheme	CSTP, CSTPO, DDG, MSTP, PSTP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDG, EMEG, MSP, PMUR, PPSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDG, EMEG, MSP, PMUR, PPSP	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	DIE, EMPSFM	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	DIE, EMPSFM	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	DIE, EMPSFM	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	DIE, EMPSFM	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO,	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		TLEH, TLRATS, TOBS, TOEH	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CEH, EMRS, TLEH	
s 142G(2)	Power to enter certain information in the Rooming House Register	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, TOBS, 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, TOBS, TOEH	
s 206AZA(2)	Function of receiving written notification	DIE, EMPSFM	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	DIE, EMPSFM	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 311A(2)	Function of receiving written notification	DIE, EMPSFM	
s 317ZDA(2)	Function of receiving written notification	DIE, 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, EMGR, SCO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CBS, CEH, EHO, EMPSFM, EMRS, MBS, TLEH, TOEH	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DDG, EHO, EMPSFM, EMRS, MBS, TLEH, TOEH	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DDG, DIE, EMDF, EMI, EMO	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DDG, DIE, EMDF, EMI, EMO	
s 11(9)(b)	Duty to advise Registrar	DDG, DIE, EMDF, EMI, EMO	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DDG, DIE, EMDF, EMI, EMO	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DDG, DIE, EMDF, EMI, EMO	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	DDG, DIE, EMDF, EMI, EMO	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	DDG, DIE, EMDF, EMI, EMO	Function of coordinating road authority where it is the discontinuing 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	DDG, DIE, EMDF, EMI, EMO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(10)	Duty to notify of decision made	DDG, DIE, EMDF, EMI, EMO	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	DDG, DIE, EMDF, EMI, EMO	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CIT, DDG, DIE, EMDF, EMI, EMO	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CAM, CIT, DDG, DIE, EMDF, EMI, EMO	
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, DDG, DIE, EMDF, EMI, EMO	
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, DDG, DIE, EMDF, EMI	
s 15(2)	Duty to include details of arrangement in public roads register	CAM, DDG, DIE, EMDF, EMI	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	CAM, DDG, DIE, EMDF, EMI	
s 16(8)	Duty to enter details of determination in public roads register	CAM, DDG, DIE, EMDF, EMI	
s 17(2)	Duty to register public road in public roads register	CAM, DDG, 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, DDG, 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, DDG, 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, DDG, 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, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAM, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to record designation in public roads register	CAM, DDG, 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, DDG, DIE, EMDF, EMI	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAM, DDG, DIE, EMDF, EMI	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAM, DDG, DIE, EMDF, EMI	
s 21	Function of replying to request for information or advice	CAM, DDG, DIE, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAM, DDG, 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.	DIE, EMO	
s 22(5)	Duty to give effect to a direction under s 22	DIE, EMO	
s 40(1)	Duty to inspect, maintain and repair a public road.	CRM, DDG, DIE, EMDF, EMI,	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMO, RMCS, RMS, TLPD, TLRS, TLSR, TLUR	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRS, TLSR, TLUR	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CAM, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, SASU, TLPD, TLRS, TLSR, TLUR	
s 42(1)	Power to declare a public road as a controlled access road	CAM, DDG, 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, DDG, DIE, EMDF, EMI	Power of coordinating road authority and sch 2 also applies



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 42A(3)	Duty to consult with VicRoads before road is specified	CAM, DDG, DIE, EMDF, EMI, EMO	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, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DDG, DIE, EMDF, EMI, EMO	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	DDG, DIE, EMDF, EMI, EMO	
s 49	Power to develop and publish a road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 54(6)	Power to amend road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
s 63(1)	Power to consent to conduct of works on road	CAM, CRM, EMI, EMO, RMCS,	Where Council is the coordinating road authority



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		RMS, SASU, TLPD, TLRs, TLRs, TLUR	
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, TLRs, TLUR	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CAM, DDG, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CAM, DDG, 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, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 67(3)	Power to request information	CAM, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 68(2)	Power to request information	CAM, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(3)	Power to appoint an authorised officer	CAM, CID, CIT, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, SASU, TLPD, TLPSE, TLRs, TLSR, TLUR	
s 72	Duty to issue an identity card to each authorised officer	AOSC, CRC, DCS, EMGR, SCO	
s 85	Function of receiving report from authorised officer	DDG, DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DDG, DIE, EMDF, EMI	
s 87(1)	Function of receiving complaints	CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLSR, TLUR	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	CRM, DCS, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLSR, TLUR	
s 112(2)	Power to recover damages in court	DDG, DIE, EMDF, EMI, EMO	
s 116	Power to cause or carry out inspection	CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLSR, TLUR	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DDG, DIE, EMDF, EMI, EMO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CAM, DDG, DIE, EMDF, EMI, EMO, SASU	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CAM, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, SASU, TLPD, TLRs, TLRs, TLUR	
s 121(1)	Power to enter into an agreement in respect of works	CAM, DDG, DIE, EMDF, EMI, EMO	
s 122(1)	Power to charge and recover fees	CAM, DDG, DIE, EMDF, EMI, EMO	
s 123(1)	Power to charge for any service	CRM, DCS, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLRs, TLUR	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CAM, DDG, DIE, EMDF, EMI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not Delegated	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 the Head, Transport for Victoria	CAM, DDG, DIE, EMDF, EMI	
sch 2 cl 5	Duty to publish notice of declaration	CAM, DDG, 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, DDG, 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, DDG, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CAM, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLSR, TLUR	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, DDG, 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, DDG, 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, DDG, 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, DDG, 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, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, SASU, TLPD, TLRs, TLSR, TLUR	Where Council is the coordinating road authority



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(5)	Power to recover costs	CAM, DDG, DIE, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CAM, DDG, DIE, EMDF, EMI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CAM, DDG, 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, DDG, DIE, EMDF, EMI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CAM, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(8)	Power to include consents and conditions	CAM, DDG, DIE, EMDF, EMI, EMO	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, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	CAM, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	CAM, DDG, DIE, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CAM, DDG, DIE, EMDF, EMI, SASU	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, DDG, DIE, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DDG, DIE, EMDF, EMI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DDG, DIE, EMDF, EMI	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DDG, DIE, EMDF, EMI	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DDG, DIE, EMDF, EMI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	DIE, EMPSFM	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	DIE, EMPSFM	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	DIE, EMPSFM	
r 30(2)	Power to release cremated human remains to certain persons	DIE, EMPSFM	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	DIE, EMPSFM	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	DIE, EMPSFM	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	DIE, EMPSFM	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	DIE, EMPSFM	



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DIE, EMPSFM	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DIE, EMPSFM	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DIE, EMPSFM	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	DIE, EMPSFM	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	DIE, 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			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, 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, EMO, EMPSFM	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, DIE, EMO, 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, EMO, 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, EMO, 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, EMO, EMPSFM	See note above regarding model rules



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, DIE, EMO, 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, EMO, EMPSFM	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, DIE, EMO, 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, EMO, EMPSFM	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, DIE, EMO, 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, EMO, 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, EMO, EMPSFM	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, DIE, EMO, EMPSFM	See note above regarding model rules



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

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDG, EMDF, EMEG, 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 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, CSTPO, DDG, EMDF, MSP, MSTP, PSTP, SAO, SP, SSP, SSTP, STP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CSTP, CSTPO, DDG, EMDF, MSP, MSTP,	where Council is the responsible authority



Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SAO, SP, SSP, SSTP, STP	
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, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PSTP, SAO, SP, SSP, 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	DDG, EMDF, EMEG, 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 to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DDG, EMEG, MSP	



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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions 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 10	Function of receiving application for registration	AOBS, AOEH, AOLLT, CEH, EHO, EMRS, HSO, LLEO, RSSO, TLEH, TLRATS, TOBS, TOEH	
r 11	Function of receiving application for renewal of registration	DIE, EMPSFM	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH, TOEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEH, EHO, TLEH, TOEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DIE, EMPSFM	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	DIE, EMPSFM	
r 12(4) & (5)	Duty to issue certificate of registration	CEH, EHO, TLEH, TOEH	
r 14(1)	Function of receiving notice of transfer of ownership	AOBS, AOEH, AOLLT, CEH, EHO, EMRS, HSO, LLEO, RSSO, TLEH, TLRATS, TOBS, TOEH	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 14(3)	Power to determine where notice of transfer is displayed	CEH, EHO, TLEH, TOEH	
r 15(1)	Duty to transfer registration to new caravan park owner	CEH, EHO, TLEH, TOEH	
r 15(2)	Duty to issue a certificate of transfer of registration	CEH, EHO, TLEH, TOEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, EHO, EMPSFM, TLEH	
r 17	Duty to keep register of caravan parks	CEH, TLEH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEH, EHO, TLEH, TOEH	
r 18(6)	Power to determine where certain information is displayed	CEH, EHO, TLEH, TOEH	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEH, EHO, TLEH, TOEH	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 22(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	
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 25(3)	Duty to consult with relevant floodplain management authority	CEH, EHO, TLEH, TOEH	
r 40	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, TLRSA TS, TOBS, TOEH	
r 26	Duty to have regard to any report of the relevant fire authority	CEH, EHO, TLEH, TOEH	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CBS, DDG, DIE, EMPSFM, EMRS, MBS	
r 41(4)	Function of receiving installation certificate	CBS, DDG, DIE, EMPSFM, EMRS, MBS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CBS, DDG, DIE, EMPSFM, EMRS, MBS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DDG, DIE, EMRS	

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	
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, DDG, DIE, EMDF, EMGR, EMI, EMO	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, DDG, DIE, EMDF, EMGR, EMI, EMO	
r 13(1)	Duty to publish notice of amendments to road management plan	CAM, CRC, DDG, DIE, EMDF, EMGR, EMI, EMO	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, DDG, DIE, EMDF, EMGR, EMI, EMO	
r 16(3)	Power to issue permit	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	CAM, DDG, DIE, EMDF, EMI, EMO	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, DDG, DIE, EMDF, EMI, EMO	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, DDG, DIE, EMDF, EMI, EMO, SASU	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CAM, DDG, DIE, EMDF, EMI, EMO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CAM, DDG, DIE, EMDF, EMI, EMO	

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



Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 22(2)	Power to waive whole or part of fee in certain circumstances	DDG, DIE, EMDF, EMI, EMO	Where Council is the coordinating road authority

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

Division: Executive Unit
Director: Janet Dore
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Ashley Pollerd. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Lisa Kendal.

BACKGROUND

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

KEY MATTERS

3. Ashley Pollerd holds the position of Principal Statutory Planner and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
4. At the Council Meeting held on 22 July 2020, Council resolved R181/20 to endorse the authorisation of Lisa Kendal under the *Planning and Environment Act 1987*. Lisa Kendal is no longer in the position of Manager Strategic Planning and the authorisation requires revocation by Council resolution.

OFFICER RECOMMENDATION

5. That Council:

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

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

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

ATTACHMENTS

1. Governance Review [**9.16.1** - 2 pages]
2. S11A Ashley Pollerd [**9.16.2** - 2 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

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

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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



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

Ballarat City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
QT62/20 12/6/2020	Closed	Neil Huybregts	I understand Daniel Siemensma was appointed last year to, among other things, liaise with environmental community groups who are doing volunteer work on Council land. What is Daniel's actual job description?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT67/20 2/9/2020	Closed	Stephanie Rosestone	Do Councillors have a concern for the potential impact of the Western Victorian Transmission Network Project on matters protected by planning overlays within the council boundaries, namely Environmental Significance, Vegetation Protection and Bushfire Management? How will Council represent these environmental and safety interests and issues within the project development and assessment processes?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT68/20 2/9/2020	Closed	Karolina Kuzmich	Are Council aware that the Wattle Flat community are very disappointed in the lack of support/communications they have received regarding the W.V. transmission project? How does Council see their role in this project and what action will they be taking?	Natalie Robertson, Acting Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT69/20 2/9/2020	Closed	Jane Neville	When did the planning department of Council become aware of the Western Victorian Transmission Network Project, and what actions have Councillors and relevant Council management and employees taken regarding the potential impact on particularly the North Ward by this project, on matters protected by planning overlays within the council boundaries, namely Environmental Significance, Vegetation Protection and Bushfire Management? Are Council aware of a potential third route, recently communicated in writing by AusNet, that will go south of Glen Park State Forest?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT70/20 2/9/2020	Closed	Sue Quinlan	Last year our farm 'Banyandah Homestead' which is in Wattle Flat was used for training purposes for Aviation Victoria for training helicopter pilots for firefighting. As our lake is in close proximity to Ballarat airport and has access for 2 helicopters to be in use if a fire occurs it's essential for Ballarat and surrounds to be used. If this Western Victoria Transmission Network Project goes ahead the helicopter firefighters will not be able to use it. As our farmland adjoins Glen Park National Forest & Creswick State Forest if a Fire was to occur Ballarat would be highly at risk. My question is to your Councillors, is how do you propose to assist the Wattle Flat Community Action Group in seeking to have the Transmission Towers built underground so our Ballarat and surrounding area feel safe in the future. I request that you come to our Banyandah Homestead Farm and see the area of interest.	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT76/20 2/9/2020	Closed	Kevin Zbell	This question is regarding the planning applications for the proposed development PLP/2020/33 at 2001 Geelong Road and 1106 Warrenheip Street Buninyong PLP/2020/18 When did the Council decide to stop the mediation process? Will the Council require the mediation processes to occur as intended by utilising COVID Safe measures and thus meeting Council's new Public Transparency Policy?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT77/20 16/09/2020	Closed	Stuart Kelly	Regarding the lighting of the Monaghan track around Lake Wendouree. In order to keep faith with the concept of community consultation, will the published plans for this project be reassessed in response to the public feedback via Council's mySay pages which closed on Friday? Particularly in terms of the number and style of the lights to be used.	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT78/20 16/09/2020	Closed	Stuart Kelly	There is currently a planning permit application for yet another large electronic sign following those in Curtis Street, Slurt Street and Humfray Street North – this time for a sign on the historic but unprotected former Humfray Street Primary School. Can Council initiate the steps necessary to update the Planning Scheme to more adequately cover this type of sign?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT79/20 16/09/2020	Closed	Penelope Greenslade	Now that the "have your say" community consultation process is closed, can the Council please make available all the submissions please on Lake Wendouree lights? A summary of what was said is not sufficient. I understand privacy issues could be involved here so I suggest the following data should be made publicly available: a.Total number of respondents b.Number of respondents who were concerned about effect of lights on wildlife c.Number of respondents who did not believe the lights would make the lake safer for users at night. d.Number of respondents who believed more people would use the lake at night and had data to support this view. e.Number of respondents who were concerned about type of lights and suggested lower, and less powerful lights f.Number of respondents who wanted solar powered lights g.Number of respondents who only wanted part of the lake lit h.Number of respondents who thought the cost was too high wanted the \$1.7 spent on other more urgent projects. i.Number of respondents who did not see the need for additional lighting.	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT80/20 16/09/2020	Closed	Mary Debrett	With approximately \$2 million of State Government funding at stake, and given the importance of public transparency at this time, why was no alternative design for the Lake Wendouree lighting offered for public consideration/ community engagement on the MySay Ballarat website—other than the proposed 220+ 5 x metre high poles, which raise obvious problems for wildlife, heritage and the mature trees that line the perimeter of the lake?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT81/20 16/09/2020	Closed	Penelope Greenslade	Re. Lyford Street level crossing gates. The motion passed by the Council recommending Victrack/Victal repair the gates forthwith included the term "if it can be done safely". This implies that only during the process of repairing the gates is safety an issue. As the accident was caused by a brake failure of part of the train, the statistics available indicate that the probability of this happening again is negligible to nearly non-existent. The type of gate was not the cause of the accident. Can the Council therefore please pass an amending motion excluding the term "if it can be done safely"?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
QT82/20 16/09/2020	Closed	Renee Bethune	Could I ask all Councillors in particular those representing the South Ward, how they determined 12A Albert St Sebastopol as 'surplus' land which is now currently for sale?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT83/20 16/09/2020	Closed	Renee Bethune	Further to the above, why was there zero community consultation with directly impacted South Ward businesses and neighbouring residents with regards to this pivotal decision making?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT84/20 16/09/2020	Closed	Brent Webb	In regards to the removal of the pine trees at Black Hill Swimming Pool what procedures and processes does Ballarat city follow to ensure they are getting the best value for the community in zero cost contracts for the removal of assets that have commercial value?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT85/20 16/09/2020	Closed	Brent Webb	Have Ballarat city examined how the pine tree removal and the procedures to do so could impact water drainage, soil erosion, the gravel road and carpark, safe access to the area and the operation of the Black Hill Swimming Pool now that it is permitted to open up under relaxed covid restrictions?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT86/20 16/09/2020	Closed	Julian Whitta	With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve and other plantations, how will the community be involved in the site design, species selection, and planting, along with maintenance and other issues associated with the site? With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve, does Council have any specific timeline in mind for community consultation over harvesting options, site rehabilitation, and when work on the replanting of the site will actually occur?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT87/20 16/09/2020	Closed	Patricia Powell	With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve, Council has stated that these trees are just one of a number of plantations which it is appraising for safety. Will Council provide the locations of these other plantations?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT88/20 16/09/2020	Closed	Patricia Powell	Will the removal of the Pine trees at Binney Reserve include provisions that the pine heads are mulched and the over 200 remaining tree stumps are mechanically removed, or will they be left protruding from the ground?	Bridget Wetherall, Director Infrastructure and Environment	Darren Sadler, Executive Manager Property Services and Facilities Management provided a written response (see attached)
QT89/20 16/09/2020	Closed	Anne Beggs-Sunter	In relation to the Instrument of Delegation as it applies to planning applications, who oversees decisions made by any of the ten approved officers? By what mechanism does Council have the opportunity to call in an application? The Instrument of Delegation gives no information on this issue. Is there a base number of objections to a proposal that would trigger it being called in for Council decision?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)

Attachment_9.17.1

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 24 September 2020

Our Ref: NR:kr

Your Ref: QT62/20

Enquiries: (61) 03 5320 5500

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

Mr Neil Huybregts

Email: [REDACTED]

Dear Mr Huybregts,

RE: OUTSTANDING QUESTION TIME ITEM – QT62/20

Thank you for your question. Whilst I'm happy to provide a response on specific projects the organisation does not commentary on specific personnel or staffing matters. Questions related to specific projects can be directed to customer service on 5320 5500 or email info@ballarat.vic.gov.au.

Yours sincerely

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

Natalie Robertson
Acting Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 18 September 2020

Our Ref: NR:tn:kr

Your Ref: D-20-68203 & QT67/20

Enquiries: (61) 03 5320 5500

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

Ms Stephanie Rosestone
[REDACTED]

Email: [REDACTED]

Dear Ms Rosestone,

**RE: QUESTION TIME ITEM – QT67/20 AND
COMMENTS REGARDING WESTERN VICTORIA TRANSMISSION NETWORK PROJECT**

Thank you for your question your email of 5 August 2020 regarding comments to the Western Victoria Transmission Network Project. The City of Ballarat is very concerned with the potential impacts of the Western Victorian Transmission network project on all aspects of our council area and in particular areas of environmental significance, vegetation protection and bushfire affected areas.

It is City of Ballarat's view, and that of our neighbouring councils, that the undergrounding option remains on the table for consideration, at least in certain sensitive areas.

Council is concerned of the biodiversity, fire and amenity impacts the power lines may have on natural landscapes and water catchments. The impacted LGAs host water catchments, grasslands, state parklands and state forests in the current area of interest. There is a conflict with these areas and the current footprint of the area of interest. Highly sensitive natural and water catchment areas are already experiencing community backlash over extractive industries such as mining and compulsory acquisition of farmland to protect native grasslands that would be further exacerbated by any intrusion by the transmission project.

The City of Ballarat, along with our neighbouring councils, all have high risk fire danger areas. City of Ballarat, Moorabool Shire and Hepburn Shire host several extreme fire risk areas that were identified by the State Government after the 2009 bushfires and there is concern over the risk that 500kV transmission lines may impose on the community if put above ground in the wrong locations. Not only do transmission lines have the potential to cause fires and impact high risk human settlement areas, but fires near transmission lines are dangerous, aerial firefighting is limited and it can cause damage to the infrastructure and interrupt electricity supply. Poor alignment decisions will not only put the community at greater risk, but also the transmission infrastructure.

In response to these concerns, the City of Ballarat has requested the proponents demonstrate how fire risk of the new infrastructure will be managed, particularly in forested areas as well as farmland, including impacts to aerial firefighting. In addition, we have requested further information as to how the transmission line may impact on areas of high environmental sensitivity and how this impact may be mitigated.

The City of Ballarat has requested that Ausnet develop a transparent formal complaints process urgently, to ensure that formal complaints can be lodged on this page: <https://www.westvictnp.com.au/get-involved>.

With the group of 5 councils, we urgently request that Ausnet prepare a complaint evaluation and response plan in accordance with the relevant standards and recommendations from the National Wind Farm Commissioner. The National Wind Farm Commissioner has an expanded mandate through to 2021 to also oversee all energy technologies and associated transmission infrastructure¹ and it is important the public understand there is, in effect, also an ombudsman to independently assess complaints.

In detail, the City of Ballarat has requested the following:

- Provision of the quantitative and qualitative methods to assess social and environmental effects. To meaningfully assess potential social and environmental effects.
- That the interactive map remains open for iterative feedback and community visibility for a minimum period of 12 months
- That as many resources are available to the community via the website as possible
- That information be provided demonstrating and providing information on how the preferred route will be determined and the associated timeline – In particular, how Ausnet will assess the entire area of interest and address the community concern that a preferred route has already been finalised.

Ballarat has requested that Ausnet demonstrate mitigation responses on construction and long-term impacts for impacted landowners. Given the community concern around loss of income, biodiversity impacts, through the construction period as well as the long-term impacts to their livelihoods, please outline the impacts on farmers and other possible location-based representatives (i.e. if situated on roads or in forest).

In addition, Council is seeking consistency between communications noting that currently there is inconsistency between on the ground information reaching landowners, what is available on the website and provision of information to councils. This has resulted in a loss of community trust early in the process – particularly from the perspective that only a preferred route will be pursued.

Council is also seeking the provision of a Community Engagement Plan, stakeholder lists and schedule for landowners. Given landowners across the LGAs have started being contacted and councils have no transparency of the approach, it is requested that the Community Engagement Plan activities (including advertisements and media) and an investigation corridor schedule with associated maps and/or addresses of properties is provided. This will enable council to ensure key stakeholders are engaged.

The Public Acquisition Overlay (PAO) is a planning function that is not currently being sought by Ausnet (noting this may change). The PAO would normally identify land which is proposed to be acquired by a Minister, public authority or municipal council for the purposes of reserving land for a public purpose. Where the Minister is seeking the application of a PAO, the local council is limited to making representation regarding the application of the PAO and decision-making sits with the Minister for Planning.

Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the Planning and Environment Act 1987, the Land Acquisition and Compensation Act 1986 or any other act.

If you require any further information, please contact Terry Natt, Acting Manager, Strategic Planning on [REDACTED] or phone 5 [REDACTED]

Yours sincerely



Nat Robertson
Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 16 September 2020

Our Ref: NR:tn:kr

Your Ref: QT68/20

Enquiries: (61) 03 5320 5500

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

Ms Karolina Kuzmich

Email: [REDACTED]

Dear Ms Kuzmich,

RE: OUTSTANDING QUESTION TIME ITEM – QT68/20

Thank you for your question. The City of Ballarat is very concerned with the potential impacts of the Western Victorian Transmission network project on all aspects of our council area and in particular areas of environmental significance, vegetation protection and bushfire affected areas.

It is City of Ballarat's view, and that of our neighbouring councils, that the undergrounding option remains on the table for consideration, at least in certain sensitive areas.

Council is concerned of the biodiversity, fire and amenity impacts the power lines may have on natural landscapes and water catchments. The impacted LGAs host water catchments, grasslands, state parklands and state forests in the current area of interest. There is a conflict with these areas and the current footprint of the area of interest. Highly sensitive natural and water catchment areas are already experiencing community backlash over extractive industries such as mining and compulsory acquisition of farmland to protect native grasslands¹ that would be further exacerbated by any intrusion by the transmission project.

The City of Ballarat, along with our neighbouring councils, all have high risk fire danger areas. City of Ballarat, Moorabool Shire and Hepburn Shire host several extreme fire risk areas that were identified by the State Government after the 2009 bushfires and there is concern over the risk that 500kV transmission lines may impose on the community if put above ground in the wrong locations. Not only do transmission lines have the potential to cause fires and impact high risk human settlement areas, but fires near transmission lines are dangerous, aerial firefighting is limited and it can cause damage to the infrastructure and interrupt electricity supply. Poor alignment decisions will not only put the community at greater risk, but also the transmission infrastructure.

In response to these concerns, the City of Ballarat has requested the proponents demonstrate how fire risk of the new infrastructure will be managed, particularly in forested areas as well as farmland, including impacts to aerial firefighting. In addition, we have requested further information as to how the transmission line may impact on areas of high environmental sensitivity and how this impact may be mitigated.

The City of Ballarat has requested that Ausnet develop a transparent formal complaints process urgently, to ensure that formal complaints can be lodged on this page: <https://www.westvictnp.com.au/get-involved>.

With the group of 5 councils, we urgently request that Ausnet prepare a complaint evaluation and response plan in accordance with the relevant standards and recommendations from the National Wind Farm Commissioner. The National Wind Farm Commissioner has an expanded mandate through to 2021 to also oversee all energy technologies and associated transmission infrastructure and it is important the public understand there is, in effect, also an ombudsman to independently assess complaints.

In detail, the City of Ballarat has requested the following:

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Ballarat has requested that Ausnet demonstrate mitigation responses on construction and long-term impacts for impacted landowners. Given the community concern around loss of income, biodiversity impacts, through the construction period as well as the long-term impacts to their livelihoods, please outline the impacts on farmers and other possible location-based representatives (i.e. if situated on roads or in forest).

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Yours sincerely



Natalie Robertson
Acting Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 21 September 2020

Our Ref: NR:tn:kr

Your Ref: QT69/20

Enquiries: (61) 03 5320 5500

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

Ms Jane Neville

Email: jane_m_neville@hotmail.com

Dear Ms Neville,

RE: OUTSTANDING QUESTION TIME ITEM – QT69/20

Thank you for your question. The City of Ballarat is very concerned with the potential impacts of the Western Victorian Transmission network project on all aspects of our council area and in particular areas of environmental significance, vegetation protection and bushfire affected areas.

It is City of Ballarat's view, and that of our neighbouring councils, that the undergrounding option remains on the table for consideration, at least in certain sensitive areas.

Council is concerned of the biodiversity, fire and amenity impacts the power lines may have on natural landscapes and water catchments. The impacted LGAs host water catchments, grasslands, state parklands and state forests in the current area of interest. There is a conflict with these areas and the current footprint of the area of interest. Highly sensitive natural and water catchment areas are already experiencing community backlash over extractive industries such as mining and compulsory acquisition of farmland to protect native grasslands¹ that would be further exacerbated by any intrusion by the transmission project.

The City of Ballarat, along with our neighbouring councils, all have high risk fire danger areas. City of Ballarat, Moorabool Shire and Hepburn Shire host several extreme fire risk areas that were identified by the State Government after the 2009 bushfires and there is concern over the risk that 500kV transmission lines may impose on the community if put above ground in the wrong locations. Not only do transmission lines have the potential to cause fires and impact high risk human settlement areas, but fires near transmission lines are dangerous, aerial firefighting is limited and it can cause damage to the infrastructure and interrupt electricity supply. Poor alignment decisions will not only put the community at greater risk, but also the transmission infrastructure.

In response to these concerns, the City of Ballarat has requested the proponents demonstrate how fire risk of the new infrastructure will be managed, particularly in forested areas as well as farmland, including impacts to aerial firefighting. In addition, we have requested further information as to how the transmission line may impact on areas of high environmental sensitivity and how this impact may be mitigated.

The City of Ballarat has requested that Ausnet develop a transparent formal complaints process urgently, to ensure that formal complaints can be lodged on this page: <https://www.westvictnp.com.au/get-involved>.

With the group of 5 councils, we urgently request that Ausnet prepare a complaint evaluation and response plan in accordance with the relevant standards and recommendations from the National Wind Farm Commissioner. The National Wind Farm Commissioner has an expanded mandate through to 2021 to also oversee all energy technologies and associated transmission infrastructure¹ and it is important the public understand there is, in effect, also an ombudsman to independently assess complaints.

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In addition, Council is seeking consistency between communications noting that currently there is inconsistency between on the ground information reaching landowners, what is available on the website and provision of information to councils. This has resulted in a loss of community trust early in the process – particularly from the perspective that only a preferred route will be pursued.

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Yours sincerely



Natalie Robertson
Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 21 September 2020

Our Ref: NR:tn:kr

Your Ref: QT70/20

Enquiries: (61) 03 5320 5500

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

Ms Sue Quinlan

Email: [REDACTED]

Dear Ms Quinlan,

RE: OUTSTANDING QUESTION TIME ITEM – QT70/20

Thank you for your question. The City of Ballarat is very concerned with the potential impacts of the Western Victorian Transmission network project on all aspects of our council area and in particular areas of environmental significance, vegetation protection and bushfire affected areas.

It is City of Ballarat's view, and that of our neighbouring councils, that the undergrounding option remains on the table for consideration, at least in certain sensitive areas.

Council is concerned of the biodiversity, fire and amenity impacts the power lines may have on natural landscapes and water catchments. The impacted LGAs host water catchments, grasslands, state parklands and state forests in the current area of interest. There is a conflict with these areas and the current footprint of the area of interest. Highly sensitive natural and water catchment areas are already experiencing community backlash over extractive industries such as mining and compulsory acquisition of farmland to protect native grasslands¹ that would be further exacerbated by any intrusion by the transmission project.

The City of Ballarat, along with our neighbouring councils, all have high risk fire danger areas. City of Ballarat, Moorabool Shire and Hepburn Shire host several extreme fire risk areas that were identified by the State Government after the 2009 bushfires and there is concern over the risk that 500kV transmission lines may impose on the community if put above ground in the wrong locations. Not only do transmission lines have the potential to cause fires and impact high risk human settlement areas, but fires near transmission lines are dangerous, aerial firefighting is limited and it can cause damage to the infrastructure and interrupt electricity supply. Poor alignment decisions will not only put the community at greater risk, but also the transmission infrastructure.

In response to these concerns, the City of Ballarat has requested the proponents demonstrate how fire risk of the new infrastructure will be managed, particularly in forested areas as well as farmland, including impacts to aerial firefighting. In addition, we have requested further information as to how the transmission line may impact on areas of high environmental sensitivity and how this impact may be mitigated.

The City of Ballarat has requested that Ausnet develop a transparent formal complaints process urgently, to ensure that formal complaints can be lodged on this page: <https://www.westvictnp.com.au/get-involved>.

With the group of 5 councils, we urgently request that Ausnet prepare a complaint evaluation and response plan in accordance with the relevant standards and recommendations from the National Wind Farm Commissioner. The National Wind Farm Commissioner has an expanded mandate through to 2021 to also oversee all energy technologies and associated transmission infrastructure¹ and it is important the public understand there is, in effect, also an ombudsman to independently assess complaints.

In detail, the City of Ballarat has requested the following:

- Provision of the quantitative and qualitative methods to assess social and environmental effects. To meaningfully assess potential social and environmental effects.
- That the interactive map remains open for iterative feedback and community visibility for a minimum period of 12 months
- That as many resources are available to the community via the website as possible
- That information be provided demonstrating and providing information on how the preferred route will be determined and the associated timeline – In particular, how Ausnet will assess the entire area of interest and address the community concern that a preferred route has already been finalised.

Ballarat has requested that Ausnet demonstrate mitigation responses on construction and long-term impacts for impacted landowners. Given the community concern around loss of income, biodiversity impacts, through the construction period as well as the long-term impacts to their livelihoods, please outline the impacts on farmers and other possible location-based representatives (i.e. if situated on roads or in forest).

In addition, Council is seeking consistency between communications noting that currently there is inconsistency between on the ground information reaching landowners, what is available on the website and provision of information to councils. This has resulted in a loss of community trust early in the process – particularly from the perspective that only a preferred route will be pursued.

Council is also seeking the provision of a Community Engagement Plan, stakeholder lists and schedule for landowners. Given landowners across the LGAs have started being contacted and councils have no transparency of the approach, it is requested that the Community Engagement Plan activities (including advertisements and media) and an investigation corridor schedule with associated maps and/or addresses of properties is provided. This will enable council to ensure key stakeholders are engaged.

Yours sincerely



Natalie Robertson
Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 30 October 2020

Our Ref: NR:kr

Your Ref: QT76/20

Enquiries: (61) 03 5320 5500

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

Mr Kevin Zibell

Email: [REDACTED]

Dear Mr Zibell,

RE: OUTSTANDING QUESTION TIME ITEM – QT76/20

Thank you for your questions and I apologise for the late reply.

I note that in response to your question to Council we agreed to arrange an online meeting with the Buninyong and District Community Association once we are outside of the caretaker period.

In this regard, I welcome an opportunity to arrange a time that suits the Association and suggest a time in late November after the swearing in of our new Council.

I can be contacted by phone [REDACTED] or via email [REDACTED]

Yours sincerely

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

Natalie Robertson
Acting Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 22 September 2020
Our Ref: DS:sv:bk
Your Ref: QT77/20
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Mr Stuart Kelly

Email: [REDACTED]

Dear Mr Kelly

RE: LAKE WENDOUREE LIGHTS

I refer to your question asked at the Council Meeting held 16 September 2020 as follows *"Regarding the lighting of the Moneghetti track around Lake Wendouree. In order to keep faith with the concept of community consultation, will the published plans for this project be reassessed in response to the public feedback via Council's mySay pages which closed on Friday? Particularly in terms of the number and style of the lights to be used."*

The consultation process saw in excess of 150 submissions. The project team have been able to group them into 5 main themes:

- support the proposal
- opposition to lighting generally
- impacts on heritage
- impacts on trees
- impacts on wildlife

The team are now working through these submissions and assessing against the proposed lighting design and objectives of the project. In addition, further information is being prepared to provide to the community and a demonstration site being considered showing two pole design options to better understand them within the context of the area. It is expected a full report and consideration against all of the submissions will be presented back to Council post council elections. It is not out of the question that the number and design could be amended as a result of the consultation and we are reviewing the project in line with the consultation feedback.

If you wish to discuss this matter further, please phone Amy Boyd, Council's Program Director Strategy and Implementation, on [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: Amy Boyd, Council's Program Director Strategy and Implementation
Civic Support
Agenda Review

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 23 September 2020

Our Ref: NR:tn:kr

Your Ref: QT78/20

Enquiries: (61) 03 5320 5500

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

Mr Stuart Kelly

Email: [REDACTED]

Dear Mr Kelly,

RE: OUTSTANDING QUESTION TIME ITEM – QT78/20

Thank you for your question. The City's strategic planning team is currently undertaking a heritage review that will ultimately result in updated and improved controls in the Ballarat Planning scheme for all development to ensure protection and management of key heritage assets across the city, including in the CBD.

Consultation with the community around the extent of heritage protection and the types of controls to be implemented is expected in 2021 and will form part of a wider program including development of a city-wide housing strategy, an employment lands strategy and a neighbourhood character study.

The neighbourhood character study is currently open for submissions via MySay and is being prepared to ensure that community values are recognised and acknowledged in future residential development.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 22 September 2020

Our Ref: DS:ab:bk

Your Ref: QT79/20

Enquiries: (61) 03 5320 5500

Email: info@ballarat.vic.gov.au

Ms Penelope Greenslade

Email: [REDACTED]

Dear Ms Greenslade,

RE: LAKE WENDOUREE LIGHTS

I refer to your question asked at the Council Meeting held 16 September 2020 as follows *"Now that the "have your say" community consultation process is closed; can the Council please make available all the submissions please on Lake Wendouree lights? A summary of what was said is not sufficient. I understand privacy issues could be involved here so I suggest the following data should be made publicly available:*

- a. Total number of respondents*
- b. Number of respondents who were concerned about effect of lights on wildlife*
- c. Number of respondents who did not believe the lights would make the lake safer for users at night.*
- d. Number of respondents who believed more people would use the lake at night and had data to support this view.*
- e. Number of respondents who were concerned about type of lights and suggested lower, and less powerful lights*
- f. Number of respondents who wanted solar powered lights*
- g. Number of respondents who only wanted part of the lake lit*
- h. Number of respondents who though the cost was too high wanted the \$1.7 spent on other more urgent projects.*
- i. Number of respondents who did not see the need for additional lighting."*

It is recognised that there are broadly three main areas of concern being heritage, environmental impact and design/height. The project team as part of the normal process are now considering all of the submissions received and reviewing the project in line with them. More detailed information is being prepared and a demonstration site being considered to further engage with the community.

The "have your say" community consultation process has closed. I have provided the following responses in relation to your questions:

- Total number of respondents
150
- Number of respondents who were concerned about effect of lights on wildlife
Of the 46.4 % against the lighting proposal, less than half raised concerns about the effects on wildlife

2.

- Number of respondents who did not believe the lights would make the lake safer for users at night –
Less than 10% mentioned the safety benefit.
- Number of respondents who believed more people would use the lake at night and had data to support this view.
11.3% specifically mentioned that extended hours would directly benefit their ability to use the track.
- Number of respondents who were concerned about type of lights and suggested lower, and less powerful lights
6% concerned over the spacing and number of lights. 6.6% concerned over the height.
- Number of respondents who wanted solar powered lights
1.3% specifically mentioned this.
- Number of respondents who only wanted part of the lake lit
This question was not specifically addressed and therefore we have no data to this effect.
- Number of respondents who though the cost was too high wanted the \$1.7 spent on other more urgent projects.
29.1% mentioned the cost of the lights, it should be noted the funding is from a State Govt Election Commitment for Lake Lighting and therefore cannot be spent on other projects
- Number of respondents who did not see the need for additional lighting
This question was not specifically addressed.

Please contact Amy Boyd, Council's Program Director Strategy and Implementation, on [REDACTED] if you wish to discuss this matter further.

Yours sincerely



Darren Sadler
Acting Director Infrastructure and Environment

CC: Amy Boyd, Council's Program Director Strategy and Implementation
Civic Support
Agenda Review

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 22 September 2020
Our Ref: DS:ab:bk
Your Ref: QT80-20
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Ms Mary Debrett
Email: [REDACTED]

Dear Ms Debrett

RE: LAKE WENDOUREE LIGHTS

I refer to your question asked at the Council Meeting held 16 September 2020 as follows *"With approximately \$2 million of State Government funding at stake, and given the importance of public transparency at this time, why was no alternative design for the Lake Wendouree lighting offered for public consideration/ community engagement on the MySay Ballarat website—other than the proposed 220+ 5 x metre high poles, which raise obvious problems for wildlife, heritage and the mature trees that line the perimeter of the lake?"*

The project has been in development for over 12 months, during this time the project group have engaged expert advice in Heritage, Environment (including vegetation and wildlife) and Lighting Engineers to develop a design that balances all of the above requirements. This has resulted in the lighting design presented for consultation. We note that many concerns have been raised around these topics and officers are now going through them to ensure they are appropriately addressed and will seek further advice and look to other options if required.

Please contact Amy Boyd, Council's Program Director Strategy and Implementation, on [REDACTED] if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: Amy Boyd, Council's Program Director Strategy and Implementation
Civic Support
Agenda Review

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 24 September 2020

Our Ref: NR:jg:kr

Your Ref: QT81/20

Enquiries: (61) 03 5320 5500

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

Ms Penelope Greenslade

Email: [REDACTED]

Dear Ms Greenslade,

RE: OUTSTANDING QUESTION TIME ITEM – QT81/20

Thank you for your question. At the meeting of 2 September 2020, Council resolved to note the established heritage importance of the Ballarat Station Railway gates and strong preference that they be reinstated if investigations conclude safety will not be compromised. The cause of the incident is not yet known as the investigation remains ongoing, so this is a pragmatic approach given the gates are the responsibility of V-Line and safety of our community is paramount. An unsafe option would not be acceptable to V-Line nor to Council.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

City of Ballarat

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Ms Renee Bethune
Email: [REDACTED]

Date: 16 October 2020
Our Ref: DS:ds:bk
Our Ref: QT82/20
Enquiries: 03 5320 5500
Email: info@ballarat.vic.gov.au

Dear Ms Bethune,

RE: 12A ALBERT STREET, SEBASTOPOL

I refer to your question asked at the 16 September 2020 Council meeting as follows: "*Could I ask all Councillors in particular those representing the South Ward, how they determined 12A Albert St Sebastopol as 'surplus' land which is now currently for sale?*"

A report was provided to Councillors in 2017 which identified a number of sites which were considered surplus to the requirements of Council. Specifically, 12 A Albert Street in Sebastopol was determined to be underutilised, poorly designed, in a dilapidated state and had poor surveillance.

Council Officers then investigated the market through an Expression of Interest to determine any interest which would comply with any future development of the site with the intent that the site would remain a car park, albeit in private ownership. It was determined that Council Officer run this process and that Councillors then consider any submissions received. Council advertised the intent to sell in both January 2018 and again in July 2020.

The Expression of Interest period has now closed, and Councillors will now consider the matter in the new Council term.

If you have any questions in relation to this matter, please do not hesitate to contact this office on 5320 5500.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: Agenda Support

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Mr Brent Webb
Email: [REDACTED]

Date: 28 September 2020
Our Ref: DS:dw:bk
Your Ref: QT84/20, QT85/20, D-20-83936,
D-20-80057, D-20-82660
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Dear Mr Webb

RE: BLACK HILL PINE TREES SUBMISSION

Thank you for your questions at the Council meeting held on Wednesday 16 September 2020 regarding the removal of the stand of pine trees in Black Hill.

Thank you also for your attendance and insights at the on-line forum held on Monday evening 21 September 2020.

As discussed during the forum, Council will conduct extensive community consultation in November 2020 after the Election period in regard to the rehabilitation of the area and welcomes community involvement in that process.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: Mayor and Councillors
CEO, Janet Dore
Darren Whitford, Acting Executive Manager Property Management and Facilities Management

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 28 September 2020
Our Ref: DS:dw:bk
Your Ref: D-20-81287, QT86/20
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Mr Julian Whitta
Email: [REDACTED]

Dear Mr Whitta

RE: BLACK HILL PINE TREES SUBMISSION

Thank you for your email received 3 September 2020 addressed to Cr Belinda Coates and copied to Darren Whitford, Central Ward Councillors and North Ward Councillors in relation to the abovementioned. This has been forwarded to me for my attention and response.

Thank you also for your attendance and insights at the on-line forum held on Monday evening 21 September 2020.

As discussed during the forum, Council will conduct extensive community consultation in November 2020 after the Election period in regard to the rehabilitation of the area and welcomes community involvement in that process.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: Central Ward Councillors, North Ward Councillors
CEO, Janet Dore
Darren Whitford, Acting Executive Manager Property Management and Facilities Management

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Ms Patricia Powell
Email: [REDACTED]

Date: 9 October 2020
Our Ref: DS:dw:bk
Your Ref: D-20-84307, QT87/20, QT88/20
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Dear Ms Powell

RE: BLACK HILL PINE TREES SUBMISSION AND COUNCIL QUESTIONS

Thank you for your email received 9 September 2020 addressed to Darren Whitford, and copied to Cr Grant Tillett, Cr Daniel Moloney, Cr Amy Johnson, Cr Belinda Coates, Cr Mark Harris and Cr Samantha McIntosh in relation to the removal of the pine trees located adjacent to the Black Hill pool, and for your questions asked at the Council meeting held on Wednesday 16 September 2020 as follows:

"With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve, Council has stated that these trees are just one of a number of plantations which it is appraising for safety. Will Council provide the locations of these other plantations?"

Council's Coordinator Parks and Gardens has advised that other plantations that Council Officers are to assess include Pryor Park Plantation located in Ballarat East, Victoria Park Plantation, and a number of self-sown pine trees at Lake Burrumbeet.

"Will the removal of the Pine trees at Binney Reserve include provisions that the pine heads are mulched and the over 200 remaining tree stumps are mechanically removed, or will they be left protruding from the ground?"

The pine heads and the majority of the tree stumps at Binney Reserve will be mulched as part of the clean-up prior to planned re-vegetation.

The trees have been assessed by an independent consultant arborist as being an "unacceptable risk". Council understands that the public are concerned about the removal of any tree and has the public's best interest at heart when it takes into account the safety of the residents when assessing trees for removal.

Community consultation in relation to the rehabilitation of this area will occur in November and prior to the trees being removed. Officers will ensure that you have the opportunity to be involved in this consultation. Safety signs have been installed in the interim and notification to affected residents regarding the consultation will occur in the near future.

Yours sincerely

A handwritten signature in black ink, appearing to read "Darren Sadler".

Darren Sadler
Acting Director Infrastructure and Environment

CC: North Ward Councillors, Central Ward Councillors
Darren Whitford, Acting Executive Manager Property Management and Facilities Management

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 29 September 2020

Our Ref: NR:jg:kr

Your Ref: QT90/20

Enquiries: (61) 03 5320 5500

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

Ms Anne Beggs-Sunter

Email: [REDACTED]

Dear Ms Beggs-Sunter,

RE: OUTSTANDING QUESTION TIME ITEM – QT90/20

Thank you for your question.

In respect to the Instrument of Delegation of Statutory Planners, all Planning Officers have delegated authority to decide a Planning application unless it is called in by Councillors. All decisions made by officers are reviewed by either a Coordinator or Manager of Statutory Planning and at times by the Director Development and Growth.

Councillors may call in any application regardless of the number of objections, including if there are none.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

10. NOTICE OF MOTION

11. REPORTS FROM COMMITTEES/COUNCILLORS

12. URGENT BUSINESS

13. SECTION 66 (IN CAMERA)

9.2 TENDER 2020/21-41 LEARMONTH STREET

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

(confidential information)

9.3 TENDER 2020/21-110 PICKFORDS ROAD

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

(confidential information)

9.4 TENDER 2020/21-107 ROWLANDS STREET

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

(confidential information)

9.5 TENDER 2020/21-59 ERRARD STREET SOUTH

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

(confidential information)

9.6 TENDER 2020/21-48 ALBION STREET

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

(confidential information)

9.7 TENDER 2019/20 – 539 CIVIC HALL STAGE 2 - CONSTRUCTION AWARD

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Alison Tonkin – Manger Major Projects

(confidential information)

9.8 SALE OF LAND - 12A ALBERT STREET, SEBASTOPOL

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Linda Skewes – Property Officer

(confidential information)

9.10 TENDER 2020/21-166 NORTH BALLARAT SPORTS CLUB ROOF & A/C REPLACEMENT PROJECT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: John McKenna – Facilities Management Contract Coordinator

(confidential information)

9.13 CONTRACTS DELEGATED COMMITTEE AGENDA

Division: Corporate Services
Director: Sean Portelli
Author/Position: Lorraine Sendall - Executive Assistant, Director Corporate Services

(Confidential information)

13.1 APPOINTMENT TO AUDIT AND RISK COMMITTEE MEMBER

Division: Executive Unit
Director: Janet Dore
Author/Position: Rachelle Tippett – Business Advisor Risk and Quality Assurance

(Confidential information)

13.2 PROCESS, MANAGEMENT AND AUTHORISATIONS OF ACQUISITION ASSESSMENT (PITCHER PARTNERS)

Division: Executive Unit
Director: Janet Dore

Author/Position: Janet Dore – Chief Executive Officer

(Confidential information)

14. CLOSE