

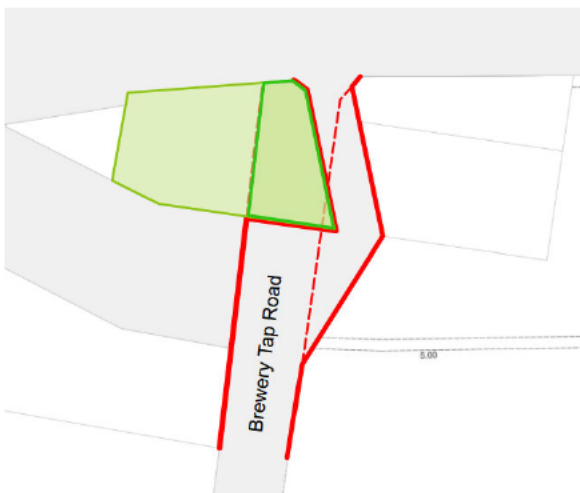
PRE ROAD DEVIATION



Solid Red Line – Current government road reserve boundary line

Dashed Red Line – Proposed road reserve boundary

Green polygon – CHW owned land



POST ROAD DEVIATION



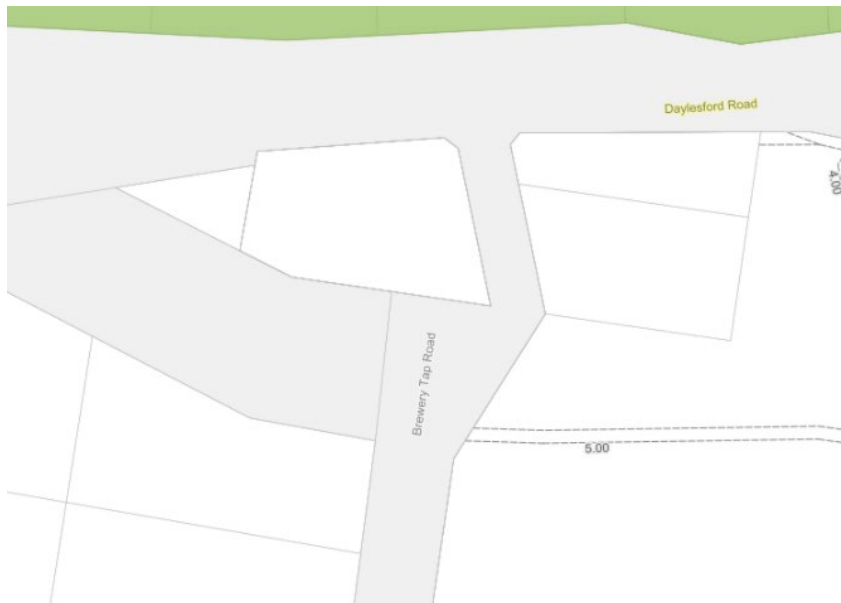
Solid Red Line – Road reserve boundary owned by Council

Green Polygon – CHW owned land





Aerial imagery



Cadastral imagery

8.4. TENDER NO. 2020/2021-2 SUPPLY OF EVENT HIRE EQUIPMENT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sarah Kennedy – Events Manager

PURPOSE

1. To award Contract 2020/2021 - 2 for the provision of Supply of Event Hire Equipment. Officers have followed Council's standard Tender procurement process to identify the recommended Tenderer, which has been overseen by Council's Procurement Officer.

BACKGROUND

2. The Event Hire Equipment tender is for the supply of hired event equipment, to service the needs of the City of Ballarat's managed events for a period of three years from the date of commencement with a further two (2) x one (1) year options. The previous Tender for event equipment expired on 31 October 2020.
3. The City of Ballarat delivers a large number of events throughout the calendar year that can range from large outdoor festivals for 60,000 people to small ceremonial services for 100 people. Events are held in open space, indoors, on parkland and on roadways. This diversity of event formats and locations make it far more economical to hire the necessary equipment rather than Council purchase, maintain, and store it. A further advantage of hiring the equipment is it also provides the skilled labour force needed to install and disassemble.

The following list provides a summary of the equipment typically required by the City of Ballarat across the portfolio of events:

- 3m x 3m marquees (incl. weights)
- 3m x 6m marquees (incl. weights)
- 3m x 9m marquees (incl. weights)
- 3m x 12m marquees (incl. weights)
- 6m x 3m marquees (incl. weights)
- 6m x 6m marquees (incl. weights)
- 6m x 9m marquees (incl. weights)
- 9m x 3m marquees (incl. weights)
- 10m x 5m marquees (incl. weights)
- 20m x 15m marquees (incl. weights)
- Plastic furniture, including but not limited to:
 - White stackable chairs
 - Plastic (round garden) tables
 - Trestle tables
- Tablecloths
- Large garden umbrellas (incl. weights)
- Fencing, including but not limited to:
 - Wood panel fencing
 - Picket fencing
- Wooden / wicker furniture, including but not limited to:
 - Picnic tables with bench seats
 - Square café tables

- Wicker seating
- Wedding style furniture, including but not limited to:
 - White, wrought iron or other classic style tables, chairs and other furniture
 - Decorative features for event dressing
- Exhibition style furniture, including but not limited to:
 - Black exhibition panels / booth walling
 - Black conference seating
 - Lockable display cabinets
 - Information desk
 - Bar stools
 - Rope barriers
 - Display easels
 - Directional signage holders

In addition to the above equipment list, the Tender includes the provision of the following support services;

- Freight/transport of equipment
- Staff travel or other associated costs
- Per hour labour rate (for build and pack down)
- Forklift usage

KEY MATTERS

4. Four (4) tender submissions were received, one (1) of which was a local company.
5. The Supply of Equipment Hire tender addresses business unit needs across Council for key event infrastructure requirements.
6. There can be significant variation in the annual requirements for event equipment due to the changing format, quantity and style of the events. As a result, this tender, like the previous event equipment tender, is based on a Schedule of Rates. It is estimated that the value of the tender over the life of the tender period will be \$1,150,000.
7. Council has previously entered a tender arrangement for event equipment with the most recent tender expiring on 31 October 2020.

OFFICER RECOMMENDATION

8. **That Council:**
 - 8.1 **Enter into Contract Number 2020/21 - 2 for the provision of Supply of Event Hire Equipment with Atmosphere Event Specialists Pty Ltd for the estimated spend for the life of the contract of \$1,150,000.00 (ex GST). The contract Term is for three (3) years with the provision of two (2) x one (1) year options at Council's sole discretion.**
 - 8.2 **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

ATTACHMENTS

1. Governance Review [8.4.2 - 1 page]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports the Council Plan goals of Prosperity and Liveability. Through the tendering of a local business, this will provide sustained economic benefit to continue to support the local event industry.

COMMUNITY IMPACT

2. Four (4) applicants submitted for the tender; one (1) company has been successful. The successful tenderer is a local Ballarat business.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. No implications identified.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. No implications identified.

FINANCIAL IMPLICATIONS

5. All costs for equipment hire will form under recurrent City of Ballarat project budgets.

LEGAL AND RISK CONSIDERATIONS

6. Award of this contract does not have any significant effect on Council's risk profile.

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. This was a Council wide tender that was coordinated through the Events and Procurement units.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

9. Council Officers affirm that no general or material interests need to be declared in relation to the matter of this report.

8.5. BALLARAT SPORTS AND EVENTS CENTRE STAGE TWO - CONSTRUCTION TENDER AWARD

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Rebecca Love - Project Manager

PURPOSE

1. To award Contract 2020/21 - 249 for the provision of Ballarat Sports and Events Centre - Stage Two Redevelopment to H Troon Pty Ltd for the total tendered price of \$3,984,090.00 (ex GST).
2. The scope of this contract involves the development of three 3x3 courts, learning centre and regional strength and conditioning centre.

BACKGROUND

3. The tendered works are a core scope item of the project as defined by the project deliverables outlined in the signed \$5,200,000 funding agreement between the State Government of Victoria represented by the Department of Jobs, Precincts and Regions and the City of Ballarat.
4. The City of Ballarat does not currently have any competition 3x3 basketball courts. This is a growing area in sport, and the development at the existing BSEC will enable competition and elite training at Ballarat's premier basketball facility. This will allow local, regional and interstate competition in Ballarat and increase participation in the sport.

KEY MATTERS

5. Three (3) tender submissions were received, two (2) of which were local companies.
6. The project is fully funded by the Department of Jobs, Precincts and Regions.

OFFICER RECOMMENDATION

7. That Council:

- 7.1 Enter into Contract Number 2020/21 - 249 for the provision of Ballarat Sports and Events Centre - Stage Two Redevelopment with H Troon Pty Ltd for the total tendered price of \$3,984,090.00 (ex GST).
- 7.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports the Council Plan goals of prosperity and liveability by providing inclusive and accessible public spaces, quality services, and opportunities for our community to participate, feel safe and be active and healthy.

City of Ballarat Council Plan 2017-21, Page 8 - Liveability

Complete the regional Ballarat Sports and Events Centre

The Council Plan talks about the goals of our City which include:

- *Prosperity*
- *Liveability*
- *Sustainability*
- *Accountability*

Liveability reflects improving our quality of life for the community. The completion of the Ballarat Sports and Events Centre (BSEC) is one of the proposed means of achieving this by 2021. The Stage Two works as proposed by this charter will enable the completion of BSEC.

2. The report supports the aim of public sports recreation facilities and increase passive and active community participation.

COMMUNITY IMPACT

3. The City of Ballarat does not currently have any competition 3x3 basketball courts. This is a growing area in sport and the development at the existing BSEC will enable competition and elite training at Ballarat's premier basketball facility. This will allow local, regional and interstate competition in Ballarat and increase participation in the sport.
4. The upgrades to the built environment will see a targeted range of health promotion and participation initiatives to activate the community space.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

5. This project will provide the users of the facility with as far as practicable, compliant accessibility throughout.
6. ESD principles have been applied to the built form where practicable.

ECONOMIC SUSTAINABILITY IMPLICATIONS

7. Approximately 100% (\$3,984,090) 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 tendered price is in line with the planned budget for these works.

LEGAL AND RISK CONSIDERATIONS

9. Award of this contract does not have any significant effect on Council's risk profile. Risks present in this work are typical for low risk recreational facility upgrades and are expected to be adequately controlled through the construction process.

10. A Risk Management Plan has been developed and will be reviewed by the Project Control Group at each scheduled meeting.

HUMAN RIGHTS CONSIDERATIONS

11. 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

12. Consultation with user groups has been managed by Councils Recreation Services Unit.
13. User groups have been advised of proposed works and will continue to be consulted throughout the project design and construction and will be provided with regular updates regarding the projects progress.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

14. Council Officers affirm that no general or material interests need to be declared in relation to the matter of this report.

8.6. PROPOSED CULTURAL ACCORD BETWEEN THE EUREKA CENTRE AND TENAKILL HOUSE, IRELAND

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jeff Johnson – Executive Manager Events and Tourism

PURPOSE

1. To inform Council of the development of a Cultural Accord between Eureka Centre Ballarat and the Tenakill Lalor House Committee of the Laois County Council, Ireland.
2. To present the draft Cultural Accord to Council for its consideration and signature.

BACKGROUND

3. In 2019 discussions commenced with Laois County Council, Ireland about establishing cultural ties between the Eureka Centre and Tenakill Lalor House.
4. Eureka Centre is a museum and interpretative centre at the Eureka Stockade Memorial Park – the site of the Eureka Stockade. Tenakill Lalor House is the ancestral home of the politically influential Lalor Family and the birthplace and former home of Eureka Stockade rebel leader, Peter Lalor.
5. Eureka Centre and Tenakill Lalor House are both dedicated to interpreting and preserving a singular historical story and facilitating public engagement with the sites where these events occurred. The shared connection to the life of Peter Lalor binds the Eureka Centre and Tenakill Lalor House and, by extension, the City of Ballarat and Laois County Council.
6. Throughout 2019 and 2020 City of Ballarat officers, who are responsible for the operation of the Eureka Centre, were in communication with the Tenakill Lalor House Committee via officers of the Laois County Council. A draft Cultural Accord was developed through these discussions.
7. The proposed Cultural Accord was considered at a meeting of Laois County Council on the 30 November 2020 and ‘...on the proposition of Councillor John King seconded by Councillor Noel Tuohy, the Members unanimously agreed to proceeding with the signing of the document.’

KEY MATTERS

8. The Cultural Accord does not require resourcing. The document acknowledges the Eureka Centre’s and Tenakill Lalor House’s shared connection to the life of Peter Lalor and formalises the goodwill between the two institutions and the people-to-people connections that exist between Ballarat and Laois County, Ireland
9. The Cultural Accord is between the Eureka Centre and Tenakill Lalor House. Laois County Council has proposed that its Councillors sign the Cultural Accord alongside members of the Tenakill Lalor House Committee. It is therefore proposed that the City of Ballarat Mayor signs the Cultural Accord together with the Manager Eureka Centre.

OFFICER RECOMMENDATION

10. That Council:

- 10.1 Endorse the establishment of a Cultural Accord between the Eureka Centre and the Tenakill Lalor House Committee; and**
- 10.2 Endorse the Mayor, City of Ballarat, and the Manager, Eureka Centre, to sign the Cultural Accord alongside representatives of Laois County Council and the Tenakill Lalor House Committee.**

ATTACHMENTS

1. Governance Review [8.6.1 - 2 pages]
2. Revised Cultural Accord FINAL 250121 [VMDL] [8.6.2 - 2 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Cultural Accord between the Eureka Centre and Tenakill Lalor House aligns with 2030: A Vision for the Eureka Centre, specifically strategic recommendation 2 in Partnerships & Advocacy: 'Eureka Centre has established meaningful and productive partnerships with cultural heritage sites and institutions connected or aligned to the Eureka story, both in Australia and internationally...'

COMMUNITY IMPACT

2. Eureka Centre is engaged with a diverse community of stakeholders who are interested in and connected to the Eureka story. The significance of Peter Lalor's contribution to Australian democracy is widely reflected in the activities of community organisations focused on the legacy of the Eureka Stockade, Irish-Australian heritage and the Australia-Ireland relationship. The establishment of this Cultural Accord links the Eureka Centre to Peter Lalor's Irish birthplace and establishes a formal link between Ballarat and Laois County in Ireland. The intent of the accord is to develop educational and cultural connections that will enrich the community over time.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency and environmental sustainability implications.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk implications.

HUMAN RIGHTS CONSIDERATIONS

7. There are no human rights implications.

COMMUNITY CONSULTATION AND ENGAGEMENT

8. The Eureka Centre's 2030 Vision was developed by a committee comprising community members. The resulting 2030 Vision recommends establishing international relationships with cultural heritage sites and institutions overseas that are aligned to the Eureka story.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

9. There are no conflicts of interest.

Cultural Accord Between the Eureka Centre & Tenakill Lalor House

Agreement

On establishing a Cultural Accord between the Eureka Centre, Ballarat, Victoria, Australia and Tenakill Lalor House Committee, Raheen, Abbeyleix, Co Laois, Ireland, we agree to the following to lay the foundations for closer historical, heritage and cultural collaboration between the Eureka Centre, Ballarat and Tenakill Lalor House, Raheen, Abbeyleix;

- To work together to explore new and creative opportunities to promote learning, appreciation and awareness of the outstanding contribution of the Lalor family to equality and social development in Australia and Ireland;
- To communicate on a frequent and continuous basis;
- To promote the strong historic ties that exists as a result of Peter Lalor's role as the leader of the protesting gold miners and their allies at the Eureka Stockade;
- To support, and where practical to design and implement, cultural and educational exchanges between Ballarat and Laois in order to promote mutual understanding and communications.

As confirmation of our acceptance of this agreement, we, hereunder, submit our signatures to the Cultural Accord, its goals and objectives.

 Mayor Cr. Daniel Moloney
 City of Ballarat
 Date:

 Anthony Camm
 Manager
 Eureka Centre Ballarat
 Date:

 Kevin Lalor-Fitzpatrick
 Chairperson
 Tenakill Lalor House Committee
 Date:

 Dan Carmody
 Secretary
 Tenakill Lalor House Committee
 Date:

 Cllr Catherine Fitzgerald
 Cathaoirleach
 Laois County Council
 Date:

8.7. QUARTERLY FINANCIAL REPORT

Division: Corporate Services
Director: Sean Portelli
Author/Position: Stephen Bigarelli – Acting Manager Financial Services

PURPOSE

1. This report sets out the 2nd Quarter financial results for the 2020/2021 financial year for the City of Ballarat. The report highlights financial matters for the quarter.

BACKGROUND

2. Pursuant to Section 97 of the *Local Government Act 2020* (the Act), at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.
3. In accordance with section 97(3) of the Act, the Chief Executive Officer affirms that a revised budget for FY 2020/21 is not required.

KEY MATTERS

4. The quarterly financial reports are now in a new format (management reports) that better reflects Council's performance. Detailed notes on material variations are included in the financial statements.

Income Statement

5. The Income Statement provides a summary of the total income and expenditure relating to Council's operations. Capital income is included in the calculation of Council's surplus/(deficit) but is excluded when reporting on Council's operating surplus/(deficit). Capital grant income is specifically used to fund expenditure on Council assets (which is reported on the Balance Sheet i.e., work in progress on property, infrastructure, plant and equipment).
6. The surplus as at 31st December 2020 is \$84.874m. Excluding Capital Income of \$18.542m, the Operating Surplus is \$66.332m. It is important to note that rate revenue of \$126.4m is recognised on an accrual basis and not when received which accounts for this large surplus. Comparing the operating surplus actual to the operating surplus budget of \$52.041m, a favourable variance of \$14.291m is disclosed. Income is currenting ahead of budget by \$6.691m mainly due to increase in operating grants and the raising of supplementary rates, noting that user fees are under budget. Expenditure is favourably under budget by \$7.6m mainly due to an under spend on Materials and Services.

Balance Sheet

7. The Balance Sheet summaries the value of Assets (what Council owns), Liabilities (what Council owes) and the difference between the two (Net Assets or Equity), which

reflects Council's net worth. Council's net worth at the end of December 2020 is \$1.955m, an increase of \$162.646 m for the same period last year.

8. Looking at Council's current assets of \$205k and its current liabilities \$36.8k, Council has the working capital to pay its debts as and when they fall due almost six times over (working capital ratio 5.6).
9. For this accounting period, Council has cash and cash equivalents (including term deposits) of \$113.5m (this does not represent free cash – see Cash Flow Statement). Outstanding rates (Rates Receivable) have increased by \$1.898m compared to last year mostly due to the COVID19 pandemic. Council has adopted a customer centric approach to recovery which includes application of the COVID19 Financial Hardship Policy, dissemination of hardship material to welfare groups and financial counsellors, and a targeted phone campaign to those ratepayers who have not applied for rate relief or been in contact with Council. Those ratepayers identified as being impacted by hardship due to COVID will be assisted under Council's hardship policy.

Cashflow Statement

10. The Cashflow Statement reflects movements in cash inflows and cash (outflows) categorised by operating, investing (mostly capital works) and financing activities.
11. As at 31st December Council's Cash and Cash Equivalents were \$113.5 m – per Balance Sheet. Taking into account Reserves (commitments by Council for future use) and Trusts and Deposits, \$18.5m are tied funds. Unrestricted cash for the period is therefore \$95m. It is important to note that Unrestricted Cash for the end of the financial year is budgeted at \$8m and forecasted to be \$23.453m.
12. Comparing the cash Budget to the cash Actual, the large favourable variance of \$84.563m is due to a larger than anticipated opening cash balance of \$121.8m compared to budgeted \$37m.

Statement of Capital Works

13. The Statement of Capital Works is Council's approved capital works program by the required Asset Categories. It includes works per the 2020-21 Budget (\$49.811m) and Capital Carry Over Projects approved by resolution of Council on 2 September 2020 (\$43.564m). In addition to these council works of \$93.025m, Developers are required to undertake capital works and contribute same to council (\$31.396m). The Total Budget of the Statement of Capital Works is \$124.801m.

Capital Project Report

14. The Capital Project Report lists the approved capital Projects and Other projects for the 2020-21 year as at 31 December 2020. The report also includes Capital Income by type and nets off the capital projects. The report is useful for tracking the financial performance of individual projects.
15. At the end of December, Council had spent \$21.309m against a budget of \$42.976m. Variance commentary on individual projects is per the report.
16. Refer also to the Capital Expenditure Graph (please note commitments are disclosed which are commissioned work not yet paid and so would fall into future accounting periods)

Capital Income Report

17. This Report is a detailed listing of Capital Income for the period 31 December 2020 and discloses government and other grants and contributions to be used to fund the capital works programme. The amount of income is well in excess of budget, due to the implications of the new accounting standard on the recognition of income. This was not considered when setting the budget for 2020-2021.

OFFICER RECOMMENDATION

18. That Council:

- 18.1. **Receive the 2nd Quarter Financial Report for the 2020/21 financial year and note the financial matters contained within the report.**

ATTACHMENTS

1. Governance Review [8.7.1 - 1 page]
2. COB Quarterly Reporting Master Dec 20 FINAL [8.7.2 - 12 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Quarterly Finance Report is a Statutory report as per section 97 of the *Local Government Act 2020*

COMMUNITY IMPACT

2. The inclusion of the Quarterly Finance Report in the Council agenda and the availability to the community, increases awareness of the Councils financial position and provides transparencies in its financial operations.

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. The Quarterly Finance Report reports on the Council's ongoing Financial viability as at the date of the report 31 December 2020, and its performance against the Council budget for 2020-2021

LEGAL AND RISK CONSIDERATIONS

6. There are no legal and risk implications identified for the subject of the report.

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. There is no requirement for community consultation or engagement with this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

9. No Council Officers who have prepared this report have a conflict of interest regarding the matter.



Quarterly Financial Management Report
Period Ending 31st December 2020

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Income Statement - City of Ballarat

Period Ending 31st December 2020

	Year to Date			Annual		Note
	Budget (\$'000's)	Actual (\$'000's)	Variance (\$'000's)	Budget (\$'000's)	Forecast (\$'000's)	
Income						
Rates and charges	123,702	126,411	2,709	124,865	126,408	
Statutory fees and fines	2,056	2,433	377	4,058	4,056	1
User Fees	8,516	6,265	(2,251)	18,255	17,569	2
Grants Operating	4,277	12,081	7,804	15,160	23,735	3
Contributions Monetary - Recurrent	6,728	4,900	(1,828)	13,435	10,082	4
Other Income	1,537	1,417	(120)	3,078	2,753	
Total income excluding Capital Grants & Contributions	146,816	153,507	6,691	178,851	184,603	
Expenses						
Employee Costs	34,822	33,284	1,538	69,331	70,244	
Materials and services	37,006	31,630	5,377	69,418	74,645	5
Depreciation and amortisation	19,933	20,468	(535)	39,867	39,867	
Bad and doubtful debts	459	200	259	918	536	6
Borrowing Costs	1,559	923	636	3,117	1,900	7
Other expenses	996	670	326	2,592	2,420	8
Total expenses	94,775	87,175	7,600	185,243	189,611	
Operating Surplus/(Deficit)	52,041	66,332	14,291	(6,392)	(5,008)	
Add back Capital Grants Income & Contributions						
Grants Capital	0	16,402	16,402	2,200	31,207	9
Contributions Monetary - Capital	0	170	170	0	170	
Contributions Non Monetary - Capital	8,415	2,094	(6,321)	31,396	32,852	10
Net Gain/(Loss) on disposal of property, infrastructure, plant and equipment	0	(139)	(139)	0	0	
User Fees - Capital	39	15	(24)	78	42	
Total Capital Income	8,454	18,542	10,088	33,674	64,271	
Surplus/(Deficit)	60,495	84,874	24,379	27,282	59,263	

Notes:

- 1 - Animal registration fees below budget, but subdivision fees and other building fees ahead of budget.
- 2 - User fees still down as a result of closure's of facilities during COVID. Landfill fees are up to date but below budget. Parking fees, building fees, and other local law fees are in excess of budget.
- 3 - Unbudgeted grants are a result of unearned grant income in 2019-2020 being bought to account in 2020-2021 as per new accounting standard on unearned income
- 4 - Developers Contributions behind budget for period.
- 5 - Contractor actual costs well below budget, but commitments in the system would indicate that the spend will increase in the second half of the year.
- 6 - Bad Debt calculations showing a lower rate of bad debts than budget
- 7 - Borrowing costs less than budget due to not drawing down on budgeted \$17 million loan
- 8 - Leasing costs down due to purchasing of new compactors, and not leasing
- 9 - Capital grants bought forward as unearned income from 2019-2020
- 10 - Donated developers contributions delayed until 2nd half of year.

Balance Sheet - City of Ballarat

As at 31st December 2020

	Annual	12 Month Movement		Notes	
	(\$'000's) Budget	(\$'000's) Actual LY	(\$'000's) Actual TY		(\$'000's) Movement
Assets					
Current Assets					
Cash and cash equivalents	33,310	83,485	113,506	30,021	1
Trade and other receivables	42,216	5,957	6,054	97	
Rates Receivables	0	76,755	78,653	1,898	2
Fire Services Levy	0	6,750	6,638	(112)	
Inventories	0	387	396	9	
Other assets	1,655	174	112	(62)	3
Total Current Assets	77,181	173,508	205,359	31,851	
Non-Current Assets					
Trade and other receivables	4	2	0	(2)	
Property, infrastructure, plant and equipment	1,820,084	1,676,173	1,834,079	157,906	
Right of Use Asset	0	0	2,834	2,834	4
Other Non-Current Assets	0	1,046	453	(593)	5
Works in Progress Expense - Current Year	124,801	20,190	21,309	1,119	6
Works in Progress Income - Current Year	(33,674)	(2,748)	(18,551)	(15,803)	7
Total Non-Current Assets	1,911,215	1,694,663	1,840,124	145,461	
Total Assets	1,988,396	1,868,171	2,045,483	177,312	
Liabilities					
Current Liabilities					
Trade and other payables	10,942	(960)	1,303	(2,263)	8
Fire Services Levy	0	8,487	8,522	(35)	
Trust funds and deposits	5,178	4,579	7,891	(3,312)	9
Provisions	15,499	15,648	15,222	426	
Interest-bearing loans and borrowings	15,209	1,984	2,591	(607)	10
Lease Liabilities	0	0	1,302	(1,302)	11
Total Current Liabilities	46,828	29,738	36,831	(7,093)	
Non-Current Liabilities					
Provisions	10,291	10,291	11,866	(1,575)	12
Interest-bearing loans and borrowings	47,217	35,813	40,220	(4,407)	13
Lease Liabilities	0	0	1,591	(1,591)	14
Total Non-Current Liabilities	57,508	46,104	53,677	(7,573)	
Total Liabilities	104,336	75,842	90,508	(14,666)	
Net Assets	1,884,060	1,792,329	1,954,975	162,646	

Balance Sheet - City of Ballarat

As at 31st December 2020

Equity					
Accumulated surplus	1,296,522	1,140,620	1,203,539	62,919	
Reserves	584,806	577,520	685,104	107,584	15
YTD Surplus/(Deficit)	2,732	74,189	66,332	(7,857)	
Total Equity	1,884,060	1,792,329	1,954,975	162,646	

Notes:

- 1 - Cash levels staying are high as a reflective of lower spend to the end of the quarter and higher cash at the start of the year. This includes Term Deposits.
- 2 - Rates outstanding are only 2.47% more than last year (COVID).
- 3 - Accrued income for interest down from last year due to lower interest rates
- 4 - New requirement under Accounting standards, not budgeted for.
- 5 - Reduction in Landfill Airspace Provision after year end recalculation
- 6 - Work in progress as same level as last year
- 7 - This year Capital Grants are much higher, as a result of unearned grant income in 2019-2020 being bought to account in 2020-2021 as per new accounting standard on unearned income
- 8 - As creditors are paid as they come due, as part of the COVID response, creditors at month end are greatly reduced compared to last year. Payroll clearing account last year was in debit.
- 9 - Increases in holding fees for Trees and Subdivisions this year
- 10 - New \$10 million Loan for recreation projects has resulted in this number being higher than last year
- 11 - New requirement under Accounting standards, not budgeted for.
- 12 - Increase in Landfill Rehabilitation Provision
- 13 - New \$10 million Loan for recreation projects has lead to this number being higher than last year
- 14 - New requirement under Accounting standards, not budgeted for.
- 15 - Increase in Asset Revaluation Reserves as a result of Asset revaluation at June 30 2020

Cash Flow Statement - City Of Ballarat

Period Ending 31st December 2020

	Year to Date			Full Year		Note
	Inflows/(Outflows) (\$'000's)	Inflows/(Outflows) (\$'000's)	Inflows/(Outflows) (\$'000's)	Inflows/(Outflows) (\$'000's)	Inflows/(Outflows) (\$'000's)	
	Budget	Actual	Var	Budget	Forecast	
Cash flows from operating activities						
Rates and charges	53,401	55,374	1,973	106,801	106,801	1
Statutory fees and fines	2,030	2,341	311	4,059	4,059	
User Fees	9,167	4,267	(4,900)	18,333	18,333	2
Grants Operating	11,247	14,099	2,852	22,493	22,493	
Grants Capital	1,000	6,855	5,855	2,200	2,200	3
Contributions Monetary	6,718	4,997	(1,721)	13,435	13,435	4
Interest received	900	576	(324)	1,800	1,800	5
Other receipts	639	4,694	4,055	1,278	1,278	
Trust funds	0	(847)	(847)	0	0	6
Employee Costs	(35,306)	(34,913)	393	(70,612)	(70,612)	
Materials and Services	(32,204)	(42,400)	(10,196)	(64,407)	(64,407)	
Carry Overs - Mostly Materials and Services	0	0	0	0	(11,094)	
Other payments	(1,755)	(670)	1,085	(3,510)	(3,510)	
Net cash provided by (used in) operating activities	15,837	14,307	(1,530)	31,870	20,776	
Cash flows from investing activities						
Payments for property, infrastructure, plant and equipment	(30,000)	(19,174)	10,826	(49,811)	(49,811)	7
Carry Overs - Capital Work In Progress	0	0	0	0	(43,564)	
Proceeds from sale of property, infrastructure, plant and equipment	250	114	(136)	350	350	
Net cash provided by (used in) investing activities	(29,750)	(19,060)	10,690	(49,461)	(93,025)	
Cash flows from financing activities						
Finance costs	(1,559)	(931)	628	(3,117)	(3,117)	8
Proceeds from interest bearing loans and borrowings	10,000	0	(10,000)	22,206	0	9
Repayment of interest bearing loans and borrowings	(2,603)	(2,615)	(12)	(5,206)	(5,206)	
Net cash provided by (used in) financing activities	5,838	(3,546)	(9,384)	13,883	(8,323)	
Net increase/(decrease) in cash and cash equivalents	(8,075)	(8,299)	(224)	(3,708)	(80,572)	
Cash and cash equivalents at the beginning of the period	37,018	121,805	84,787	37,018	121,805	
Cash and cash equivalents at the end of the period	28,943	113,506	84,563	33,310	41,233	
Less Restricted Cash						
Sub Dividers Reserve	(5,275)	(5,275)	0	(5,500)	(5,500)	
Developer Contributions Reserve	(1,960)	(1,960)	0	(3,102)	(3,102)	
Asset Realisation Reserve (Sale of Land)	(3,381)	(3,381)	0	(4,000)	(4,000)	
Plant & Equipment Reserve	0	0	0	(7,500)	0	
Trust Funds and Deposits	(5,178)	(7,891)	(2,713)	(5,178)	(5,178)	
Total Restricted Cash	(15,794)	(18,507)	(2,713)	(25,280)	(17,780)	
Unrestricted Cash	13,149	94,999	81,850	8,030	23,453	

Notes

- 1 - Collection of rates has improved since the first quarter and now ahead of budget
- 2 - Impact of the closure of City facilities, BALC, Art Gallery etc. due to COVID, as well as lower than expected Childcare fees.
- 3 - Capital grants for Mars Stadium, Recreation Programs and Roads received
- 4 - Contributions income, coming in slower than the budget allowed for.
- 5 - Lower interest rates causing a lower than budget income.
- 6 - Trust Fund movements not included in budget.
- 7 - Capital projects payments will increase in 2nd half of year
- 8 - Interest below budget due to not drawing down \$17million loan
- 9 - Borrowings as per budget not drawn down.

Statement of Capital Works - City of Ballarat

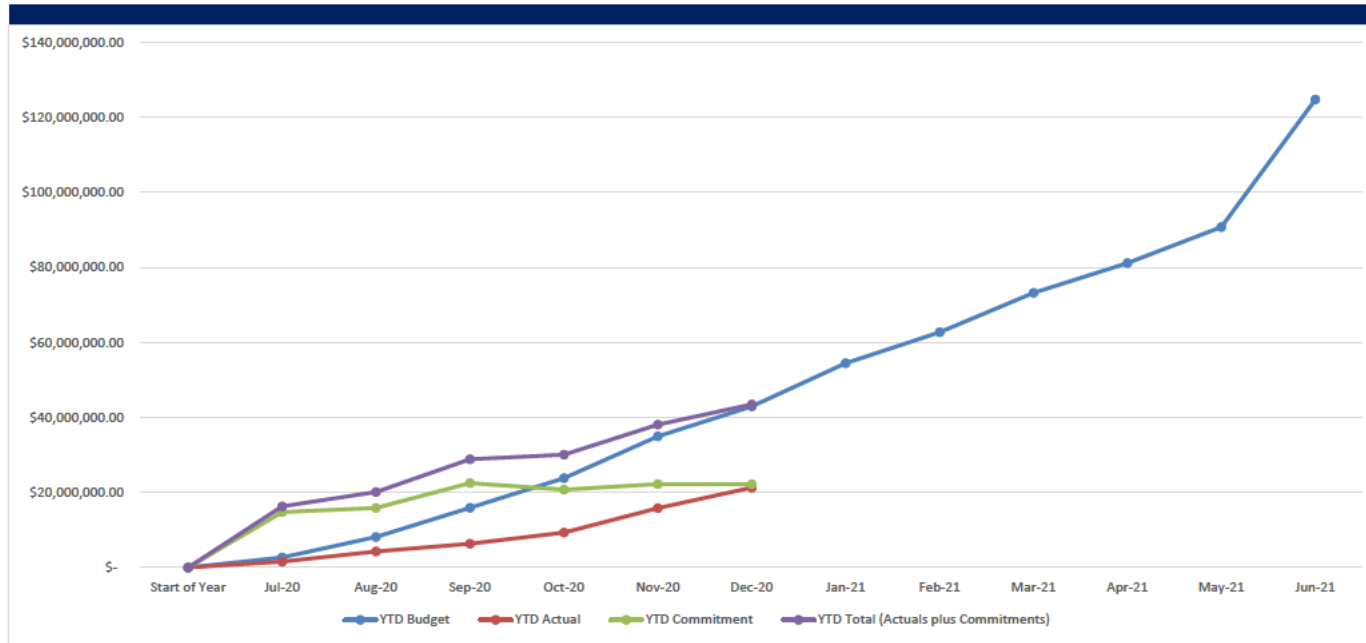
Period Ending 31st December 2020

	Year to Date			Annual		Notes
	(\$'000's) Budget	(\$'000's) Actual	(\$'000's) Variance	(\$'000's) Budget	(\$'000's) Forecast	
Property						
Land	0	0	0	0	0	
Land improvements	3,314	215	3,099	16,830	2,159	1
Total land	3,314	215	3,099	16,830	2,159	
Buildings						
Heritage buildings	42	118	(76)	1,632	1,632	2
Building improvements	2,053	895	1,158	7,554	4,511	3
Leasehold improvements	0	0	0	0	0	
Total buildings	2,095	1,013	1,082	9,186	6,143	
Total property	5,409	1,228	4,181	26,016	8,302	
Plant and equipment						
Heritage plant and equipment	0	0	0	0	0	
Plant, machinery and equipment	2,137	1,135	1,002	4,189	6,019	4
Fixtures, fittings and furniture	0	0	0	0	0	
Computers and telecommunications	4,286	430	3,856	8,603	2,161	5
Library books	259	164	95	449	449	6
Total plant and equipment	6,682	1,729	4,953	13,241	8,629	
Infrastructure						
Roads	11,713	6,765	4,948	14,976	22,350	7
Bridges	150	8	142	382	173	8
Footpaths and cycleways	300	385	(85)	796	765	
Drainage	360	606	(246)	2,361	2,361	
Recreational, leisure and community facilities	11,683	6,222	5,461	27,723	26,816	9
Waste management	785	126	659	8,866	5,375	10
Parks, open space and streetscapes	1,541	1,207	334	1,818	2,853	11
Aerodromes	0	50	(50)	0	80	
Off street car parks	127	0	127	254	254	12
Other infrastructure	4,226	2,983	1,243	28,368	44,284	13
Total infrastructure	30,885	18,352	12,533	85,544	105,311	
Total capital works expenditure	42,976	21,309	21,667	124,801	122,242	
Represented by:						
New asset expenditure	4,869	2,372	2,497	17,327	17,792	
Asset renewal expenditure	26,998	13,231	13,767	61,036	58,572	
Asset expansion expenditure	779	122	657	3,989	5,100	
Asset upgrade expenditure	10,330	5,584	4,746	42,449	40,778	
Total capital works expenditure	42,976	21,309	21,667	124,801	122,242	

Notes:

- 1 - Proposed purchase of land at Miners Rest has not occurred in December quarter
- 2 - Civic Hall improvements classified as Heritage Buildings
- 3 - Building upgrades will increase in the second half of the year.
- 4 - New plant have been ordered but delivery not until 2nd half of the year.
- 5 - IT project delivery has not progressed as per budget
- 6 - Book purchase below budget lack of new titles being realised overseas due to COVID
- 7 - Majority of road projects have had commitments raised but first payments will occur in January/February
- 8 - Bridge works delayed to latter in the year.
- 9 - Recreation projects have started but most payments will occur in the second half of the year.
- 10 - Cell construction contract has been let and first payments will occur in third quarter.
- 11 - Majority of works to commence in 2nd half of the year
- 12 - Final phase of CBD parking not yet commenced
- 13 - Bakery Hill works still in planning stages

Capital Expenditure Graph - City of Ballarat
 Period Ending 31st December 2020



Capital Project Report - City of Ballarat
Period Ending 31st December 2020

Project	Project Description	Asset Class	Year To Date			Annual		Notes
			Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)	
837717	Airport Runway Upgrade	Aerodromes	0	50	(50)	0	80	Project on hold depending council decision.
	Subtotal	Aerodromes	0	50	(50)	0	80	
836990	Bridge Rehabilitation	Bridges	150	8	142	382	173	
	Subtotal	Bridges	150	8	142	382	173	
837630	Central Library	Building Improvements	383	71	312	2,344	220	Project in review stage. Budget will be carried over to 21-22 year
834040	Facilities Upgrade	Building Improvements	1,670	816	854	4,229	4,271	Projects will be delivered
837620	Town Hall restoration (Ball room)	Building Improvements	0	0	0	981	0	Project in review, brief to go to ELT
837440	Wendouree Childcare Centre Extensions	Building Improvements	0	8	(8)	0	20	Works completed
	Subtotal	Building Improvements	2,053	895	1,158	7,554	4,511	
822460	Desktop Replacement Program	Computers and telecommunications	331	273	58	662	730	Budget will be exceed due to post COVID working requirements
836080	ICT Mobility	Computers and telecommunications	0	8	(8)	0	0	
822430	IT Infrastructure Strategy	Computers and telecommunications	1,241	3	1,238	2,481	500	IT projects not advancing as per budget
836030	IT System Development	Computers and telecommunications	2,545	0	2,545	5,090	500	IT projects not advancing as per budget
836000	Replacement Bin Program	Computers and telecommunications	150	106	44	351	351	
837500	SMART City & Suburbs Grant	Computers and telecommunications	19	40	(21)	19	80	To be completed in March 2021
	Subtotal	Computers and telecommunications	4,286	430	3,856	8,603	2,161	
837550	Charlesworth St Retarding Basin	Drainage	0	31	(31)	1,500	1,500	Start date in 2nd half of year, funds to be carried over to 21-22
837010	Drainage Projects	Drainage	360	575	(215)	861	861	Projects will be delivered
	Subtotal	Drainage	360	606	(246)	2,361	2,361	
836980	Bicycle Paths	Footpaths and cycleways	0	0	0	223	192	
837040	Footpath Works	Footpaths and cycleways	300	385	(85)	573	573	
	Subtotal	Footpaths and cycleways	300	385	(85)	796	765	
833670	Civic Hall Redevelopment Project	Heritage buildings	42	118	(76)	1,632	1,632	Works to be completed by June 2021
	Subtotal	Heritage buildings	42	118	(76)	1,632	1,632	
836330	DCP Land WIK	Land improvements	3,314	215	3,099	16,830	2,159	Land W K has been forecast down
	Subtotal	Land improvements	3,314	215	3,099	16,830	2,159	
801540	Library Books	Library books	259	164	95	449	449	
	Subtotal	Library books	259	164	95	449	449	
837370	CBD Parking Action Plan	Off street car parks	127	0	127	254	254	Final projects to be delivered
	Subtotal	Off street car parks	127	0	127	254	254	
837610	Bakery Hill	Other infrastructure	1,763	462	1,301	4,813	3,663	Still in planning stages, funds to be carried over till 21-22
837000	Bus Shelter repair and replacement	Other infrastructure	80	20	60	170	170	
837060	DCP Construction	Other infrastructure	1,574	20	1,554	6,335	7,520	Projects still in planning stage
836320	DCP Construction WIK	Other infrastructure	0	1,879	(1,879)	0	16,127	Majority of donated works will be in 20-21 year
837030	Kerb and channelling	Other infrastructure	80	102	(22)	467	467	
837020	Lake Wendouree Infrastructure Works	Other infrastructure	104	16	88	104	104	
822010	Land Development Council Contribut.	Other infrastructure	50	72	(22)	108	130	
835810	Monument Renewal Program	Other infrastructure	26	0	26	117	117	
833760	School Crossing Supervisor Shelters	Other infrastructure	29	11	18	35	35	
837200	Social Infrastructure Capital Impro	Other infrastructure	520	393	127	1,653	1,376	Projects still in planning stage some funds will be carried into 21-22
803770	Subdividers Contribution	Other infrastructure	0	0	0	14,566	14,566	

Capital Project Report - City of Ballarat
Period Ending 31st December 2020

Project	Project Description	Asset Class	Year To Date			Annual		Notes
			Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)	
837410	White Flat Public Safety Upgrade	Other infrastructure	0	8	(8)	0	9	Project completed
	Subtotal	Other infrastructure	4,226	2,983	1,243	28,368	44,284	
833570	Ballarat Botanical Gardens - Asset	Parks, open space and streetscapes	70	6	64	100	100	
823330	City Entrances	Parks, open space and streetscapes	220	88	132	250	250	
836730	Fernery	Parks, open space and streetscapes	741	803	(62)	741	1,011	Project will be completed this year.
837570	Lake Lighting & Fitness Equipment	Parks, open space and streetscapes	0	72	(72)	0	120	Fitness Equipment has been installed and operating
836040	Median Strip Landscaping	Parks, open space and streetscapes	110	11	99	110	110	
837720	Off-Leash Dog Park James Reserve Buninyong	Parks, open space and streetscapes	0	0	0	0	30	New project with grant funding
820760	Outdoor Swimming Pool Upgrade	Parks, open space and streetscapes	148	74	74	205	205	
821970	Parks Development Program	Parks, open space and streetscapes	144	81	63	304	294	
833650	Street Irrigation	Parks, open space and streetscapes	108	54	54	108	108	
837714	Warrenheip St Buninyong Street Scape Upgrade	Parks, open space and streetscapes	0	18	(18)	0	625	Project will commence in this year, funds to be acquired over to 21-22
	Subtotal	Parks, open space and streetscapes	1,541	1,207	334	1,818	2,853	
837650	Parking Equipment	Plant, machinery and equipment	197	0	197	394	100	
820040	Parking Meter Replacement Program	Plant, machinery and equipment	167	0	167	250	100	
820700	Plant Replacement Program	Plant, machinery and equipment	1,773	1,135	638	3,545	5,819	Will be over budget due to budget not reflective of actual replacement program
	Subtotal	Plant, machinery and equipment	2,137	1,135	1,002	4,189	6,019	
837718	Alfredton Recreation Reserve Upgrade	Recreational, leisure and community facilities	0	96	(96)	0	1,622	Project still in planning stage, Funds will be carried over to 21-22
837380	Art Acquisitions For AGB	Recreational, leisure and community facilities	0	115	(115)	0	122	
820750	BALC Assets & Equipment	Recreational, leisure and community facilities	220	252	(32)	500	500	
837220	Ballarat Animal Shelter Equipment	Recreational, leisure and community facilities	0	4	(4)	0	4	Project finished
837713	Ballarat Sports and Ent Centre Stage 2	Recreational, leisure and community facilities	260	212	48	3,371	1,200	Construction to start March 21, Funds will be carried over to 21-22
837590	Christmas Decorations	Recreational, leisure and community facilities	197	65	132	294	294	
837670	Fast Track Recreation Projects	Recreational, leisure and community facilities	2,978	1,372	1,606	9,469	5,905	Projects progressing. Funds will be carried over to 21-22
837170	HMT Conservation Works	Recreational, leisure and community facilities	140	48	92	1,164	450	Works to commence in 2nd half of year
837711	HMT Stage 3	Recreational, leisure and community facilities	0	14	(14)	0	600	Major works not till 21-22
837600	LED Residential Street Lighting	Recreational, leisure and community facilities	0	24	(24)	1,500	1,500	Project will commence Feb 21 Funds to be carried over to 21-22
837700	Mars Stadium Stage 2	Recreational, leisure and community facilities	382	810	(428)	382	4,509	Majority of works should be completed in by year end
837710	Miners Rest - Land Acquisition	Recreational, leisure and community facilities	1,000	0	1,000	1,000	1,000	Acquisition is progressing
837721	Outdoor Eating and Entertaining Precinct	Recreational, leisure and community facilities	0	0	0	0	500	New project funded by state government grant
831700	Playground Improvement Program	Recreational, leisure and community facilities	38	25	13	64	64	
833820	Playspace Upgrades	Recreational, leisure and community facilities	117	4	113	293	293	
834610	Public Art Program	Recreational, leisure and community facilities	111	87	24	274	274	
835990	Recreation Capital Improvement	Recreational, leisure and community facilities	4,619	2,507	2,112	5,933	4,750	Most projects should be completed by June 21 Some funds to be carried over to 21-22
833550	Street and Park Furniture Renewal	Recreational, leisure and community facilities	106	21	85	190	190	
837660	Street Trees & Planting	Recreational, leisure and community facilities	250	228	22	500	500	
837716	Water Hub Feasibility	Recreational, leisure and community facilities	15	0	15	30	30	Project yet to start
837690	Wendouree Community Recreation Precinct	Recreational, leisure and community facilities	1,250	338	912	2,759	2,509	New pitch and lights will be completed this year. Funds to be carried over to 21-22
	Subtotal	Recreational, leisure and community facilities	11,683	6,222	5,461	27,723	26,816	
834520	Bicycle Strategy Projects	Roads	136	84	52	276	276	

Capital Project Report - City of Ballarat
 Period Ending 31st December 2020

Project	Project Description	Asset Class	Year To Date			Annual		Notes
			Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)	
834530	Federal Blackspot Funding	Roads	400	1,540	(1,140)	1,000	3,986	Projects will be completed this year
834570	Federal Roads to Recovery Funding	Roads	1,000	325	675	1,000	1,400	Projects will be completed this year
834551	LRCI Funded Program	Roads	0	276	(276)	0	1,546	Projects will be completed this year
834550	Major Infrastructure Renewal Project	Roads	7,160	4,388	2,772	9,572	11,599	Projects will be completed this year
834540	Major New Capital Road Projects	Roads	531	5	526	531	531	Projects will be completed this year
836050	Major Rural Roads Infrastructure Wo	Roads	1,262	144	1,118	1,373	1,512	Projects will be completed this year
837050	Minor Road improvements /upgrades	Roads	1,224	3	1,221	1,224	1,500	Projects will be completed this year
Subtotal Roads			11,713	6,765	4,948	14,976	22,350	
837350	Community and Industry Resources & Recycling Centre	Waste Management	0	1	(1)	4,865	250	MRF application not successful
823120	Landfill Upgrade	Waste Management	779	122	657	3,989	5,100	Project will go over budget, new cell contract has been let, some funds to be accrued over to 21-22
833660	Public Place Recycling	Waste Management	6	0	6	12	12	
837260	SSR P Safer Cyclists & Pedestrian F	Waste Management	0	3	(3)	0	13	
Subtotal Waste Management			785	126	659	8,866	5,375	
Grand Total			42,976	21,309	21,667	124,801	122,242	

Capital Income	Year To Date			Annual		Notes
	Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)	
Grants Capital	0	16,402	16,402	2,200	31,207	Unspent grant income from 2020-2019 due to new accounting standard on unearned income
Contributions Monetary - Capital	0	170	170	0	170	
Contributions Non Monetary - Capital	8,415	2,094	(6,321)	31,396	32,852	
Proceeds From Sale of Plant & Equipment	175	114	(61)	350	350	
User Fees - Capital	39	15	(24)	78	42	
Total Capital Income	8,629	18,795	10,166	34,024	64,621	
Net Capital	34,347	2,514	11,501	90,777	57,621	

Capital Income Report - City of Ballarat

Period Ending 31st December 2020

Account Type	Project	Project Description	Year To Date			Annual	
			Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)
Contributions Monetary	837380	Art Acquisitions For AGB	0	115	115	0	115
Contributions Monetary	835990	Recreation Capital Improvement	0	55	55	0	55
Contributions Non Monetary	836320	DCP Construction WIK	6,204	1,879	(4,325)	12,409	16,127
Contributions Non Monetary	836330	DCP Land WIK	2,211	215	(1,996)	4,422	2,159
Contributions Non Monetary	803770	Subdividers Contribution	0	0	0	14,566	14,566
Grants Capital	835990	Recreation Capital Improvement	0	456	456	0	456
Grants Capital	837718	Alfredton Recreation Reserve Upgrade	0	1,480	1,480	0	1,480
Grants Capital	837200	Social Infrastructure Capital Impro	0	23	23	0	23
Grants Capital	837410	White Flat Public Safety Upgrade	0	21	21	0	21
Grants Capital	837450	Girrabanya Equipment	0	5	5	0	5
Grants Capital	834530	Federal Blackspot Funding	0	1,439	1,439	1,200	3,824
Grants Capital	837550	Charlesworth St Retarding Basin	0	1,000	1,000	0	1,000
Grants Capital	834550	Major Infrastructure Renewal Project	0	2,246	2,246	0	2,704
Grants Capital	836990	Bridge Rehabilitation	0	49	49	0	49
Grants Capital	837500	SMART City & Suburbs Grant	0	45	45	0	80
Grants Capital	837440	Wendouree Childcare Centre Extensions	0	175	175	0	175
Grants Capital	837570	Lake Lighting & Fitness Equipment	0	100	100	0	1,250
Grants Capital	837690	Wendouree Community Recreation Precinct	0	2,759	2,759	0	5,209
Grants Capital	837713	Ballarat Sports and Ent Centre Stage 2	0	3,371	3,371	0	4,671
Grants Capital	837630	Central Library	0	444	444	0	944
Grants Capital	837700	Mars Stadium Stage 2	0	882	882	0	3,132
Grants Capital	837711	HMT Stage 3	0	0	0	0	2,700
Grants Capital	837714	Warrenheip St Buninyong Street Scape Upgrade	0	0	0	0	300
Grants Capital	837721	Outdoor Eating and Entertaining Precinct	0	500	500	0	500
Grants Capital	837720	Off-Leash Dog Park James Reserve Buninyong	0	20	20	0	20
Grants Capital	837370	CBD Parking Action Plan	0	482	482	0	482
Grants Capital	834551	LRCl Funded Program	0	766	766	0	1,532
Grants Capital	834570	Federal Roads to Recovery Funding	0	139	139	1,000	650
Proceeds From Sale of Plant & Equipment	820700	Plant Replacement Program	175	114	(61)	350	350
User Fees	837380	Art Acquisitions For AGB	0	0	0	0	7
User Fees	837010	Drainage Projects	19	0	(19)	38	10
User Fees	837030	Kerb and channelling	18	0	(18)	35	10
User Fees	837040	Footpath Works	3	15	12	5	15
Grand Total			8,630	18,795	10,165	34,025	64,621

Capital Income	Year To Date			Annual	
	Budgets (\$000's)	Actuals (\$000's)	Variance (\$000's)	Budget (\$000's)	Forecast (\$000's)
Contributions Monetary - Capital	0	170	170	0	170
Contributions Non Monetary - Capital	8,415	2,094	(6,321)	31,396	32,852
Grants Capital	0	16,402	16,402	2,200	31,207
Proceeds From Sale of Plant & Equipment	175	114	(61)	350	350
User Fees - Capital	40	15	(25)	79	42
Total Capital Income	8,630	18,795	10,165	34,025	64,621

Notes:

1 - This year Capital Grants are much higher, as a result of unearned grant income in 2019-2020 being brought to account in 2020-2021 as per new accounting standard on unearned income

8.8. AMENDED COMMUNITY ENGAGEMENT POLICY

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey - Co-ordinator Community Participation

PURPOSE

1. To provide Council with a new Community Engagement Policy that incorporates amendments in response to community engagement.
2. To request the Policy be adopted by Council.

BACKGROUND

3. 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.
4. The Community Engagement 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.
5. The draft Policy was on public exhibition from 8 December 2020 until 13 January 2021.

KEY MATTERS

6. There were 65 responses to the online survey and six written submissions received. Feedback can be summarised by the following four statements:
 - a. The Policy should explicitly state that its purpose is to outline Council's commitment to engaging community in Council decision-making.
 - b. The Policy should articulate that engagement is an inclusive process that seeks input from a diverse range of community members, particularly those most affected by a decision and including those who face barriers to engagement.
 - c. The Policy should articulate that engagement must be authentic where community can influence decision-making.
 - d. The Policy should outline how Council will report back to participants and the public following engagement. Community want to know what feedback was received and how it was considered in decision-making. This was the most common feedback received.
7. Key changes made to the Policy are:
 - a. Inclusion in Section 1 (Purpose) that the Policy 'outlines Council's commitment and approach to engaging community in decision-making.'
 - b. Inclusion in Section 1 (Purpose) that the Policy promotes 'inclusive community engagement, recognising the rich knowledge and experience of Ballarat's diverse community.'
 - c. More detail added to the scope of the Policy (Section 2), outlining where community engagement must be undertaken and where it may not be undertaken.
 - d. Introduction and definition of the terms 'participatory engagement' and 'deliberative engagement.'

- e. Collation of the IAP2 Spectrum of Engagement, and the table outlining examples of the use of the different levels of engagement, into a single table in Section 3.2.
- f. Broadening of the list of potential stakeholders in Section 3.3.
- g. Elaboration of Engagement Plan inclusions in Section 3.3 including prompts to consider accessibility for people that face barriers to engagement; prompts regarding the collection and storage of data; and prompts regarding the planning of evaluation and feedback processes.
- h. Inclusion of the statement that 'all engagement processes should involve the provision of feedback to participants' (Section 3.4). Where a decision is to be raised at a Council meeting, the date of the Council meeting will be published online. The agenda for said meeting is also published online. Following the relevant decision, a summary of feedback will also be made available online for public viewing and sent directly to those who elected to leave contact details.
- i. Inclusion in responsibilities of Councillors, Executive Leadership Team and Council Officers that they will consider community engagement outcomes in decision making (Section 3.5).
- j. General editing and reorganisation of some content.

OFFICER RECOMMENDATION

8. That Council:

8.1 Adopt the Community Engagement Policy.

ATTACHMENTS

1. Governance Review [8.8.1 - 2 pages]
2. Community Engagement Policy [8.8.2 - 10 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 the organisation, Councillors, Council Officers, and the groups and individuals that comprise Ballarat's diverse community. The draft Policy aims to ensure that people can 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 and leads to better-informed Council decision-making.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. Nil.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. Nil

FINANCIAL IMPLICATIONS

5. 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

6. 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

7. 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

8. 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.
9. The draft Policy was open for public exhibition and comment between 8 December 2020 and 13 January 2021. There were 65 responses to the online survey and six written submissions were received.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. The author of the Report has a personal relationship with one of the six individuals who made submissions regarding the Policy. The feedback of that individual was considered independently by the Executive Manager Engaged Communities along with the other five submissions and 65 survey responses. Subsequently, amendments were made to the Policy based upon their merit and consistency with the respondents' collective feedback under the direction of the Executive Manager Engaged Communities.



COMMUNITY ENGAGEMENT POLICY

1.0 Purpose

The purpose of the Community Engagement Policy is to:

- 1.1 Outline Ballarat City Council's (Council) commitment and approach to engaging community in decision-making processes.
- 1.2 Promote inclusive community engagement, recognising the rich knowledge and experience of our diverse community.
- 1.3 Provide guidance to Council Officers, Councillors and the community on our engagement principles, methods and available resources.
- 1.4 Enable a consistent, transparent and high-quality approach to the design and delivery of community engagement.
- 1.5 Meet requirements of the Local Government Act 2020 (the Act) as they apply to community engagement.

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.

This Policy applies to community engagement processes to be undertaken as directed by Council, recommended by Council Officers or required by legislation including but not limited to:

- The Community Vision
- The Council Plan
- Financial Plan
- Asset Plan
- Municipal Public Health and Wellbeing Plan
- Budget
- Local laws

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

The 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.

There are instances where Council may not seek feedback prior to decisions being made. These may include time-sensitive decisions about emergency management or public risk issues, and decisions regarding internal policy development, response to legislative requirements or other time-sensitive matters.

3.0 Policy Statement



3.1 Policy Objectives

Council recognises that engagement leads to well-informed decisions at a strategic and operational level, achieves effective and transparent governance, and is fundamental to inclusive, vibrant and thriving communities.

The Community Engagement Policy has three overarching objectives:

- To ensure that the knowledge, experiences, needs and aspirations of the community are considered in Council decision-making processes.
- To provide a strong foundation for understanding and working with our community – promoting shared responsibility for decisions and trust in the decision-making process.
- To strengthen collaboration and partnerships between Council and the community.

3.2 Our Approach and Principles

Community engagement requirements are guided by legislation (including the Local Government Act 2020) and frameworks such as International Association of Public Participation (IAP2) Spectrum of Engagement. Council will make decisions based on legislative requirements, the expert advice of Council Officers and/or consultants, and community inputs gathered through formal and informal engagement.

This Policy recognises that engagement should be well-planned, tailored to circumstances and consider factors such as complexity of the decision to be made, community values, sensitivity, timing and opportunity. Community engagement will be undertaken with reference to the following principles:

- The community will be enabled to provide meaningful and relevant input into decision-making.
- The objectives and scope of the engagement and the opportunities to influence decision-making will be well articulated.
- Processes and interactions will be respectful of all community members, Council Officers, Councillors and consultants / agencies.
- Accurate, timely and accessible information will be provided to community to inform their input.
- Participation in community engagement will be sought from those people and groups who are most affected by the matter that is subject to engagement.
- A wide variety of engagement opportunities will be available to enable access for all community members, and effort will be made to involve people and groups that face challenges to engagement.
- Community will be informed of the final decision and how their input was considered.
- The effectiveness of community engagement processes will be reviewed and evaluated.
- Engagement processes will be planned, resourced and reported on appropriately.

Council's approach to community engagement is guided by the IAP2 Spectrum of Engagement which describes five levels of engagement from 'inform' through to 'empower' (Figure 1). It matches the purpose of the community engagement with the level of influence that community input will have on decision-making.

Many engagement processes will operate on more than one level of engagement as community will be involved and have different levels of influence at different stages of a project or program. Likewise, different engagement levels may be used for different groups within the community that are more, or less, directly impacted than others.

Engagement practices can be described as either participatory or deliberative engagement. **Participatory engagement** aims to get feedback from a wide variety of participants and usually involves a transactional interaction between Council and community where information is shared either one or both ways. This type of



engagement typically occurs where Council informs community about works occurring or invites feedback on ideas, alternatives or draft documents. This is the type of engagement that occurs at the 'inform' and 'consult' levels of the IAP2 Engagement Spectrum.

Deliberative engagement is a form of high influence community engagement where a select group of participants are provided with information, support and time to deliberate over perspectives, inputs and evidence to support their decision-making or recommendations. Participants are selected to form a group that is representative of those who will be impacted by the decision. Deliberative engagement is a time and resource-intensive process and is more likely to occur at the 'involve,' 'collaborate' and 'empower' levels of the IAP2 spectrum.

DRAFT



	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Purpose of engagement	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Commitment to community	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Examples of when each level of engagement may be used			INVOLVE, COLLABORATE AND/OR EMPOWER The Local Government Act requires deliberative engagement practices for: <ul style="list-style-type: none"> • Long-term Community Vision • 4 Year Council Plan • Long-term Financial Plan • Long-term Asset Plan On long term and significant impact projects like these we use methods to partner with the community		
			INVOLVE AND/OR COLLABORATE 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		



		<p>CONSULT AND/OR INVOLVE</p> <p>Decisions carrying a lower impact (such as a minor policy review) still require community input but less time and resource-intensive methods</p>			
		<p>CONSULT</p> <p>Sometimes options are limited for practical reasons (such as maintenance work that must be carried out). In this case, we will ask you how and when it should happen</p>			
	<p>INFORM</p> <p>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 are no real alternatives available. In these cases, we will keep you informed.</p>				

Figure 1: Different levels of community engagement and examples of use (adapted from IAP2 Spectrum of Engagement and City of Yarra Engagement Policy 2020)



3.3 Engagement process planning

Quality community engagement is well-planned and resourced. Engagement planning should commence with four key questions:

Why are we engaging? Effective engagement strengthens Council’s decision-making by connecting community and stakeholders to the policies, projects and services that impact their lives. A clearly defined purpose and scope for the engagement process helps to ensure that people participate in a meaningful way – where they understand what they are being asked and how they are influencing decision-making.

When will we engage? Decisions about when to engage are directly impacted by the purpose and scope of the engagement process. Council will conduct engagement at a time that community input can influence decisions as outlined in the purpose and scope of the process.

Who do we engage? The City of Ballarat’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. A stakeholder analysis should be undertaken to identify those who are most impacted by the decision. Stakeholders may include business and industry, not-for-profit and community organisations, emergency services, environmental groups, children, families, young people, older people, Indigenous community members, people from culturally and linguistically diverse communities, people who identify as LGBTIQ+, people with a disability, carers, older residents and visitors.

How do we engage? With a clear purpose and understanding of the target for engagement, engagement methods and the tools to be used to undertake and record engagement feedback can be selected. These will vary dependent on the type of engagement process to be undertaken but may include:

Type of engagement	Inform	Consult	Involve	Collaborate	Empower
Examples of relevant methods	<ul style="list-style-type: none"> • Fact sheets • Websites • Open Houses 	<ul style="list-style-type: none"> • Public Comment • Focus Groups • Surveys • Public Meetings 	<ul style="list-style-type: none"> • Workshops • Deliberative Polling 	<ul style="list-style-type: none"> • Citizen Advisory Committees • Consensus Building • Participatory decision making 	<ul style="list-style-type: none"> • Citizen Juries • Ballots • Delegated decisions

An Engagement Plan should be developed for any project or process where community engagement will be undertaken and should include the following as a minimum:

- Engagement Plan inclusions:**
1. Project description: What is the project that involves decision making?
 2. Background: What is the background to the project?
 3. Engagement purpose and scope: What do we need to find out from community? How much influence will community have on the decision? What are the negotiables and non-negotiables when it comes to decision-making?
 4. Timing: When do we need to engage in order to facilitate that influence on decision-making? Will there be multiple phases of engagement?
 5. Engagement stakeholder analysis: Who are the people and groups most impacted by this decision?



6. Engagement methods and tools: What methods and engagement tools are we going to use to engage with the target group? Are there a variety of ways people can engage? Have we thought about accessibility for groups that face barriers to engagement?
7. Data collection and analysis: How will we collect and analyse data? How will it be stored securely? What are the privacy implications?
8. Evaluation planning: How will we know if we were successful in our engagement? Are we collecting information to respond to the Key Response Areas and Indicators required for evaluation (Figure 2)?
9. Communications: How will we communicate the engagement process and follow up with participants?
10. Collateral required: What do we need to develop to undertake the process? What human and other resources are required?

3.4 Evaluation of community engagement processes and feedback to participants

Ballarat City Council is committed to continuous improvement of our community engagement practice. Engagement participants can select to be contacted to receive feedback about how their input was considered, and to provide feedback to Council about the engagement process.

All engagement processes should provide feedback to participants. Planning for this occurs during the development of the Engagement Plan. Where a decision is to be raised at a Council meeting, the date of the Council meeting will be published online. The agenda for said meeting is also published online. Following the relevant decision, a summary of feedback will also be made available online for public viewing and sent directly to those who elected to leave contact details.

Each community engagement process will be evaluated by those responsible for the engagement. Key Result Areas and Indicators shown in Figure 2 are to be used when evaluating individual community engagement processes. Council will collate results of individual engagement evaluations to produce an annual report of its community engagement activity.



KRA	Indicator
Planning, resourcing and structures enable the achievement of engagement objectives	<ol style="list-style-type: none"> The detail of engagement planning was consistent with stakeholder/community expectations The time and budget allocated was consistent with stakeholder/community expectations The internal structures and responsibilities were clarified early in the engagement planning
Timely and clear communication builds trust and increases participation	<ol style="list-style-type: none"> Stakeholders/community were given sufficient time and information to engage in a meaningful way, and at influential stages of the process Outcomes and commitments made to stakeholders/community were recorded and followed through in a timely way 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	<ol style="list-style-type: none"> The stakeholders/community engaged was representative of the project impact and risk The engagement process ensured there was equitable opportunity for participation for a diverse range of perspectives to be shared There was transparency of communicating engagement details including goal, negotiables, timelines and events
Influence to the extent promised builds sustainable decisions	<ol style="list-style-type: none"> The influence/input from stakeholders/community matched the level of engagement promised 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	<ol style="list-style-type: none"> The engagement process enabled practical project outcomes to be achieved Stakeholders/community demonstrate support for the engagement process
Engagement builds learning opportunities for all	<ol style="list-style-type: none"> The process enabled knowledge capture and sharing to improve practice Participation in the engagement process benefited the stakeholders/community involved

Adapted from the City of Melbourne Evaluation Framework (2014)

3.5 Roles and Responsibilities

Everyone with a relationship with Ballarat City 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 Be respectful of engagement processes, Council Officers, community members and stakeholders Consider engagement outcomes in decision making.



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 • Consider engagement outcomes in decision making
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
Council 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 • Consider engagement outcomes in decision making
Community members	<ul style="list-style-type: none"> • Respectful of engagement processes, Councillors, Council 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

4.0 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 involves a two-way exchange between Council and community. 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.
Communication	Imparting or exchanging information or ideas, utilising a range of channels and activities.
Participation	Participation by communities in activities to help achieve desired outcomes.
Deliberation	An engagement process with a select group of community members. The process focusses on a defined issue, weighs 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.

5.0 Policy owner

Executive Manager Engaged Communities

6.0 Authorisation

Adopted by Ballarat City Council on XX.

8.9. COUNCILLOR GIFT POLICY

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The purpose of the report is for Council to endorse the Councillor Gift Policy.

BACKGROUND

2. The Councillor Gift Policy has been created to establish guidelines for appropriate conduct in circumstances where Councillors are offered gifts.
3. The Councillor Gift Policy reflects best practice in the Victorian Local Government sector as it complies with the *Local Government Act 2020* (the Act) and the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).
4. Section 138 of the Act relating to the Councillor Gift Policy came into force on 24 October 2020 and must be adopted by 21 April 2021.

KEY MATTERS

6. The Councillor Gift policy must include procedures for the maintenance of a gift register.
7. Receipt of a gift or other benefit from a person or organisation can result in a conflict of interest arising between a Councillor's public duty and their personal interests.
8. The intent of the procedures set out in the Councillor Gift Policy are to provide greater clarity regarding the management of gifts and hospitality for Councillors to ensure a consistent and transparent approach regarding the acceptance, refusal and disposal or otherwise of gifts or other benefits, including hospitality.

OFFICER RECOMMENDATION

9. That Council:

9.1 Adopt the Councillor Gift Policy.

ATTACHMENTS

1. Governance Review [8.9.1 - 1 page]
2. Councillor Gift Policy [8.9.2 - 5 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Councillor Gift Policy is a requirement of the *Local Government Act 2020*; and links to the Council Plan goal: Accountability.

COMMUNITY IMPACT

2. There is no community impact 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 and 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. In accordance with section 138(1) of the *Local Government Act 2020* (the Act), Council must adopt a Councillor Code of Conduct by 21 April 2021.
7. The Councillor Gift Policy complies with the Act and the *Governance and Integrity Regulations 2020*.

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. No community consultation and engagement are required for the subject of this report.
10. The Executive Manager Governance and Risk provided a Briefing to Councillors on 20 January 2021 and 10 February 2021.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. No Council Officer that has provided advice in relation to this report has a conflict of interest.



COUNCILLOR GIFT POLICY

1.0 Purpose

This policy has been developed in accordance with section 138 of the *Local Government Act 2020* to provide guidance to Councillors regarding the acceptance, refusal and disposal or otherwise of gifts or other benefits, including hospitality.

Receipt of a gift or other benefit from a person or organisation can result in a conflict of interest arising between a Councillor's public duty and their personal interests.

Gifts are not to be sought, demanded or requested and the offer of monetary gifts (of any amount) must never be accepted.

At all times Councillors are bound by the Councillor Code of Conduct.

2.0 Scope

The City of Ballarat is committed to being open and transparent in its operations to minimise the risk of being placed in a compromising position that may have an adverse effect on its public endeavours and the promotion of trust within the community.

This policy covers any gift and benefit Councillors are offered and received but does not cover gifts received during a donation period of an election campaign, specifically section 306 of the *Local Government Act 2020* (the Act).

This policy applies to Councillors of Ballarat City Council.

3.0 Policy Statement

3.1 Gifts and Benefits

Councillors should not solicit, demand or request gifts or receive any personal benefit by virtue of their position which could prejudicially influence, or be perceived to influence a person in the performance of his or her public duties. To avoid a conflict of interest, acceptance of any gifts, benefits or hospitality in these situations must be declined.

Gifts received must not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift.

If Councillors refuse a gift on the basis that they believe the gift was a deliberate attempt to receive "preferential treatment", the Chief Executive Officer must be advised immediately.

3.1.1 Token Gifts

Such gifts of token value may be accepted by Councillors provided that the gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift.

The following should be used as a guide for Councillors in determining whether to accept token gifts. Such gifts may be accepted only when the following have been considered:

- Such a gift is offered in an open or public forum and refusal would be obviously discourteous;
- Acceptance would not cause any potential, perceived or actual compromise or conflict of interest;
- The gift does not have a significant monetary value (as a guide, less than \$50);



- The gift is not offered on a regular basis.

All gifts and benefits over the nominal value (\$50) that are not considered a token gift are owned by Council. These may be gifted to the recipient at the discretion of the Chief Executive Officer.

3.1.2 Official Gifts

Councillors may be involved in social, cultural or community events where official gifts are presented or exchanged. In such circumstances, where it would appear discourteous or inappropriate to decline the offer, it is reasonable for Councillors to accept official gifts on behalf of Council.

All official gifts received are to be reported to the Chief Executive Officer and recorded in the Gift Register.

The gift will be considered the property of Council, and where suitable, the gift will be displayed in an appropriate and secure location for public viewing.

3.1.3 Gifts of Appreciation

Councillors must not seek a gift or benefit in appreciation of their advocacy on an issue.

Acceptable alternatives might include a letter or card of thanks as this is less likely to result in a situation that compromises either party.

Where an individual accepts a gift of appreciation it should not exceed the nominal value of \$50. Gifts of appreciation that would generally be considered of nominal value might include a bouquet of flowers, a box of chocolates or a bottle of wine.

3.1.4 Anonymous Gifts

Section 137 of the Act provides that a Councillor:

- must not accept, directly or indirectly, a gift the amount or value of which is equal to or exceeds the gift disclosure threshold unless:
 - the name and address of the person making the gift are known to the Councillor; or
 - at the time when the gift is made:
 - the Councillor is given the name and address of the person making the gift; and
 - the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach if the Councillor disposes of the gift to the Council within 30 days of the gift being received.

3.2 Disposal of Gifts

The Chief Executive Officer may dispose of gifts by any of the following methods:

- Disposal by resolution of Council;
- Transfer to other public agencies or authorities;
- Transfer as a gift to a recognised charitable, aid or non-profit organisation;



- Archival action by the Victorian Museum or State Library;
- Reduction to scrap; or
- Destruction.

3.2.1 Disposal of Anonymous Gifts

If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor must dispose of the anonymous gift to Council within 30 days of the gift being received.

3.3 Material Conflict of Interest

A Councillor has a material conflict of interest in respect of a matter if an affected person could gain a benefit or suffer a loss depending on the outcome. For the purposes of this policy an affected person is a person from whom a Councillor has received a disclosable gift.

3.4 Hospitality

Councillors in their official capacity, will from time to time receive invitations of hospitality to attend various functions and events. Where hospitality provides an opportunity to network, or undertake business of a common purpose, it may be appropriate to accept such invitations.

Attendance at events as a result of formal sponsorship arrangements are not deemed as gifts under this policy.

An invitation to an educational event (also from a current supplier) that includes a modest hospitality component can be accepted if the main purpose of the event is educational and the hospitality offered is modest and inconsequential to the main event.

If acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor, or could be perceived as a conflict of interest, the offer of hospitality must be declined.

Details of hospitality received above the nominal value are to be recorded in the Gift Register.

3.5 Process

Value	Process
\$50 +	<p><i>Councillor</i></p> <ul style="list-style-type: none"> • Requests Civic Support staff to record details of gift or benefit in the Gift Register App available via the Statutory Compliance Hub. • Councillor must dispose an anonymous gift to Council within 30 days of the gift being received. <p><i>Chief Executive Officer</i></p> <ul style="list-style-type: none"> • Determines if the gift should be accepted or declined in accordance with this Policy; and • Approves or declines gift in Gift Register App which updates Statutory Register. <p><i>Civic Support</i></p> <ul style="list-style-type: none"> • Formally acknowledges the donor; and • Complete form with gift details through the online Gift Register App.



3.6 Roles and Responsibilities

Party/parties	Roles and responsibilities	Timelines
Council	Comply with the requirements of this policy.	Ongoing
Chief Executive Officer	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Civic Support Staff	Manage areas of responsibility to ensure receipt and disposal of gifts are completed in accordance with this policy.	Ongoing
Governance	Report on the Gift Register to the Audit and Risk Committee	Half-yearly

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*

4.2 Associated Documents

Council's:

- a) Governance Rules; and
- b) Councillor Code of Conduct

4.3 Definitions

<i>Anonymous gift</i>	Any gift received by the Councillor, where the name and address of the person making the gift cannot be established.
<i>Gift Disclosure Threshold</i>	Any gift received by the Councillor, the value of which equals or exceeds \$500, including gifts in the form of goods or services and multiple gifts that together equal or exceed that amount, which was received at any time since the specified person lodged the preceding initial or biannual personal interests return.
<i>Gift Register App</i>	Online application used to register all Official Gifts and Token Gifts, whether accepted or declined.
<i>Hospitality</i>	Hospitality that is not excessive in the particular circumstances and is in proportion to the likely benefits to local governance. Hospitality may include the provision of services such as meals, entertainment, travel and accommodation.
<i>Official capacity</i>	A Councillor is acting in an official capacity if they are exercising their powers or performing their responsibilities under relevant



legislation and their attendance at the event or function is related to providing good local governance for the municipality.

Official gift A gift offered at a social, cultural or community event where the Council is the intended recipient of the gift

Token gift The gift does not have significant monetary value ie <\$50 and has been offered in and has been offered in an open and public forum.

5.0 Monitoring, evaluation and review

Council commits to monitoring processes related to Councillor gifts and transparent reporting to understand the overall level of success in the policy's implementation.

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

6.0 Human Rights Charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

7.0 Policy owner

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be directed to the Executive Manager Governance and Risk.

8.0 Applicability

The policy applies to all Councillors of the City of Ballarat.

9.0 Authorisation

Adopted by Ballarat City Council, xx xxx 20xx Rxxx/xx

8.10. COUNCILLOR CODE OF CONDUCT

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The report recommends Council to endorse the revised Councillor Code of Conduct.

BACKGROUND

2. The Councillor Code of Conduct is used to assist Councillors in meeting their responsibilities by setting the standards of conduct to ensure that the conduct of Councillors is legal, ethical and appropriate at all times.
3. The revised Code of Conduct reflects best practice in the Victorian Local Government sector as it complies with the *Local Government Act 2020* (the Act) and the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).
4. Section 39 of the Act relating to the Councillor Code of Conduct came into force on 24 October 2020. Council must adopt a revised Councillor Code of Conduct in line with the new Act by 24 February 2021.
5. In accordance with section 139(4) of the Act, Council must review and adopt the Councillor Code of Conduct within 4 months of a general election.

KEY MATTERS

6. The Councillor Code of Conduct must include the four new standards of conduct (conduct standards) referred in the Regulations and the new internal arbitration process as identified in the Act. The new mandatory standards cover four main areas relating to the expected behaviours of Councillors, include:
 - Standard 1: Treatment of others.
 - Standard 2: Performing the role of Councillor.
 - Standard 3: Compliance with good governance measures.
 - Standard 4: Maintaining Council reputation.
7. The new conduct standards replace the Primary and General Principles of Councillor Conduct which previously existed under the *Local Government Act 1989 (Vic)*.
8. The Councillors Code of Conduct can only be amended by a resolution of Council passed at a meeting by at least two thirds of the total numbers of Councillors elected to Council.

OFFICER RECOMMENDATION

9. That Council:

9.1 Adopts the revised Councillor Code of Conduct.

9.2 Revoke the Councillor Code of Conduct adopted by Council on 25 January 2017 (R01/17).

ATTACHMENTS

1. Governance Review [8.10.1 - 2 pages]
2. Councillor Code of Conduct [8.10.2 - 26 pages]

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Councillor Code of Conduct is a requirement of the *Local Government Act 2020*; and links to the Council Plan goal: Accountability.

COMMUNITY IMPACT

2. There is no community impact 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 and 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. In accordance with section 139 of the *Local Government Act 2020* (the Act), Council must develop and adopt a Councillor Code of Conduct and include matters prescribed by the *Governance and Integrity Regulations 2020*.
7. The Councillor Code of Conduct complies with the Act and the *Governance and Integrity Regulations 2020*.

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. No community consultation and engagement are required for the subject of this report.
10. The Executive Manager Governance and Risk provided a Briefing to Councillors on 20 January 2021 and 10 February 2021.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. No Council Officer that has provided advice in relation to this report has a conflict of interest.

Councillor Code of Conduct

2021





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The City of Ballarat has established the Councillor Code of Conduct in accordance with section 139 of the *Local Government Act 2020*.

Commitment

Good governance, integrity and accountability are central to the *Local Government Act 2020* (the Act), to underpin local government democracy, conduct and enable our community to hold the Council to account. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance Rules established.

Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors, Members of Delegated Committees and Council officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.



CHAPTER 1 - INTRODUCTION

1.1 Legislative Framework

The *Local Government Act 2020* (**Act**) requires a Council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct is required to be periodically reviewed. This Councillor Code of Conduct (**Code**) has been adopted by Council to comply with the requirements of the Act.

A Councillor Code of Conduct:

- must include the Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020* (**Regulations**) expected to be observed by Councillors;
- must include any provisions prescribed by the Regulations;
- must include provisions addressing any matters prescribed by the Regulations; and
- may include any other matters which Council considers appropriate, other than any other Standards of Conduct.

The Standards of Conduct with which Councillors are required to comply are specified in Schedule 1 to the Regulations.

Failure by a Councillor to comply with the Standards of Conduct constitutes misconduct under the Act, which may be pursued in accordance with the processes set out in this Code.

1.2 Councillors' commitment

As Councillors, we are committed to the principles of good governance, working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

1.3 Purpose

The purpose of this Code is to set out the Standards of Conduct with which Councillors must comply and to:

- foster good working relationships between Councillors to enable Councillors to work constructively together in the best interests of the municipal community;
- lift the standard of behaviour of Councillors during Council meetings, Councillor briefings and any other meetings which Councillors participate in from time to time; and
- establish benchmarks for Councillor conduct designed to build public confidence in the integrity of local government.



CHAPTER 2 - CONTEXT

2.1 Context

The role of Council, as set out in section 8 of the Act, is:

- To provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

The City of Ballarat is governed by nine Councillors who are democratically elected to represent three wards.

2.2 Definitions and Notes

2.2.1 In this Code of Conduct:

Act means the *Local Government Act 2020* (as amended from time to time).

Chief Executive Officer means the Chief Executive Officer of Council or the person acting in or performing the position of Chief Executive Officer.

Council means Ballarat City Council and/or City of Ballarat.

Council Plan is the four-year plan setting out the strategic directions of the Council.

Councillor means a Councillor of the Council.

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor.

Misconduct means any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct.

Serious misconduct means any of the following—

- the failure by a Councillor to comply with the Council's internal arbitration process;
- the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147;
- the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor;
- the failure of a Councillor to comply with a direction of a Councillor Conduct Panel;
- continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b);
- bullying by a Councillor of another Councillor or a member of Council staff;
- conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff;
- the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information;
- conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff; and
- the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with this Act.

Officer means an employed member of Council staff.



CHAPTER 3 – PERFORMING THE ROLE OF THE COUNCILLOR

Overview:

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and*
 - (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and*
 - (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and*
 - (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.*
-

3.1 Role of Council

The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (see s 8 of the Act). Council provides good governance if:

- it performs its role in accordance with the Overarching Governance Principles in s 9 of the Act; and
- the Councillors perform their roles in accordance with s 28 of the Act.

In performing its role, Council may:

- perform any duties or functions and exercise any powers conferred on it under the Act or any other Act; and
- perform any other functions that it considers are necessary to enable that performance.

Good governance is fundamental to Council being able to perform its role. Good governance relies on, among other things, good working relationships between Councillors.

3.2 Role of Councillors

Section 28 of the Act provides that the role of a Councillor is:

- to participate in the decision-making of Council;
- to represent the interests of the municipal community in that decision-making; and
- to contribute to the strategic direction of Council through the development and review of key strategic documents of the council, including the Council Plan.



In performing the role of a Councillor, a Councillor must:

- consider the diversity of interests and needs of the municipal community;
- support the role of Council;
- acknowledge and support the role of the Mayor;
- act lawfully and in accordance with the oath or affirmation of office;
- act in accordance with the Standards of Conduct; and
- comply with Council procedures required for good governance.

The role of a Councillor expressly excludes the performance of any responsibilities or functions of the Chief Executive Officer (**CEO**).

3.3 Role of the Mayor

Section 18 of the Act provides that the role of the Mayor is to:

- chair Council meetings;
- be the principal spokesperson for Council;
- lead engagement with the municipal community on the development of the Council Plan;
- report to the municipal community, at least once each year, on the implementation of the Council Plan;
- promote behaviour among Councillors that meets the Standards of Conduct set out in the Councillor Code of Conduct;
- assist Councillors to understand their role;
- take a leadership role in ensuring the regular review of the performance of the CEO;
- provide advice to the CEO when the CEO is setting the agenda for Council meetings; and
- perform civic and ceremonial duties on behalf of Council.

3.4 Role of the CEO

Section 94A of the *Local Government Act 1989* sets out the functions of the CEO, which include:

- establishing and maintaining an appropriate organisational structure for Council;
- ensuring Council decisions are implemented without undue delay;
- day to day management of Council's operations in accordance with the Council Plan;
- developing, adopting and disseminating an Employee Code of Conduct;



- providing timely advice to Council;
- ensuring that Council receives timely and reliable advice about its legal obligations;
- supporting the Mayor in the performance of the Mayor's role; and
- carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation.

From 1 July 2021, s 94A of the *Local Government Act 1989* will be replaced by s 46 of the Act. The CEO's functions will then include:

- supporting the Mayor and the Councillors in the performance of their roles;
- ensuring the effective and efficient management of the day to day operations of the Council;
- ensuring that Council receives timely and reliable advice about its legal obligations;
- supporting the Mayor in the performance of the Mayor's role;
- setting the agenda for Council meetings after consulting the Mayor;
- when requested by the Mayor, reporting to Council in respect of the implementation of a Council decision;
- carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation;
- establishing and maintaining an organisational structure for Council;
- being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff; and
- managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between Council staff and Councillors.

The CEO will determine the extent to which Councillors will be informed of decisions made in pursuit of these functions. Councillors acknowledge that any information provided by the CEO is provided as a courtesy and in pursuit of maintaining good working relationships.

Councillors accept that they must not seek to direct the CEO with respect to the fulfilment of these functions.

It is neither the role nor the responsibility of the CEO to mediate disagreements arising between Councillors, or to draft, or otherwise assist in the drafting of, an application under this Code or the Act.



3.5 Role of Councillor Conduct Officer

The CEO will from time to time appoint a member of Council staff as the Councillor Conduct Officer under s 150 of the Act.

The Councillor Conduct Officer must:

- assist Council in the implementation and conduct of the internal arbitration process;
- assist the Principal Councillor Conduct Registrar to perform his or her functions; and
- assist the Principal Councillor Conduct Registrar in relation to any request for information.

It is neither the role nor the responsibility of the Councillor Conduct Officer to draft, or to otherwise assist in the drafting of, an application under this Code or the Act.

3.6 Role of the Principal Councillor Conduct Registrar

The Principal Councillor Conduct Registrar is appointed by the Secretary Department of Jobs, Precincts and Regions under s 148 of the Act and is employed by the State Government under Part 3 of the *Public Administration Act 2004*. The role of the Principal Councillor Conduct Registrar relevantly includes:

- receiving and examining applications for the appointment of an arbiter;
- appointing an arbiter from the panel list kept by the Secretary Department of Jobs, Precincts and Regions as required; and
- publishing guidelines in relation to processes and procedures relating to internal arbitration process applications as considered necessary.



CHAPTER 4 – STANDARDS OF CONDUCT

Overview:

The Standards of Conduct to be observed by Councillors are set out in the Regulations. Failure to comply with the Standards of Conduct constitutes 'misconduct' for the purposes of the Act. If allegations of misconduct cannot be resolved between Councillors informally, they will be referred to the internal arbitration process, which may result in the imposition of sanctions.

4.1 Treatment of Others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010;
- supports Council in fulfilling its obligation to achieve and promote gender equality;
- does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

4.2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- undertakes any training or professional development activities that Council decides it is necessary for all Councillors to undertake to effectively perform the role of a Councillor;
- diligently uses Council processes to become informed about matters which are subject to Council decisions;
- is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- consider the diversity of backgrounds, interests and needs of the local community and be inclusive of all communities in Ballarat including but not limited to the Aboriginal and Torres Strait Islander community, the Intercultural community and the LGBTIQ community.



4.3 Compliance with Good Governance Measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of Council, must diligently and properly comply with the following:

- any policy, practice or protocol developed and implemented by the CEO in accordance with s 46 of the Act for managing interactions between members of Council staff and Councillors;
- the Council expenses policy adopted and maintained by Council under s 41 of the Act;
- the Governance Rules developed, adopted and kept in force by Council under s 60 of the Act; and
- any directions of the Minister for Local Government issued under s 175 of the Act (governance directions).

4.4 Councillor must not discredit or mislead Council or public

In performing the role of a Councillor, a Councillor must:

- ensure that their behaviour does not bring discredit upon Council; and
- not deliberately mislead Council or the public about any matter related to the performance of their public duties.

4.5 Standards do not limit robust political debate

Councillors acknowledge that nothing in the Standards of Conduct is intended to limit, restrict or detract from robust public debate in a democracy. So, while Councillors must always meet these Standards of Conduct, participation in vigorous debate of matters before Council for decision should not be viewed as being inconsistent with them.



CHAPTER 5 – PROHIBITED CONDUCT

Overview:

In addition to observing the Standards of Conduct, Councillors acknowledge that the Act prohibits them from engaging in certain conduct and that doing so constitutes a criminal offence. This conduct relates to:

- *misuse of position;*
- *improper direction and improper influence;*
- *confidential information;*
- *conflict of interest; and*
- *electoral conduct.*

Councillors acknowledge that, while these matters are not Standards of Conduct and are not to be addressed as a contravention of this Code, they undertake to comply with them.

In the case of non-compliance, these matters could be the subject of an application to a Councillor Conduct Panel made by the Chief Municipal Inspector, or of a complaint to the Local Government Inspectorate, the Independent Broad-based Anti-corruption Commission or Victoria Police, depending on the nature of the allegation.

5.1 Misuse of position

A Councillor must not misuse his or her position:

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- to cause, or attempt to cause, detriment to Council or another person.

Circumstances involving the misuse of position by a Councillor include, but are not limited to:

- making improper use of information acquired as a result of the Councillor's position (current and past);
- disclosing information that is confidential information;
- directing, or improperly influencing, or seeking to direct or improperly influence, a member of Council staff;
- exercising or performing, or purporting to exercise or perform, a power, duty or function that the Councillor is not authorised to exercise or perform;
- using public funds or resources in a manner that is improper or unauthorised; and
- participating in a decision on a matter in which the Councillor has a conflict of interest.



5.2 Directing a member of Council staff

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- in the exercise of a delegated power, or the performance of a delegated duty or function of Council;
- in the exercise of a power or the performance of a duty or function exercised or performed by the staff member as an authorised officer under the Act or any other Act;
- in the exercise of a power or the performance of a duty or function the staff member exercises or performs in an office or position the staff member holds under the Act or another Act; or
- in relation to advice provided to Council or a delegated committee, including advice in a report to Council or delegated committee.

5.3 Confidential Information

A Councillor must not intentionally or recklessly disclose information that the he or she knows, or should reasonably know, is confidential information.

For the purposes of the Act 'confidential information' means the following information:

- Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- private commercial information, being information provided by a business, commercial or financial undertaking that:
 - relates to trade secrets; or
 - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- confidential meeting information, being the records of meetings closed to the public under the Act;
- internal arbitration information, being information specified in s 145 of the Act;



- Councillor Conduct Panel confidential information, being information specified in s 169 of the Act;
- information prescribed by regulations to be confidential information for the purposes of the Act; and
- information that was confidential information for the purposes of s 77 of the *Local Government Act 1989*.

A Councillor may disclose information that would be considered 'confidential information' if the information that is disclosed is information that Council has determined should be publicly available.

Otherwise, a Councillor may disclose information that the he or she knows is confidential information in the following circumstances:

- for the purposes of any legal proceedings arising out of the Act;
- to a court or tribunal in the course of legal proceedings;
- pursuant to an order of a court or tribunal;
- in the course of an internal arbitration and for the purposes of the internal arbitration process;
- in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
- to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry; and
- to the extent reasonably required for any other law enforcement purposes.

Councillors acknowledge that they will have access to confidential information in many forms and that it will not always be labelled as being 'confidential'. Councillors will take reasonable steps to inform themselves about the confidential nature of any Council information before discussing it outside the organisation.

5.4 Conflict of Interest

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply).

A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.

A Councillor has a 'general' conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in the Councillor acting in a manner that is contrary to their public duty.



For the purposes of general conflict of interest:

- 'private interests' means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief; and
- 'public duty' means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.

A Councillor has a 'material' conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred:

- directly or indirectly; or
- in a pecuniary or non-pecuniary form.

For the purposes of a material conflict of interest, any of the following is an 'affected person':

- the Councillor;
- a family member of the Councillor;
- a body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body;
- an employer of the Councillor, unless the employer is a public body;
- a business partner of the Councillor;
- a person for whom the Councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the Councillor is a trustee; and
- a person from whom the Councillor has received a disclosable gift (i.e. exceeding \$500 in value).

Councillors acknowledge that they must be clear about their associations with parties external to Council and to avoid conflicts between those associations and their role as Councillors.

5.5 Other legislative requirements

The Act includes requirements relating to eligibility to be a Councillor, electoral conduct and the election period ('caretaker period'). Allegations in relation to contravention of these provisions should be directed to the Victorian Electoral Commission or the Local Government Inspectorate, depending on the nature of the allegation, for investigation and any consequent action.

Councillors acknowledge that they are responsible for complying with the various provisions relating to these matters.



CHAPTER 6 – GOOD GOVERNANCE MEASURES

Overview:

Nothing in this part of the Code is intended to impose a binding Standard of Conduct on Councillors. These matters are expressed as operating in addition to the Standards of Conduct. Further, nothing in this part of the Code is intended to modify or derogate from the Standards of Conduct.

This part of the Code sets out conduct that the Councillors agree will contribute to the good governance, integrity and responsible operation of Council.

6.1 Overarching Governance Principles

Councillors will support the role of Council by ensuring that Council gives effect to the overarching governance principles when participating in Council's decision-making functions.

The overarching governance principles are set out in s 9(2) of the Act and are as follows:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- collaboration with other councils and governments and statutory bodies is to be sought;
- the ongoing financial viability of Council is to be ensured;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
- the transparency of Council decisions, actions and information is to be ensured.

6.2 Council decision making

Councillors are committed to ensuring a high level of transparency in Council's decisions and Council's decision-making processes. Councillors acknowledge that Council decisions cannot be made other than by resolutions made at properly constituted Council meetings following fulsome public debate in the Council Chamber. While Councillors will engage in informal discussion of matters coming before Council for decision, they acknowledge that these informal discussions are not decision-making forums, and that a final position on such matters cannot be reached before the Council meeting.

Councillors acknowledge the role that reports prepared by members of Council staff provide professional advice which assists in informing Councillors about matters before Council for



decision. Councillors will pay respect and attention to the information provided by members of Council staff to assist Council's decision-making functions.

6.3 Use of Council resources

Councillors commit to using Council resources effectively, economically and only for proper purposes connected with their role as a Councillor, consistent with relevant Council policies and procedures.

In particular, Councillors will:

- maintain adequate security over Council property, facilities and resources provided by Council to assist in performing their role;
- comply with any legislation and Council policies and procedures applying to the use of Council property, facilities and resources provided by Council to assist in performing their role;
- not use Council resources, including the services of members of Council staff, for private purposes, unless authorised to do so, and paying for those resources where required to do so; and
- not use public funds or resources in a manner that is improper or unauthorised.

6.4 Gifts and benefits

Councillors will avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from Council.

Councillors will take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that give rise to the appearance of an attempt to gain favourable treatment.

Councillors will only accept gifts that exceed the gift disclosure threshold (currently, \$500) if:

- the name and address of the person making the gift are known to them; or
- at the time when the gift is made, they reasonably believe that the name and address provided are the true name and address of the person making the gift.

Anonymous gifts that exceed the gift disclosure threshold will be disposed of to Council within thirty (30) days of receiving the gift.

Councillors will comply with the Councillor Gift Policy, once adopted, and any other policies and procedures adopted by Council from time to time relevant to the acceptance of gifts.



6.5 External communications

Councillors recognise that, as representatives of the local community, they have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

Councillors are committed to respecting the function of the Mayor as the spokesperson of Council in accordance with the Act.

Councillors undertake to comply with Council's Communication Policy and any other relevant policies, as adopted from time to time, including recognition of and respect for the:

- role of the Mayor as the principal spokesperson of Council, including in communications with the media on behalf of Council;
- role of the CEO in communicating with the media on behalf of Council with respect to matters of an operational nature; and
- practice of directing media enquiries to Council's Communications Team at first instance.

Councillors acknowledge that individual Councillors are entitled to express their personal opinions through the media. In doing so, Councillors will make it clear that such comment is their personal view and does not represent the position of Council. Councillors will ensure that such comments avoid being derogatory, offensive or insulting of Council, Councillors, members of Council staff, members of the community and others and are factually accurate.

6.6 Personal dealings with Council

When Councillors deal with Council in their private capacity (eg as a ratepayer, recipient of a Council service or applicant for a permit), they will not expect or request preferential treatment in relation to any such private matter. Councillors will avoid any action that could lead members of Council staff or members of the community to believe that they are seeking preferential treatment.

6.7 Occupational Health and Safety

Councillors acknowledge that meeting Council's obligations as an employer under the *Occupational Health and Safety Act 2004* by, among other things, providing a safe workplace for members of Council staff and visitors to Council premises is essential.

Councillors are committed to working in ways that protect and promote the health and safety of members of Council staff and visitors to Council premises and to minimise risks to them.

6.8 Elections

Councillors may nominate as candidates in elections at all levels of government. If nominating as a candidate in an election, or assisting in the campaign of a candidate in an election, Councillors commit to not using their position as a Councillor for purposes associated with their campaign, or the campaign of any other candidate.



CHAPTER 7 – INTERPERSONAL DISPUTES BETWEEN COUNCILLORS

Overview:

Councillors acknowledge that interpersonal differences and disputes (as distinct from allegations of contravention of the Standards of Conduct) may arise from time to time. Councillors commit to taking reasonable steps to resolve any interpersonal difference or dispute that arises without recourse to formal processes with a view to maintaining effective working relationships.

7.1 Informal Discussions between Councillors

Councillors will first consider discussing their interpersonal difference or dispute informally with a view to resolving it.

7.2 Facilitated discussion

If Councillors are unable to discuss their interpersonal difference or dispute informally, or their informal discussions are unsuccessful, they will consider approaching a fellow Councillor, chosen with the agreement of both Councillors, to facilitate a discussion with a view to resolving their interpersonal difference or dispute.

If the interpersonal difference or dispute cannot be resolved informally, the Councillors will consider whether any of the conduct giving rise to it constitutes a contravention of the Standards of Conduct. If they consider that it does, they may choose to pursue it as such under part 8 of this Code.



CHAPTER 8 – CONTRAVENTION OF THE CODE

Overview:

Allegations of contravention of the Standards of Conduct must be formally pursued and the internal arbitration process followed.

8.1 Allegation

An allegation that the Standards of Conduct have been breached by a Councillor can be made by:

- Council, by resolution;
- a Councillor; or
- a group of Councillors.

Where an allegation is made by Council or by a group of Councillors, a single Councillor must be nominated to act as the representative of Council or the group of Councillors (as the case may be) in the internal resolution process. Only that Councillor will be entitled to participate in the internal resolution process.

When an allegation of a breach of the Standards of Conduct is alleged, the Councillors who are party to the allegation undertake to use their best endeavours to resolve the matter in a courteous and respectful manner without recourse to formal processes under this Code or under the Act. If, after these endeavours have been exhausted, the allegation remains unresolved, either or both of the Councillors may have recourse to any or all of the internal resolution processes set out in this Code.

Councillors accept the following three-phase internal resolution process:

- formal discussion between the Councillors, facilitated by the Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor;
- formal mediation between the Councillors, facilitated by a qualified mediator; and
- formal internal arbitration process.

Councillors recognise that the first and second phases are voluntary and that they are not obliged to agree to either of them but will endeavour to resolve allegations without resorting to the mandatory internal arbitration process.



8.2 The Application

An application alleging a breach of the Standards of Conduct must:

8.2.1 *include the:*

- a) name of the Councillor alleged to have breached the Standards of Conduct;
- b) clause(s) of the Standards of Conduct that the Councillor is alleged to have breached;
- c) particular misconduct, or behaviour, that the Councillor is alleged to have engaged in that resulted in the breach; and
- d) phase of the internal resolution process being pursued by the Councillor making the allegation at the first instance; and

8.2.2 *be submitted to the Councillor Conduct Officer for:*

- a) action, if the application seeks engagement in the first or second phase of the internal resolution process; or
- b) referral to the Principal Councillor Conduct Registrar, if the application seeks a formal internal arbitration process.

If an application received by the Councillor Conduct Officer does not meet the requirements of this Part 8.2, the Councillor Conduct Officer will return it to the Councillor submitting it with a brief statement of the ways in which the application is deficient.

A Councillor may revise and resubmit to the Councillor Conduct Officer a deficient application, provided that the Councillor submits the revised application no later than 3 months after the alleged breach of the Standards of Conduct occurred (see s 143(3) of the Act).

An application for an internal resolution procedure cannot be made during a Council Election Period and any procedure in progress will be suspended for the duration of an Election Period.

8.3 Process on receiving an application

8.3.1 *Application for a facilitated discussion*

On receiving an application from a Councillor which meets the requirements of Part 8.2 of this Code and which seeks a facilitated discussion, the Councillor Conduct Officer will take the following steps:

- a) notify the Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor (as the case may be) and the CEO (for the CEO's information only) and provide them with a copy of the application;
- b) notify the Councillor the subject of the allegation in the application and provide them with a copy of the application;
- c) request the Councillor the subject of the application to advise whether they will participate in the facilitated discussion within 5 days of receiving the application, noting that, if no advice is received, the Councillor will be taken to have declined;



- d) if the Councillor agrees to participate in the facilitated discussion:
 - (i) the Councillor Conduct Officer will, with the cooperation of the Councillors involved in the application and the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be), arrange a suitable time and place for the facilitated discussion, to be no later than 5 days from the date of the advice provided under paragraph c);
 - (ii) the facilitated discussion must be completed with the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be) providing a record of the outcome to the Councillors involved in the application and the CEO no later than 5 days after the discussion takes place; and
 - (iii) if the facilitated discussion is not complete within 5 days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in a facilitated discussion, unless both Councillors agree to extend the time for completion;
- e) if the facilitated discussion is not completed in accordance with this Part 8.3.1 for whatever reason, or if the facilitated discussion does not resolve the allegation the subject of the application, the Councillor Conduct Officer will advise the:
 - (iv) Councillor making the application and ask the Councillor to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase;
 - (v) Councillor the subject of the application; and
 - (vi) CEO; and
- f) the Councillor Conduct Officer will make arrangements to close or to escalate the application, as the case may be, according to the advice of the Councillor making the application.

8.3.2 *Mediation*

On receiving an application from a Councillor which meets the requirements of Part 8.2 of this Code and which seeks a mediation, or on escalating an application where a facilitated discussion has not been completed or has not resolved the allegation, the Councillor Conduct Officer will take the following steps:

- a) notify the CEO and provide them with a copy of the application;
- b) notify the Councillor the subject of allegation in the application and provide them with a copy of the application;
- c) request the Councillor the subject of the application to advise whether they will participate in mediation within 5 days of receiving the application, noting that, if no advice is received, the Councillor will be taken to have declined;



- d) if the Councillor agrees to participate in mediation:
- the CEO, or a member of Council staff nominated by the CEO for the purpose (**the CEO's nominee**), will engage a mediator, to be chosen by the CEO (or the CEO's nominee);
 - the CEO (or the CEO's nominee) will, with the cooperation of the Councillors involved in the application, arrange a suitable time and place for the mediation, to be no later than 5 business days from the date of the advice provided under paragraph c); and
 - if the mediation is not complete within 5 business days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in the mediation, unless both Councillors agree to extend the time for completion;
- e) if the mediation resolves the application, the mediator will document the agreement reached by the Councillors involved and provide a copy of the agreement to both Councillors and to the CEO;
- f) if the mediation is not completed in accordance with this Part 0 for whatever reason, the CEO (or the CEO's nominee) will advise the:
- Councillor making the application and ask the Councillor to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase; and
 - Councillor the subject of the application; and
- g) the CEO (or the CEO's nominee) will ask the Councillor Conduct Officer to make arrangements to close or to escalate the application, according to the advice of the Councillor making the application.

8.3.3 *Internal arbitration*

A breach of the Standards of Conduct constitutes 'misconduct' for the purposes of the Act and may be referred to an arbiter for determination. The process for internal arbitration is prescribed by Part 6 of the Act and r 11 of the Regulations.

Internal arbitration may be commenced either after the first two phases of the internal resolution process prove unsuccessful in resolving the allegation, or as the first step in an application.

On receiving an application from a Councillor which meets the requirements of Part 8.2 of this Code and which seeks an internal arbitration process, or on escalating an application where a facilitated discussion and/or mediation has not been completed or has not resolved the allegation, the Councillor Conduct Officer will:

- a) refer the application to the Principal Councillor Conduct Registrar;
- b) notify the Councillors involved in the application of the referral;
- c) notify the CEO of the referral (for the CEO's information only);
- d) await advice from the Principal Councillor Conduct Registrar about the application; and
- e) take such steps as are necessary to give effect to the Principal Councillor Conduct Registrar's advice, in accordance with any instructions received.



Councillors recognise that an application for internal arbitration for an allegation of a breach of the Standards of Conduct will only be accepted by the Principal Councillor Conduct Registrar, and an arbiter will only be appointed, if the Principal Councillor Conduct Registrar is satisfied that:

- a) the application is not frivolous, vexatious, misconceived or lacking in substance; and
- b) there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct.

It is for the Councillor or Councillors submitting an application to ensure that the application meets these requirements.

If the Principal Councillor Conduct Registrar is satisfied that an application for internal arbitration should be accepted, the Principal Councillor Conduct Registrar will appoint an arbiter from a panel list compiled by the Secretary to the Department of Jobs, Precincts and Regions.

In conducting an arbitration the arbiter must:

- a) ensure that the parties involved are given an opportunity to be heard;
- b) ensure that a Councillor who is a party does not have a right to representation, unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly;
- c) conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
- d) ensure that the hearing is not open to the public.

Additionally, in conducting an arbitration the arbiter:

- a) may hear each party to the matter in person or solely by written or electronic means of communication;
- b) is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit;
- c) may at any time discontinue the hearing if the arbiter considers that the:
 - application is vexatious, misconceived, frivolous or lacking in substance; or
 - Councillor making the application, or representing the group of Councillors making the application, has not responded, or has responded inadequately, to a request for further information.

Where an application to have legal representation is granted by an arbiter, the costs of the Councillor's legal representation are to be borne in their entirety by the Councillor.



If, at the completion of the internal arbitration process, the arbiter determines that a Councillor has breached the Standards of Conduct, the arbiter may make a finding of misconduct against the Councillor and impose any one or more of the following sanctions:

- a) direct the Councillor to make an apology;
- b) suspend the Councillor from the office of Councillor for a period specified by the arbiter (not exceeding one month);
- c) direct that the Councillor be removed from any position where the Councillor represents Council for a period determined by the arbiter;
- d) direct that the Councillor is removed from being the chair of a delegated committee for a period determined by the arbiter; and/or
- e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter must provide a written copy of the arbiter's findings and statement of reasons to:

- a) Council;
- b) the applicant(s) and the respondent; and
- c) the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the arbiter's findings and statement of reasons are provided. If the arbiter's decision and statement of reasons contain any confidential information, the confidential information must be redacted before it is tabled.

Councillors recognise that a failure to participate in and comply with the internal arbitration process or a direction given to the Councillor by an arbiter is 'serious misconduct' for the purposes of the Act. Allegations of 'serious misconduct' are heard by a Councillor Conduct Panel.

8.4 Responsibility of Councillors

It is the responsibility of a Councillor or Councillors submitting an application to prepare the application, including identifying and collating the evidence which supports it.

While members of Council staff may provide some administrative support, that support will not extend to assisting Councillors with the preparation of the substance of an application.

8.5 Human Rights Charter

This Code has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Code aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

8.11. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Executive Unit
Director: Evan King
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 and endorsement.

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. Changes to the Instrument of Delegation since the last approved iteration include:
 - Legislative changes to the provisions of the *Residential Tenancies Act 1997* and *Road Management Act 2004*; and
 - Removal of legislative section within the *Local Government Act 1989*.

OFFICER RECOMMENDATION

6. That Council 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 [8.11.1 - 1 page]
2. S6 Instrument of Delegation Members of Staff [8.11.2 - 112 pages]
3. Changed Provisions [8.11.3 - 3 pages]
4. Deleted provisions [8.11.4 - 1 page]

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
CRM	Coordinator Road Maintenance



Title	Position
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
MSP	Manager Strategic Planning
MSTP	Manager Statutory Planning



Title	Position
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
STP	Statutory Planner
TLEH	Team Leader Environmental Health
TLPD	Team Leader Pathways and Drainage



Title	Position
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



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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CPG, DIE, EMO, EMPSFM	
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; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DIE, EMPSFM	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DIE, EMPSFM	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DIE, EMPSFM	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DIE, EMPSFM	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DIE, EMPSFM	
s.86(5)	duty to provide notification before taking action under s.86(4)	DIE, EMPSFM	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DIE, EMPSFM	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DIE, EMPSFM	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DIE, EMPSFM	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DIE, EMPSFM	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	
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



Environment Protection Act 1970			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEH, DDG, EHO, TLEH	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDG	If s 19(1) applies



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, TLEH, TLRATS, 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	
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))



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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 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, EMEG, MSP, MSTP, PSTP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTP, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, 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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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, EMEG, MSP, MSTP, PSTP	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, 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,	Except submissions which request a change to the items in s 22(5)(a) and (b)



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMEG, EMO, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	
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, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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	
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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SP, SPAO, SSP, SSTP, STP	
s 32(2)	Duty to give more notice if required	CSTP, CSTPO, DDG, EMDF, 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, 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	Not Applicable	Where Council is a responsible public entity and is a planning authority



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Strategic Plan which is expressed to be binding on the responsible public entity		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 entity when performing a function or duty or exercising a power in relation to the declared area	CSTP, CSTPO, DDG, EMDF, EMEG, MSP, MSTP, PMUR, PPSP, PSTP, SP, SPAO, SSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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
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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	development agency to acquire that land at the date on which the approved infrastructure contributions plan expires		
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
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	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
	each current owner a portion of the proceeds in accordance with s 46GZF(5)		
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
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	AOGAF, CGAF, CSTP, CSTPO, DCA, DDG, 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, DDG, EMDF, MSTP, PSTP	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
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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, SSTP, STP, TSODF	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, PSTP, SO, TSODF	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CSTP, 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
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83B	Duty to give or publish notice of application for review	CSTP, CSTPO, DDG, EMDF, MSTP, PSTP, SO, SSTP, STP, TSODF	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CSTP, 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	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	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 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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CCPE, CSTP, CSTPO, DDG, EMDF, EMRS, MSTP, PSTP	
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	
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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
	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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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,	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, 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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, PSTP, SP, SSP, SSTP, STP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CSTP, 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,	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)(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	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CSTP, 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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CSTP, CSTPO, DDG, EMDF, MSP, MSTP, 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	
s 178I(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,	



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



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, 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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
	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	



Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 27 April 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 27 April 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 27 April 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



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	AOBS, AOEH, AOLLT, CEH, EHO, HSO, LLEO, RSSO, 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	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 206AZA(2)	Function of receiving written notification	DIE, EMPSFM	Note: this power is not yet in force and will commence on 27 April 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 27 April 2021, unless proclaimed earlier
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,	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		EMRS, MBS, TLEH, TOEH	
s 526A(3)	Function of receiving report of inspection	AOEH, CEH, EHO, HSO, TLEH, TLRATS, TOEH	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CBS, CEH, 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	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(9)(b)	Duty to advise Registrar	DDG, DIE, EMDF, EMI, EMO	
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)	Duty 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



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 15(2)	Duty to include details of arrangement in public roads register	CAM, DDG, DIE, EMDF, EMI	
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)
s 18(3)	Duty to record designation in public roads register	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 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, EMO, RMCS, RMS, TLPD, TLRs, TLRs, TLRs, TLRs	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CRM, DDG, DIE, EMDF, EMI, EMO,	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		RMCS, RMS, TLPD, TLRs, TLR, 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, TLR, 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
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government 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



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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,	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, RMS, SASU, TLPD, TLRs, TLSR, TLUR	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CAM, CEH, CRM, EMI, RMCS, RMS, SASU, TLPD, TLRs, TLSR, TLUR	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CAM, DDG, DIE, EMDF, EMI	Where Council is the infrastructure manager or works manager



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
s 71(3)	Power to appoint an authorised officer	CAM, CID, CIT, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, SASU, TLPD, TLPSE, TLRs, TLRs, 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	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, TLRs, TLRs, TLUR	
s 87(2)	Duty to investigate complaint and provide report	CRM, DCS, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD, TLRs, TLRs, 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, TLRs, TLRs, TLUR	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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, TLSR, 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	



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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 cla 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	CAM, CRM, DDG, DIE, EMDF, EMI, EMO, RMCS, RMS, TLPD,	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
	location of any non-road infrastructure and technical advice or assistance in conduct of works	TLRS, TLSR, TLUR	
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
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



Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	DIE, EMPSFM	
r 30(2)	Power to release cremated human remains to certain persons	DIE, EMPSFM	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	DIE, EMPSFM	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	DIE, EMPSFM	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	DIE, EMPSFM	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	DIE, EMPSFM	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	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	



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, DIE, EMO, EMPSFM	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CPG, DIE, 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	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DDG, EMDF, MSTP	



Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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 25(3)	Duty to consult with relevant floodplain management 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 26	Duty to have regard to any report of the relevant fire authority	CEH, EHO, TLEH, TOEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEH, EHO, TLEH, TOEH	
r 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, TLRSATS, TOBS, TOEH	
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	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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	



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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



Changed Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334298	Residential Tenancies Act 1997	s 91ZU(1)	Power to give a renter a notice to vacate rented premises	DDG , 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 27 April 2021, unless proclaimed earlier
334299	Residential Tenancies Act 1997	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 27 April 2021, unless proclaimed earlier



#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334300	Residential Tenancies Act 1997	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 27 April 2021, unless proclaimed earlier
334301	Residential Tenancies Act 1997	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 27 April 2021, unless proclaimed earlier
334302	Residential Tenancies Act 1997	s 206AZA(2)	Function of receiving written notification	DIE, EMPSFM	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier



#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334303	Residential Tenancies Act 1997	s 207ZE(2)	Function of receiving written notification	DIE, EMPSFM	Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
31941	Road Management Act 2004	s 42A(3)	duty <u>Duty</u> to consult with VicRoads <u>Head, Transport for Victoria and Minister for Local Government</u> 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



Deleted Provisions

Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Local Government Act 1989	s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	DDG, EMDF	

8.12. CONTRACTS APPROVAL 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 meeting of this Committee held on 16 December, 2020, two contracts were approved by the Committee. This report provides a copy of the minutes of this meeting 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 Delegated committees are presented to Council and kept in accordance with the adopted Terms of Reference and Common Seal and Meeting Conduct Local Law. This report advises that minutes of the Contracts Approval Delegated Committee (the Committee) are attached to this report for the meeting held on 16 December, 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
2020/21-148	Smith and Wil Asphaltting Pty Ltd	\$775,234.78 (excluding GST)	Major Patch Program	Yes
2020/21-53	Pearce Earthmoving	\$547,165.78 (excluding GST)	Rural Road Resheet and Drainage Works	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 16 December 2020.

ATTACHMENTS

- 1. Signed Contracts Minutes of Wednesday 16 December 2020 [8.12.1 - 5 pages]



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

16 December 2020

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 16 DECEMBER 2020 AT 4:30PM**

**Janet Dore
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Tracey Hargreaves
Cr Daniel Moloney (at 4:37pm)

IN ATTENDANCE

Ms Janet Dore (Chief Executive Officer)
Mr Sean Portelli (Director Corporate Services)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Mr Luke Ives (Co-ordinator Road Maintenance)
Mr Trevor Harris (Procurement Co-ordinator)
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 9 December, 2020 as circulated, be confirmed.

Moved Cr Tracey Hargreaves
Seconded Cr Ben Taylor

CARRIED

SECTION 66 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, 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 Tracey Hargreaves
Seconded Cr Ben Taylor

CARRIED

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Contracts Special Committee Minutes

16 December 2020

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5.1 CONTRACT 2020/21-148 MAJOR PATCH PROGRAM
(RO – Bridget Wetherall / Luke Ives)**SUMMARY**

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the Major Patch Program which involves asphalt and stabilisation repairs of various sealed road defects throughout the City of Ballarat to meet compliance of Councils Road Management Plan.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract 2020/21-148 for the provision of Major Patch Program to Smith and Wil Asphaltting Pty Ltd for the tendered price of \$775,234.78 each (GST exclusive).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED**5.2 CONTRACT 2020/21-53 RURAL ROADS RESHEET AND DRAINAGE**
(RO – Bridget Wetherall / Luke Ives)

Cr Moloney entered the meeting

SUMMARY

This report recommends that the Contracts Approval Delegated Committee approves the awarding of a Contract for the provision of Rural Roads Resheet and Drainage Works at various locations within the municipality to improve road conditions for the safety of road users and to prevent future road deterioration during periods of wet weather.

RESOLUTION

The Contracts Approval Delegated Committee resolves to:

- 1. Award Contract 2020/21-53 for the provision of rural Roads Resheet and Drainage works to S.F. Pearce and Co Pty Ltd, trading as Pearce Earthmoving for the tendered price of \$547,165.78 each (GST exclusive).**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Tracey Hargreaves
Seconded Cr Ben Taylor

CARRIED

Move out of Section 66

RESOLUTION:

That the Committee resolves to move out of Section 66 and adopt the resolutions made therein.

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED

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Contracts Special Committee Minutes

16 December 2020

There being no further business, the Chairperson declared the meeting closed at 4:38pm

Confirmed this 16th day of January , 2021

Cr Ben Taylor

.....
Cr Ben Taylor
Chairperson

8.13. OUTSTANDING QUESTION TIME ITEMS

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

BACKGROUND

2. The City of Ballarat Governance Rules, section 3.7.1 calls for a standard agenda item at each Council Meeting that reflects unanswered questions from question time.

KEY MATTERS

3. Nil

OFFICER RECOMMENDATION

4. **That Council:**

4.1 Endorse the Outstanding Question Time report.

ATTACHMENTS

1. Outstanding Question Time Items [8.13.1 - 1 page]
2. QT01/21 & QT02/21- Philippe Fernandez [8.13.2 - 1 page]
3. QT03/21 - Peter Finn [8.13.3 - 1 page]
4. QT04/21 & QT05/21 - Werner Oellering [8.13.4 - 1 page]

Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
27/01/2021 QT01/21	Closed	Philippe Fernandez	Will the council push to bring the historic tramway back to form a complete loop of Lake Wendouree? This would fulfill both a public transport need and provide an historic tourist attraction	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response (see attached)
27/01/2021 QT02/21	Closed	Philippe Fernandez	Could these efforts be coupled with the implementation of a dedicated bike path off road and decoupled from the extant walking track?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response (see attached)
27/01/2021 QT03/21	Closed	Peter Finn	In light of Council's inability to assist residents of Chevron Court, Lake Wendouree, with the unsightly location of a Tiny House in their street does Council consider the absence of legislation to govern structures such as Tiny Houses located in residential areas highlight a need to legislate to be able provide guidance in the future?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
27/01/2021 QT04/21	Closed	Werner Oellering	In April 2020 I asked a question relating odour from the Ballarat sale yards (CVLX). In his response Mr Demeo advised that further enforcement was not required at that time. The EPA has now received 1056 odour complaints from more than 130 residents (EPA Figures) in the 2 years and 3 months the facility has been in operation. Historically complaints peak January to April. Is it now time for council to respond to those "Odour Nuisance" complaints?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)
27/01/2021 QT05/21	Closed	Werner Oellering	At a recent Neighbourhood Reference Group (NRG) Meeting CVLX advised it has submitted revised its Environmental Improvement Plan (EIP) and Odour Management Plan (OMP) to council for approval. In 2019 council engaged GHD Environment specialists to carry out an Independent Odour assessment of CVLX's operations. The GHD report concluded that there is an offsite odour impact, and it identified a wide range of odour management measures to resolve odour issue. Has council had the revised plans reviewed by an independent odour specialist, possibly GHD?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response (see attached)

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 29 January 2021
Our Ref: BW:vn:sn/bk
Your Ref: QT01/21, QT02/21
Enquiries: (61) 03 5320 5500
Email: info@ballarat.vic.gov.au

Mr Philippe Fernandez
Email: [REDACTED]

Dear Mr Fernandez

RE: HISTORIC TRAMWAY AND DEDICATED BIKE PATH FOR LAKE WENDOUREE

I write in response to your public questions asked at the Council meeting held Wednesday 27 January 2021 as follows.

“Will the council push to bring the historic tramway back to form a complete loop of Lake Wendouree? This would fulfill both a public transport need and provide an historic tourist attraction.”

The City of Ballarat is working closely with the Ballarat Tramways Museum to renew the existing tram tracks around Lake Wendouree. The Tramway Museum has plans to extend the track in the future but the priority for now remains the replacement of the ageing tracks. A 300m section was replaced in 2019 at a cost of over \$800,000. Joint funding agreements are constantly being explored to gain further funds and support for track upgrades.

“Could these efforts be coupled with the implementation of a dedicated bike path off road and decoupled from the extant walking track?”

There has been no consideration given to creating a separate and dedicated bike path around Lake Wendouree. The existing path (Steve Moneghetti Track) is designed as a shared path that can cater for both cyclists and pedestrians. Future upgrade of this track may see it sealed in asphalt. There are also other subsidiary walking tracks that run along the lake foreshore in many locations of the lake, particularly along its western side. Also, Wendouree Parade has a dedicated-on road cycle lane located on the lake side that runs for the whole circumference of the lake. This cycle lane is linked through intersections via dedicated off road cycle lane connectors. The enquiry will however be referred to the Cycling and Pedestrian Connections working group for further consideration.

Please feel free to contact Vaughn Notting, Council’s Executive Manager Infrastructure, on [REDACTED] if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

Bridget Wetherall
Director Infrastructure and Environment

CC: Mayor and Councillors
Civic Support
Agenda Review
Vaughn Notting – Executive Manager Infrastructure

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 8 February 2021

Our Ref: NR:kr

Your Ref: QT03/21

Enquiries: (61) 03 5320 5500

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

Mr Peter Finn

Email: [REDACTED]

Dear Mr Finn,

RE: OUTSTANDING QUESTION TIME ITEM – QT03/21

Thank you for your question.

I understand that this matter has been the subject of several local law enquiries. In this circumstance the tiny house referred to is located on wheels in the driveway of a property in Chevron Court. There is no breach of the current community local law, building or planning legislation as it can be located in the driveway much the same way as a caravan or trailer.

There is adequate legislation that provides guidance in these matters where it relates to Council's jurisdiction and in this circumstance. Having little jurisdiction, we suggest that as this is a matter of neighbourhood dispute and a process of mediation through the Dispute Settlement Centre of Victoria may assist to resolve the matter. <https://www.disputes.vic.gov.au/>

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: 8 February 2021

Our Ref: NR:kr

Your Ref: QT04/21 & QT05/21

Enquiries: (61) 03 5320 5500

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

Mr Werner Oellering

Email: [REDACTED]

Dear Mr Oellering,

RE: OUTSTANDING QUESTION TIME ITEMS – QT04/21 & QT05/21

Thank you for your questions.

As you would be aware, Council plays the role as the planning authority ensuring that the documents outlined in the Development Plan within our planning scheme are consistent with any Works Approval required under the Environment Protection Act 1970.

As a result of the ongoing complaints regarding odour, in early 2020 a report by GHD commissioned by Council was provided to EPA as the determining authority.

As a result of notices by EPA, late last year CVLX submitted revised documentation to EPA which incorporates changes to their Environment Improvement Plan (EIP) and Odour Management Plan (OMP), along with updated associated sub-plans. The revised documents address:

- Actions resulting from EPA Pollution Abatement Notices issued since initial endorsement
- Updates to, or replacement of, sub-plans since operations commenced (Noise Management Plan and Effluent System Commissioning Report)
- Internal review of operations and EIP practicality or efficiency
- Changes to internal structure and personnel
- Operational or infrastructural changes
- Updates based on legislative changes
- A condition of Works Approval Exemption No. 1003978 (Wet Weather Storage Management Plan)
- any other EPA recommendations

Prior to Council's formal response to the EPA on the amendments if it gives reassurance to the Neighbourhood Community Group Council will seek a response from GHD based on their original report and the response would be provided to CVLX, the Neighbourhood Community Group and EPA.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

9. NOTICE OF MOTION

10. REPORTS FROM COMMITTEES/COUNCILLORS

11. URGENT BUSINESS

12. SECTION 66 (IN CAMERA)

8.4. TENDER NO. 2020/2021-2 SUPPLY OF EVENT HIRE EQUIPMENT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sarah Kennedy – Events Manager

(confidential information)

8.12. CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential information)

12.1. DELEGATE AUTHORITY TO CEO TO ENTER SUPPLY AGREEMENT FOR 100% RENEWABLE ELECTRICITY

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

(Confidential information)

13. CLOSE