

8.5. TENDER 2021/22-360 - WENDOUREE WEST RECREATION RESERVE - COMMUNITY HUB, SPORTS PAVILION, CHANGEROOMS AND MENS SHED

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Trent Bursill – Project Manager

PURPOSE

1. To award Contract 2021/22-360 - Wendouree West Recreation Reserve - Community Hub, Sports Pavilion, Changerooms and Mens Shed.

BACKGROUND

2. The scope of this contract involves the construction of a new Community Hub, Sports Pavilion, Changerooms, Mens Shed and associated external works
3. Ten years on from the completion of the State Government's Neighbourhood Renewal Program, Wendouree West continues to be classified as one of the most disadvantaged communities in Australia, in a wide range of social categories. The precinct requires upgrades to the built environment, recreational reserve and a targeted range of health promotion and participation initiatives to activate the community space.
4. The ultimate outcome of the Wendouree West Recreation Reserve upgrade project will have substantial social and cultural benefits for the users of the reserve and in the process help to encourage healthy lifestyles for members of the community.
5. The buildings and complementary landscaping works delivered through this contract will achieve the key Project Objective as outlined in the Project Charter approved by the Project Steering Committee. This being to:
 - Deliver a new purpose-built Community Hub for Wendouree West;
 - Upgrade sporting infrastructure in Wendouree West;
 - Improve access and accessibility within the precinct; and
 - Reduce negative perceptions about the Wendouree West Community.
6. The Project works are a critical component of the larger \$7m Strengthening Wendouree Community Recreation Precinct Project. The core deliverables of the project are as follows:
 - Community Hub & Sports Pavilion
 - Must include space for:
 - Wendouree Neighbourhood Centre
 - Ballarat YMCA Youth Programs
 - Allied health consulting rooms
 - A community kitchen
 - A new home for Forest Rangers Soccer Club, complete with female friendly and universal access change rooms for players and officials
 - Suitable storage spaces and supporting amenities to service the changerooms such as laundry facilities.
 - Soccer Pitch Upgrades
 - 3x new/upgraded soccer pitches
 - 1x hard wicket cricket facility
 - Drainage and irrigation to service the upgraded playing fields,
 - Soccer Pitch Floodlighting
 - 100 Lux to 2x pitches
 - Men Shed & Recranked Youth Shed

- Relocation of Wendouree West Men's Shed
- New Recranked Youth Shed
- Power Upgrade
- Five-a-side street soccer zone
- Youth Shelter, Skate and BMX Facilities
 - A small skate element
 - Relocation of the existing BMX track
 - A youth shelter (Undercover area near youth areas)
- Reserve Landscaping
 - Minor improvements to park entrances and upgraded laneways
- Demolition, removal and earthworks
 - Demolition of existing pavilion
 - Miscellaneous earthworks

(collectively the Project).

KEY MATTERS

7. Three (3) tender submissions were received.
8. The tendered price is in line with the PCG approved budget for these works.
9. The project is funded by the Victorian Labour Government represented by Department of Jobs, Precincts and Regions (DJPR), following the 2018 State Election and Council.
10. The tender process has incorporated clarification with suppliers regarding the proposed costings to deliver the project and referee checking to affirm the capability of the two tenderers with the best Value For Money (VFM) score to be able to deliver the project.
11. Notwithstanding that the presented Value for Money score of two tenderers is very close for this project, officers, consistent with the requirement of the Procurement Policy, recommend that the tenderer with the lowest VFM score be appointed.

OFFICER RECOMMENDATION

12. That Council:

12.1 Resolves to enter into Contract 2021/22-360 - Wendouree West Recreation Reserve - Community Hub, Sports Pavilion, Changerooms and Mens Shed with Plan Group Pty Ltd for the total tendered price of \$4,763,830.00 (ex GST).

12.2 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]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Charter of Human Rights and Responsibilities Act 2006
2. City of Ballarat Council Plan 2017 – 2021

COMMUNITY IMPACT

3. Ten years on from the completion of the State Government's Neighbourhood Renewal Program, Wendouree West continues to be classified as one of the most disadvantaged communities in Australia, in a wide range of social categories.
4. The precinct requires upgrades to the built environment, recreational reserve and a targeted range of health promotion and participation initiatives to activate the community space.
5. Key to this project is the desire from the Wendouree West community to have another targeted push around regeneration; and the unconditional support of organisations and agencies committed to this partnership process.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

6. The information presented within this report does not have any identifiable environmental implications in and of itself.

ECONOMIC SUSTAINABILITY IMPLICATIONS

7. Approximately 86% (\$4,082,784.00) 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 \$5,500,000 PCG approved budget for these works and the total \$7,000,000 project budget.
9. The tendered works are a core scope item of the Project as defined by the project deliverables outlined in the signed funding agreement between the State Government of Victoria represented by the Department of Jobs, Precincts and Regions (DJPR) and the City of Ballarat.

LEGAL AND RISK CONSIDERATIONS

10. Award of this contract does not have any significant effect on Council's risk profile. Risks present in this work are typical for construction of new public facilities and are expected to be adequately controlled through existing provisions.
11. A Risk Management Plan has been developed and is reviewed by the Project Control Group at each scheduled meeting.

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HUMAN RIGHTS CONSIDERATIONS

12. 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

13. Site Stakeholders have been consulted in the design of works relating to this contract and are represented via a City of Ballarat Chaired Stakeholder Advisory Committee.
14. The site stakeholders and the State Government of Victoria are represented on the Project Control Group for this project and have been involved throughout the design process and have approved final concepts.
15. Consultation with user groups is actively managed by Council's Sport and Active Living unit and Council's Engaged Communities unit.
16. User groups will continue to be consulted throughout the project construction and will be provided with regular updates regarding the projects progress by Council's Recreation Services unit.
17. Additional updates on this project are being provided through Council's media department and through the State Government (funding partner) media unit as required.

GENDER EQUALITY ACT 2020

18. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

19. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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8.6. CEO EMPLOYMENT AND REMUNERATION POLICY

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

PURPOSE

1. Seek endorsement of the Chief Executive Officer (CEO) Employment and Remuneration Policy which incorporates approaches to the full employee lifecycle and appointment of the CEO.

BACKGROUND

2. In accordance with section 45 of *Local Government Act 2020*, Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy by December 2021.
3. The Chief Executive Officer Employment and Remuneration Policy must:
 - a. provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
 - b. provide for the following:
 - i. the recruitment and appointment process;
 - ii. provisions to be included in the contract of employment;
 - iii. performance monitoring;
 - iv. an annual review; and
 - c. include any other matters prescribed by the Regulations.

KEY MATTERS

4. The Chief Executive Officer Performance Review Advisory Committee previously operated as a committee of Council made up of a minimum of five Councillors, with an option for full Council feedback.
5. The Chief Executive Officer performance review and recruitment process have essentially been undertaken with full Council for a number of years.
6. Following a review undertaken with Council as part of the implementation of the *Local Government Act 2020*, a separate Chief Executive Officer Performance Review Advisory Committee was identified as not being required as Council can undertake the necessary processes required via confidential briefings and / or Council meetings.
7. The Chief Executive Officer employment contract has explicit statements about the Committee reviewing performance.
8. Clause 24.2 of the Chief Executive Officer employment contract provides that: *"If the Council's obligations under the Employment and Remuneration Policy require Council to vary the corresponding provisions of this Agreement or add a new provision, then this Agreement is varied to the extent required to comply with the Employment and Remuneration Policy."* As such, no committee is required, provided that it is covered by the Chief Executive Officer Employment and Remuneration Policy

OFFICER RECOMMENDATION

9. That Council:

9.1 Adopt the Chief Executive Officer Employment and Remuneration Policy.

ATTACHMENTS

1. Governance Review [8.6.1 - 2 pages]
2. CEO Employment and Remuneration Policy December 2021 [8.6.2 - 5 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Chief Executive Officer is responsible for the implementation of the Council Plan.

COMMUNITY IMPACT

2. There is no community impact identified for the subject of this report.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There will be no economic implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

6. The Council must adhere to this policy to appointment to the position of the Chief Executive Officer and in its establishment, monitoring and reviewing the performance measures of the Chief Executive Officer.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. There is no community consultation and engagement required for the subject of this report

GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

1.0 Purpose

Council is required to adopt a Chief Executive Officer Employment and Remuneration Policy under section 45 of *Local Government Act 2020* (The Act). It outlines the Council's approach to managing the recruitment, appointment and performance of its Chief Executive Officer.

2.0 Scope

Council is responsible for:

- The recruitment, selection and appointment of the Chief Executive Officer (CEO);
- Determining (with the CEO) the CEO's Performance Plan including the setting of strategic priorities and goals and key performance objectives;
- Assessing the CEO's performance against that annual Performance Plan; and
- Determining the CEO's contract terms and conditions, including annual remuneration.

3.0 Policy Statement

3.1 Policy Application

This policy provides additional direction and guidance on the management of the employee life cycle of the Chief Executive Officer's employment, from recruitment, strategic priorities and goal planning, setting of key performance objectives, annual performance and remuneration reviews through to end of contract processes.

3.1.2 Independent Expertise

The Council may, at any time, obtain additional independent professional advice to manage legal, contractual employment obligations and an independent mediator for disputes, in respect of any matter dealt within this Policy. The independent advisor will have specialist skills for example:

- Human resource qualifications and demonstrated executive management skills, business experience (including Local Government) and/or an employment law background;
- Demonstrated ability in relation to executive-level performance appraisals, professional development and remuneration;
- Significant experience working with Councillors, Board Members, Advisory Boards and Committees in a similar professional advisory role.

The independent advisor will be engaged following a procurement process.

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3.2 Councillor Support

Support to the Councillors will be provided by the Executive Manager, People & Culture and Executive Manager, Governance and Risk. This will include:

- Coordinating Briefings;
- Preparing relevant documentation including reports to the Council and contractual documents;
- Procuring independent legal advice on contractual or employment matters at the request of the Council, in line with Procurement Policy;
- Maintaining appropriate records.

3.3 Process for the Recruitment and appointment of the CEO

If the role of CEO becomes vacant, the Council may engage an independent and suitably qualified executive search agency to support the recruitment and appointment of a CEO, and to seek advice on remuneration benchmarks while considering any legislative requirements.

In accordance with Council's Procurement Policy and associated procedures, and with the assistance of the Executive Manager, People & Culture the Council may seek and appoint an executive search agency in accordance with clause 3.4 of this Policy.

3.3.1 Recruitment Preparatory Work

If an executive search agency is engaged, they will provide:

- Strategies to attract, recruit, retain and motivate candidates;
- Proposed total remuneration package range (including salary, superannuation, allowances and other employment benefits including associated fringe benefits tax considerations); and
- Selection criteria based on the key accountabilities, succinct statements about strategic priorities and key performance measurements.

3.4 Following the appointment of a new CEO, the Council's role is to:

- Prepare a draft CEO's Initial Performance Plan (with the CEO) for the Council's consideration;
- Review the initial performance within the first six (6) months and prepare a report for Council with a recommendation on the probation period outcomes of the CEO appointment;
- Seek advice (if required) on determining and assessing the CEO's Performance Plan;
- Conduct bi-annual Performance Reviews of the CEO and determine if the CEO has met the performance criteria;
- Vary the Performance Plan criteria, remuneration, or other terms and conditions in the contract of employment.

The CEO will provide a progress report to the Council at the 6-month and 12-month review period.

The Performance Review will also include the opportunity for Council to provide the CEO with performance related feedback and input into the CEO's Development Plan.

The CEO will also have the opportunity to provide feedback to the Council. This process may be facilitated by an independent professional advisor.

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3.5 CEO Performance and Remuneration Review and Planning Process

The Council is responsible for:

- In consultation with a newly appointed CEO, identify and agree to the Performance Plan goals and activities that the CEO should work towards achieving over the probation and qualifying period;
- The Council will adopt a set of strategic priorities and goals, as well as setting of annual key performance objectives for the CEO which will be developed collaboratively by the CEO and the Council;
- The Performance Plan will document agreed priorities, goals and key performance objectives and outcomes to be delivered over a twelve-month period. A formal review of the CEO's performance, benchmarked against the Performance Plan, will be held bi-annually by Council;
- Ensure that the CEO submits a Performance Plan and is given the opportunity to collaborate and present a self-assessment to the Committee;
- Ensure all Councillors are invited to provide comments of the CEO's Performance Review;
- Attend to the collection and collation of Councillor feedback in relation to the CEO's performance as measured against the Performance Plan approved by Council. Review the CEO's remuneration package as a component of the Performance Review process in accordance with terms and conditions in the contract of employment;
- Provide feedback to the CEO about the outcome of the performance and remuneration review;
- Determining and assessing the CEO's Performance Plan (with the CEO) and determining any adjustment to the annual remuneration package for the CEO;
- Ensure that the CEO is advised of the review outcomes up to and including end of contract process.

3.6 CEO Employment Remuneration:

In accordance with section 45(3) of the *Local Government Act 2020*, Council must have regard when developing the Chief Executive Officer Employment and Remuneration Policy:

- a) Any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
- b) Any determination that is currently in effect under section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in relation to remuneration bands for executives employed in public service bodies.

3.7 Report to a Council meeting on outcomes of the Performance and Remuneration Review process in relation to:

- The CEO's achievement against the strategic priorities, goals and key performance objectives;
- Any proposed variation in annual remuneration package and other terms and conditions of the contract of employment;

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- The setting of the Performance Plan for the measurement of the CEO's performance for the next 12-month period;
- The setting of a Development Plan for the next 12-month period;
- Whether any options of the CEO's contract should be exercised in accordance with the terms and conditions in the contract of employment.

3.8 Council shall seek resolutions on employment matters as below:

- Outcome of Performance Review and Planning decisions and performance monitoring;
- If there is a change to performance criteria;
- If there is a change to CEO annual remuneration package, outside of contractual conditions;
- If the terms and conditions in the employment contract are to be varied.

3.9 Dispute Resolution

Should a dispute arise in relation to any matter under this Policy or the CEO's contract of employment, either the CEO or the Council may:

- a) Give written notice to the other party of the particulars of any matter in dispute; and
- b) Within 14 days of receiving a notice of a matter specified in clause 2 of this Policy, a meeting will be convened between the CEO (along with any nominated representative of the CEO) and the Council (along with any nominated representative of Council) in an attempt to resolve the dispute.

The CEO and the Council will make all reasonable attempts to resolve the dispute at the workplace level.

Should the CEO and the Council be unable to resolve the dispute at the workplace level, the CEO and Council will:

- a) Refer the dispute to an independent mediator as agreed by the parties, or otherwise as nominated by the Executive Director of Local Government Victoria;
- b) Agree to participate in any mediation process in good faith, with such mediation to operate in a manner as agreed by the CEO and the Council;
- c) Acknowledge the right of either the CEO or the Council to appoint, in writing, any other person to act on their behalf in relation to any mediation process.

The cost of the mediation service will be met by the Council.

The CEO and the Council will each be responsible for paying costs of any advisor or nominated representative used by them.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 1989 to the extent it continues to apply*
- *Local Government Act 2020*
- *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.*

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- *Charter of Human Rights & Responsibilities Act 2006*
- *Gender Equality Act 2020*

4.2 Associated Documents

- *Procurement Policy*
- *Contract of Employment, Maddocks*
- *Victorian Independent-Remuneration Tribunal Determinations*
- *National Remuneration Framework (Local Government), McArthurs*

4.3 Definitions

<i>Council</i>	Ballarat City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i>
<i>Councillor</i>	A Councillor of the Council.
<i>CEO</i>	Chief Executive Officer of Council or the person acting in or performing the position of Chief Executive Officer
<i>Independent Professional Advisor</i>	Appropriately qualified person, capable of providing independent professional advice in relation to the matters in this policy, who is not a Councillor or a member of Council staff
<i>Independent Mediator</i>	Appropriately qualified person, capable of providing mediation through a structured negotiation process assisting the parties to identify and assess options and negotiate an agreement to resolve their dispute

3 Policy owner

Executive Manager, People and Culture and Executive Manager Governance and Risk

4 Authorisation

Adopted by Ballarat City Council on XX.

8.7. GOVERNANCE POLICY REVIEW

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

PURPOSE

1. The purpose of the report is to recommend to Council to adopt the Federal and State Elections Policy and rescind the Place Names Policy.

BACKGROUND

2. To ensure compliance and continuous improvement, the Federal and State Elections Policy and Place Names Policy have been reviewed as part of a rolling program of policy review.
3. The Federal and State Elections Policy was initially prepared taking into consideration best practice guide from the Municipal Association of Victoria to ensure good governance for Councillors wishing to stand as a candidate in a Federal or State Election.
4. Section 34(2)(a) of the *Local Government Act 2020* (the Act) stipulates that a person is not qualified to be a Councillor of a Council if the person is a member of the Parliament of Victoria or of the Parliament of the Commonwealth of Australia.
5. The Place Names Policy review identified that it largely replicates legislative obligations, where greater clarity of role and function would be achieved through operational procedure.

KEY MATTERS

6. The Federal and State Elections Policy has been reviewed and the following changes have been made:
 - Updated into Council's new policy template;
 - Reflects the *Local Government Act 2020*; and
 - Guidance is consistent with MAV guidelines.
7. The Place Names Policy is recommended to be rescinded, as it serves no 'policy' purpose. Officers are required to adhere to the processes and guidelines outlined in the *Geographical Place Names Act 1998* and the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016*. It is recommended that the policy be replaced with a condensed procedure focusing on operational requirements.

OFFICER RECOMMENDATION

8. That Council:

8.1 Adopt the Federal and State Elections Policy.

8.2 Rescind the following policies:

- **State and Federal Elections Policy adopted by Council on 23 May 2018 (R126/18)**
- **Place Names Policy adopted by Council on 9 October 2013 (R382/13)**

ATTACHMENTS

1. Governance Review [8.7.1 - 1 page]
2. Federal and State Election Policy [8.7.2 - 4 pages]
3. Candidature of Councillors in State or Federal Elections 2021 MAV Guidelines [8.7.3 - 4 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Accurate and up to date policies are a statutory requirement of Council to ensure compliance and continuous improvement achieved through regular review.

COMMUNITY IMPACT

2. In accordance with the community engagement and public transparency principles, Council is required to make available certain documents such as policies on Council's website.

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. There are no legal and risk considerations for the subject of this report.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

8. No community consultation and engagement are required for the subject of this report.

GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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FEDERAL AND STATE ELECTIONS POLICY

1.0 Purpose

The purpose of this Federal and State Elections Policy is to outline Council's expectations of a Councillor who is a prospective candidate or a nominated candidate in a State or Federal Election.

This policy complements the commitments contained in the City of Ballarat Councillor Code of Conduct.

This policy assists Council to:

- Ensure good governance at Council prior to and in an election campaign period.
- Ensure Councillors and officers act in the best interests of the community, whilst undertaking normal business, including the pursuit of legitimate advocacy in an unbiased manner.
- Prevent Council and Committees from making inappropriate decisions during the Election Period before a general election.
- Ensure that no actions or decisions could be perceived as intended to affect the results of an election are made.
- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.
- Limit public consultation and the scheduling of Council events.
- Ensure that information held by City of Ballarat is made equally available and accessible to candidates during the election.

2.0 Scope

In the lead up to a Federal or State election, Council through this policy adopts expectations of Councillors to avoid actions and decisions that may be interpreted as inappropriate. In addition there is an expectation that Councillors will not make inappropriate use of Council resources during the election period that may appear to influence voters.

This policy applies to all Councillors where a Councillor becomes a prospective candidate or a nominated candidate to contest a State or Federal seat covering an area located wholly or partly within the municipal boundaries of the City of Ballarat.

This policy has been written to provide a guide only for Councillors and Council officers and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act 2020* in relation to the Federal and State Elections Period.

3.0 Policy Statement

3.1 Councillor to declare their candidacy in an election

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

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Document #:

Review Date:

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3.2 Leave of absence

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

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

3.3 Council Resources – use by Councillors

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

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

3.4 Improper Use of Position by Councillors

Section 123 of the *Local Government Act 2020* (the Act) prohibit Councillors from misusing or inappropriately making use of their position. A breach attracts serious penalties, including possible imprisonment.

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

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

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

3.5 Functions and Events

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

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

3.6 Media Advice and Releases

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

Media releases will not refer to specific Councillors in their capacity as candidates. Councillors standing as candidates are not eligible to be Council's official spokesperson on Council's advocacy priorities. Council will nominate an alternative Councillor to be Council's advocacy spokesperson where required. Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who

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is standing for election. Photos of and references to Councillors standing as candidates will only feature in Council's publications where it is related to usual Council business, functions or events.

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

3.7 Councillor candidates commenting on Council issues

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

3.8 Advocacy by Council

It is recognised that the community expects that Council will advocate prior to a State or Federal election for actions and projects for the benefit of the Ballarat community. In undertaking advocacy, Council will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Ballarat community.

Refer to 3.6 for advice on advocacy spokespeople.

3.9 Customer Requests

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

3.10 Successful Candidate

Section 34(2)(a) of the Act specifies a person is not qualified to be a councillor and ceases to hold the office, if they are member of with the Victorian Parliament, the Commonwealth Parliament, or of another State or Territory of the Commonwealth Parliament. Therefore, a councillor must resign immediately if they are successful in a State or Federal Election.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 2020*

4.2 Associated Documents

- *Councillor Code of Conduct*
- *MAV Policy on Candidature of Councillors in State or Federal Elections*
- *Local Government Victoria Bulletin 21/2018 - Victorian State Election*

4.3 Definitions

Act	<i>Local Government Act 2020</i>
Candidate	A Councillor who is endorsed as a candidate for election by a political party or who if not a member of a political party has announced their intention to nominate as a candidate in an election.
CEO	Chief Executive Officer

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<i>Council Officer</i>	Gatherings of internal and external stakeholders organised and run by the City to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue, which is of relevance to the Council and its community including those which may take the form of conferences, workshops, forums, launches, promotional activities social occasions such as dinners, receptions and balls.
<i>Election</i>	The Federal or Victorian State election, or a by-election for either parliament.
<i>Formal nomination date</i>	Date set by the relevant electoral commission at which nominations to be candidates in an election close.
<i>Prospective Candidate</i>	A councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election and generally prior to the formal nomination period.
<i>Nominated Candidate</i>	A councillor who nominates as a candidate for a state or federal election. This is generally in the immediate weeks prior to the relevant election.

5.0 Policy owner

Executive Manager Governance and Risk.

6.0 Authorisation

Adopted by Ballarat City Council, /xx.

OFFICIAL



Guidelines

Councillors standing for State or Federal Elections

With upcoming state and federal elections forecast in or before 2022, the MAV recommends councils and councillors familiarise themselves with the relevant laws and review applicable election content in councillor codes of conduct and other related council policies.

Local government experience provides for a recognised track record on which to stand for state or federal elections. As a prospective or nominating candidate, a councillor needs to ensure they continue to act with integrity, avoid potential conflicts of interests and the perception of misuse of their position and council resources.

LOCAL GOVERNMENT ACT 2020

Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the *Local Government Act 2020 (the Act)* including the standards of councillor conduct which are prescribed in regulation 12 of the *Local Government (Governance and Integrity) Regulations 2020*. When considering standing for Federal or State Parliament, it is recommended councillors consider these duties and requirements under the Act, including standards of conduct and potential conflicts of interest.

These standards of conduct require councillors to do everything reasonably necessary to ensure they perform the role effectively and responsibly including by ensuring they are fit to conscientiously perform the role of a councillor when acting in that capacity or purporting to act in that capacity and must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

Councillors must comply with the conflict of interest provisions outlined in sections 126 to 136 of the Act as well as the *Local Government (Governance and Integrity) Regulations 2020*. Managing conflicts of interest is about ensuring the integrity and transparency of decision making. Councillors nominating for Federal or State Parliament must ensure their private interests as a nominee do not affect their public duties and they do not use their position as councillor for personal benefit. Councillors must disclose any conflicting interests and not participate in decision making processes on matters where they have a conflict of interest.

The Act also provides it is an offence if a councillor intentionally misuses their position to gain or attempt to gain an advantage for themselves or for any other person, including by using public funds or resources in a manner that is improper or unauthorised.

Section 34(2)(a) of the Act specifies a person is not qualified to be councillor and ceases to hold the office, if they are member of either the Victorian Parliament, the Commonwealth Parliament, or of another State or Territory of the Commonwealth Parliament. Therefore, a councillor must resign immediately if they are successful in a State or Federal election.

MUNICIPAL ASSOCIATION OF VICTORIA

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Guidelines

COMMONWEALTH AND STATE CONSTITUTIONAL LAW

A councillor considering standing for federal or state elections should familiarise themselves with relevant constitutional laws - the *Commonwealth of Australia Constitution Act* (the Australian Constitution), for Federal elections, and the *Constitution Act 1975* (the Victorian Constitution), for Victorian elections.

If a councillor intends to nominate for election to Federal or State Parliament, the MAV recommends they seek independent legal advice in regards to the various issues associated with running as a candidate whilst still a councillor.

Federal Parliament eligibility

Under section 44(iv) of the Australian Constitution, a person who holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth shall be disqualified from nominating as a candidate or sitting in Parliament.

It is not considered that the position of councillor will fall within the category of holding 'any office of profit under the Crown' under s44(iv) of the Constitution. In 2018 the High Court unanimously held that a Tasmanian councillor and mayor was not incapable of being chosen or of sitting as a Senator of Federal Parliament by reason of section 44(iv).

In addition, section 327(3) of *The Commonwealth Electoral Act 1918* provides any State legislation that discriminates against a councillor on the ground that the councillor has been, or is to be, nominated or declared as a candidate for the House of Representatives or the Senate has no effect. This section reflects the intention of the Federal Parliament, as outlined in the Minister's second reading speech for the *Commonwealth Electoral Amendment (Members of Local Government Bodies) Act 2003* as being 'to ensure that eligible members of a local government body do not suffer any penalty arising from their decision to stand as a candidate for election to either the Senate or the House of Representatives'.

State Parliament eligibility

Under section 49 of the Victorian Constitution, a person who holds any office or place of profit under the Crown (whether in right of Victoria or any other capacity), or is in any manner employed in the public service of Victoria or of the Commonwealth for salary wages fees or emolument may stand for election to the Victorian Parliament provided they resign from that position if elected to the Parliament. Otherwise, the person's election may be null and void. Accordingly, once a councillor is elected to Victorian Parliament they must resign from council.

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Guidelines

MAV GUIDELINES

The MAV recommends councils, at a minimum, adopt the following Guidelines as part of their Councillor Code of Conduct developed under section 139 of the Act or to supplement that Code.

1. A councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then provide written advice to all councillors.
2. A councillor who is a Prospective Candidate, should declare their intended candidacy at a meeting of the council as soon as practicable after notifying the CEO pursuant to Guideline 1.
3. A councillor who nominates as a candidate for a State or Federal election (a Nominated Candidate), should apply for leave of absence from the council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a councillor who is on a leave of absence should not attend meetings of the council or otherwise act as a councillor.
4. Any councillor / staff relationship protocol which the council has in place in respect of the election period prior to a council election, should be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting for the election.
5. A council, upon receiving an application for a leave of absence from a councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should consider this as a reasonable request and approve that application.
6. A councillor who is a Prospective Candidate or a Nominated Candidate should take care to declare conflicts of interest that may pertain to their conflicting role as a candidate.
7. A councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between their role as a state or federal election candidate and role as a councillor when making public comment.
8. A councillor who is a Prospective Candidate or a Nominated Candidate, should not use council resources, including council staff, equipment and facilities in relation to their candidacy.
9. A councillor who is a Prospective Candidate or a Nominated Candidate, should not use council activities, including council meetings, events, network meetings and council-related external activities in relation to their candidacy.
10. A councillor must resign immediately if they are successful in a state or federal election.

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Guidelines

The distinction between Prospective Candidate and Nominated Candidate

These Guidelines draw a distinction between Prospective Candidates and Nominated Candidates because, as with council elections, candidates for state and federal elections only become actual nominated candidates a few weeks prior to the relevant election date. Accordingly, these Guidelines recommend different treatment for Prospective Candidates and Nominated Candidates on the basis that some requirements are recommended as appropriate for Nominated Candidates during a formal election period which are not considered to be necessary prior to the formal election period.

Further Information:

For further information see:

- Parliament of Australia website (www.aph.gov.au)
- Australian Electoral Commission website (www.aec.gov.au/)
- Victorian Parliament website (www.parliament.vic.gov.au/)
- Victorian Electoral Commission website (www.vec.vic.gov.au/)

DISCLAIMER: This document was updated on 3 November 2021. The information is guidance only and does not constitute legal advice. The MAV recommends independent legal advice is obtained regarding the various issues associated with running as a candidate whilst still a Councillor.

8.8. COUNCIL MEETING SCHEDULE 2022

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

PURPOSE

1. This report recommends a schedule of Council Meeting dates be adopted for the 2022 calendar year.

BACKGROUND

2. In accordance with section 3.3.1 of Council's Governance Rules, Council must fix the date, time and place of all Council Meetings for the following calendar year by at least the last Council meeting of the calendar year. The schedule will then be available on Council's website.
3. The dates are based on Council Meetings being held once a month on the fourth Wednesday of each month and Planning Delegated Committee Meetings being held once a month on the second Wednesday of the month.
4. However, it is recommended that NO meetings be held in the month of January 2022 as the fourth Wednesday falls on Australia Day for the usually scheduled Council Meeting and the due dates for Planning Delegated Committee reports would fall during the Christmas shutdown period.
5. The draft dates allow for 11 Council Meetings and 11 Planning Delegated Committee Meetings for the calendar year.
6. In accordance with section 3.3.2 of Council's Governance Rules, Council may have an unscheduled meeting of the Council as required.

KEY MATTERS

7. The proposed Council Meeting Schedule for the 2022 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year. The schedule includes the times and dates for Council meetings and Council meetings designated for consideration of Planning and related matters.
8. Meetings are generally held on a Wednesday evening in the Council Chambers at the Town Hall. In respect of public health orders and community safety, community access to Council meetings may be via Council's live broadcasting on Council's website.

9. Council by resolution, may change the date, time or place of, or cancel, any Council meeting which has been fixed, or schedule an additional Unscheduled meeting and must provide notice of the change to the public.
10. In preparing this report, officers have benchmarked the City of Ballarat against similar Councils, all of which meet monthly with additional meeting set aside for Planning and related matters. The similar regional cities are Greater Bendigo City, Greater Geelong City, Greater Shepparton City, Horsham Rural City, Latrobe City, Mildura Rural City, Warrnambool City Council and Wodonga City.
11. Through this review, Council has updated the Council reports to align with the overarching governance principles in the *Local Government Act 2020* and to increase transparency in decision making.

OFFICER RECOMMENDATION

12. That Council:

12.1 Hold meetings of Council on the following dates in 2022:

Date	Time	Meeting Type
9 February 2022	6:30pm	Planning Delegated Committee
23 February 2022	6:30pm	Council Meeting
9 March 2022	6:30pm	Planning Delegated Committee
23 March 2022	6:30pm	Council Meeting
13 April 2022	6:30pm	Planning Delegated Committee
27 April 2022	6:30pm	Council Meeting
11 May 2022	6:30pm	Planning Delegated Committee
25 May 2022	6:30pm	Council Meeting
8 June 2022	6:30pm	Planning Delegated Committee
22 June 2022	6:30pm	Council Meeting
13 July 2022	6:30pm	Planning Delegated Committee
27 July 2022	6:30pm	Council Meeting
10 August 2022	6:30pm	Planning Delegated Committee
24 August 2022	6:30pm	Council Meeting
14 September 2022	6:30pm	Planning Delegated Committee
28 September 2022	6:30pm	Council Meeting
12 October 2022	6:30pm	Planning Delegated Committee
26 October 2022	6:30pm	Council Meeting
7 November 2022	6:30pm	Unscheduled Council Meeting (Mayoral Election)

9 November 2021	6:30pm	Planning Delegated Committee
23 November 2022	6:30pm	Council Meeting
7 December 2022	6:30pm	Planning Delegated Committee
14 December 2022	6:30pm	Council Meeting

12.2 Make public the schedule of Council meetings on the City of Ballarat website.

ATTACHMENTS

1. Governance Review [8.8.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Council Meetings provide the forum for elected Councillors to determine matters relevant to Council's Vision, Plan, strategies and policies.

COMMUNITY IMPACT

2. The advertising of meeting dates encourages attendance at meetings, public participate in the democratic process and involvement in the administration of Council activities.
3. The community can attend the Council meetings, post COVID-19 restrictions and ask questions and make representations on agenda items that encourages the community entitlement to participate in public life.
4. During COVID-19 restrictions, the community can submit questions to be read out by an officer at the Council meeting and they can dial into the Council Meeting to make a public representation on an item. This encourages community entitlement and participation in a COVID-19 environment.
5. Council meetings are broadcasted on Council's website to increase transparency and will be uploaded onto the website following the Council meeting.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

9. Section 3.33(a) of Council's Governance Rules stipulates that notice of Council meetings and agendas must be provided with at least 2 days notice.
10. A period of less than 2 days must be justified for an unscheduled Council meeting if exceptional circumstances exist.

OFFICIAL

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HUMAN RIGHTS CONSIDERATIONS

11. 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

12. Council will provide the public with balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions via the Council agenda, advertisements and on the City of Ballarat website.

GENDER EQUALITY ACT 2020

13. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

OFFICIAL

8.9. S11A INSTRUMENT AND APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Donna Perera, and Kathy Baker.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Jade Erwin.

BACKGROUND

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

KEY MATTERS

4. Kathy Baker holds the position of Coordinator Statutory Planning and Donna Perera holds the position of Counter Planner, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
5. At the Council Meeting held on 22 July 2020, Council resolved R181/20 to endorse the authorisation of Jade Erwin under the *Planning and Environment Act 1987*. Jade Erwin is no longer in the position of Coordinator Statutory Planning and the authorisation requires revocation by Council resolution.

OFFICER RECOMMENDATION

6. That Council:
 - 6.1 Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (the instruments), and that;
 - a. Kathy Baker and Donna Perera be appointed and authorised as set out in the instruments.
 - b. The instruments come into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c. The instruments be sealed.

6.1 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Jade Erwin (R181/20).

ATTACHMENTS

1. Governance Review [**8.9.1** - 2 pages]
2. S11 A Kathy Baker [**8.9.2** - 2 pages]
3. S11 A Donna Perera [**8.9.3** - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

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

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

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

OFFICIAL

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GENDER EQUALITY ACT 2020

10. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

OFFICIAL

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

Ballarat City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

OFFICIAL



OFFICIAL



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

Ballarat City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

OFFICIAL



8.10. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

PURPOSE

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

BACKGROUND

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

KEY MATTERS

5. Changes to the Instrument of Delegation since the last approved iteration include:
 - Changed the position title Administration Officer Growth Areas Facilitation (AOGAF) to Sustainable Growth Officer (SGO) following the organisational restructure.
 - Changed the position title Manager Growth Areas (MGA) to Manager Sustainable Growth (MSG) following the organisational restructure.
 - Inclusion of the new position Counter Planner (CP).

OFFICER RECOMMENDATION

That Council:

6. Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
 - 6.1. There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
 - 6.2. The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.

- 6.3. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.**
- 6.4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.**

ATTACHMENTS

1. Governance Review **[8.10.1 - 2 pages]**
2. Updated S6 Instrument of Delegation - Members of Staff **[8.10.2 - 167 pages]**
3. Position Counter Planner **[8.10.3 - 39 pages]**

OFFICIAL

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.

GENDER EQUALITY ACT 2020

10. There are no gender equality implications identified for the subject of this report.

OFFICIAL

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CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

OFFICIAL



BALLARAT CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

OFFICIAL



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:

Abbreviation	Position
AOBS	Administration Officer Building Services
AOEH	Administration Officer Environmental Health
AOLLT	Administration Officer Local Laws and Traffic
AORS	Administration Officer Regulatory Services
AOSC	Administration Officer Statutory Compliance
AOSTP	Administration Officer Statutory Planning
CEO	Compliance and Events Officer
CO	Compliance Officer
CAM	Coordinator Asset Management
CBS	Coordinator Building Services
CEH	Coordinator Environmental Health
CID	Coordinator Infrastructure Delivery
CIT	Coordinator Integrated Transport

OFFICIAL



Abbreviation	Position
CPG	Coordinator Parks and Gardens
CRC	Coordinator Risk and Compliance
CRM	Coordinator Road Maintenance
CSTP	Coordinator Statutory Planning
CP	Counter Planner
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

OFFICIAL



Abbreviation	Position
EMRS	Executive Manager Regulatory Services
HSO	Health Services Officer
MSTP	Manager Statutory Planning
MSP	Manager Strategic Planning
MSG	Manager Sustainable Growth
MBS	Municipal Building Surveyor
Not Applicable	Not Applicable
Not Delegated	Not Delegated
PSTP	Principal Statutory Planner
PSP	Principal Strategic Planner
POC	Project Officer Compliance
RMCS	Road Maintenance Contract Supervisor
RMS	Road Maintenance Scheduler
SASO	Senior Asset Surveillance Officer
SSTP	Senior Statutory Planner
SSP	Senior Strategic Planner

OFFICIAL



Abbreviation	Position
SCO	Statutory Compliance Officer
STP	Statutory Planner
SP	Strategic Planner
SPAO	Strategic Planning Administration Officer
SO	Subdivision Officer
SASU	Supervisor Asset Surveillance
SPD	Supervisor Pathways and Drainage
SRS	Supervisor Road Safety
SUSR	Supervisor Sealed Roads
SUR	Supervisor Unsealed Roads
SGO	Sustainable Growth Officer
TLC	Team Leader Compliance
TLEG	Team Leader Economic Growth
TLEH	Team Leader Environmental Health
TLPSE	Team Leader Parking Services
TLRSATS	Team Leader Regulatory Services Administration/Technical Support

OFFICIAL



Abbreviation	Position
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.

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

..... Mayor/Councillor

..... Chief Executive Officer

OFFICIAL



Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- 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
- Residential Tenancies Regulations 2021
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

OFFICIAL

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CPG, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, EMO, EMPSFM, DIE	

OFFICIAL

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(4)	Duty to keep records of delegations	DCS, EMGR, SCO, AOSC, CRC	
s 17(1)	Power to employ any persons necessary	EMPSFM, DIE	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CPG, EMO, EMPSFM, DIE	
s 17(3)	Power to determine the terms and conditions of employment or engagement	EMPSFM, DIE	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	CPG, EMO, EMPSFM, DIE	
s 19	Power to carry out or permit the carrying out of works	CPG, EMO, EMPSFM, DIE	

OFFICIAL

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, EMO, EMPSFM, DIE	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, EMO, EMPSFM, DIE	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CPG, EMO, EMPSFM, DIE	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	Subject to the Minister approving the purpose

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, EMO, EMPSFM, DIE	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	EMPSFM, DIE	
s 60(2)	Power to charge fees for providing information	DCS	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, EMO, EMPSFM, DIE	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	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	EMPSFM, DIE	
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, EMO, EMPSFM, DIE	
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CPG, EMO, EMPSFM, DIE	
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, EMO, EMPSFM, DIE	
s 72(2)	Duty to comply with request received under s 72	CPG, EMO, EMPSFM, DIE	
s 73(1)	Power to grant a right of interment	CPG, EMO, EMPSFM, DIE	
s 73(2)	Power to impose conditions on the right of interment	CPG, EMO, EMPSFM, DIE	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CPG, EMO, EMPSFM, DIE	
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	EMPSFM, DIE	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CPG, EMO, EMPSFM, DIE	
s 80(2)	Function of recording transfer of right of interment	CPG, EMO, EMPSFM, DIE	
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	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CPG, EMO, EMPSFM, DIE	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, EMO, EMPSFM, DIE	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CPG, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	Does not apply where right of internment 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.	EMPSFM, DIE	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

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Cemeteries and Crematoria Act 2003			
Provision	Power 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	EMPSFM, DIE	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	EMPSFM, DIE	
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	EMPSFM, DIE	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	EMPSFM, DIE	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	EMPSFM, DIE	
s.86(5)	duty to provide notification before taking action under s.86(4)	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	EMPSFM, DIE	
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	EMPSFM, DIE	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	EMPSFM, DIE	
s 91(1)	Power to cancel a right of interment in accordance with s 91	EMPSFM, DIE	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DCS, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, EMO, EMPSFM, DIE	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	
s 100(1)	Power to require a person to remove memorials or places of interment	EMPSFM, DIE	
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)	EMPSFM, DIE	
s 100(3)	Power to recover costs of taking action under s 100(2)	CPG, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, EMO, EMPSFM, DIE	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CPG, EMO, EMPSFM, DIE	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CPG, EMO, EMPSFM, DIE	
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, EMO, EMPSFM, DIE	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CPG, EMO, EMPSFM, DIE	
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, EMPSFM, DIE	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, EMO, EMPSFM, DIE	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	EMPSFM, DIE	
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	EMPSFM, DIE	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CPG, EMO, EMPSFM, DIE	
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	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 108	Power to recover costs and expenses	CPG, EMO, EMPSFM, DIE	
s 109(1)(a)	Power to open, examine and repair a place of interment	EMPSFM, DIE	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	EMPSFM, DIE	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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	
s 112	Power to sell and supply memorials	CPG, EMO, EMPSFM, DIE	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CPG, EMO, EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CPG, EMO, EMPSFM, DIE	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CPG, EMO, EMPSFM, DIE	
s 119	Power to set terms and conditions for interment authorisations	EMPSFM, DIE	
s 131	Function of receiving an application for cremation authorisation	EMPSFM, DIE	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	CPG, EMO, EMPSFM, DIE	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CPG, EMO, EMPSFM, DIE	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	Subject to the approval of the Secretary

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	EMPSFM, DIE	
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	EMPSFM, DIE	
s 151	Function of receiving applications to inter or cremate body parts	EMPSFM, DIE	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	

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

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	TLC, DIE, EMRS	Council may delegate this power to a Council authorised officer

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Food Act 1984			
Provision	Power 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	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	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
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	TLEH, EHO, CEH	If s 19(1) applies

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	TLEH, EHO, CEH	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).	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH	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	TLEH, EHO, CEH	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Not Delegated	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, HSO, AORS	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	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH, DDG, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	TLEH, EHO, CEH, DDG	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	TLEH, CEH	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	TLEH, CEH	Where Council is the registration authority
	Power to register, renew or transfer registration	TLEH, EHO, CEH, DDG	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	TLEH, EHO, CEH, EMRS	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36B	Duty to pay the charge for use of online portal	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	TLEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRSATS, HSO, AORS	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)	EHO, CEH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	TLEH, EHO, AOBS, AOEH, AOLLT,	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CEO, TOBS, CEH, TLRSATS, HSO, AORS	
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRSATS, HSO, AORS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	TLEH, CEH, DDG	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	TLEH, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40F	Power to cancel registration of food premises	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH	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	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Heritage Act 2017			
Provision	Power 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	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	Not Delegated	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MSTP, CSTP, DDG, EMDF, PSTP, MSP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
s 8A(5)	Function of receiving notice of the Minister's decision	MSTP, CSTP, DDG, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
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	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
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)	MSTP, CSTP, DDG, EMDF, PSTP, MSP	

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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, MSP	
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	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	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	MSTP, CSTP, DDG, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 21A(4)	Duty to publish notice	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 22	Duty to consider all submissions	SP, SPAO, SSP, EMO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SP, SPAO, SSP, MSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 27(2)	Power to apply for exemption if panel's report not received	MSTP, CSTP, DDG, EMDF, PSTP, MSP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MSTP, CSTP, DDG, EMDF, PSTP, MSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	SPAO, MSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, EMDF, SSTP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPAO, MSTP, CSTP, DDG, EMDF, SSTP	
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP	
s 32(2)	Duty to give more notice if required	SP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 33(1)	Duty to give more notice of changes to an amendment	SP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 36(2)	Duty to give notice of approval of amendment	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 40(1)	Function of lodging copy of approved amendment	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SP, SPAO, SSP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, MSP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	SPAO, MSTP, CSTP, DDG, EMDF, SSTP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not Applicable	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AW	Function of being consulted by the Minister	DDG, EMDF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DDG, EMDF	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	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	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	SP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DDG, EMDF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDG, EMDF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MSG, SGO, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MSG, SGO, 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	MSG, SGO, DCA, DDG, EMDF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDG, EMDF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DDG, EMDF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the	DDG, EMDF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	rejection and that the matter has been referred to the valuer-general		
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	MSG, SGO, DCA, DDG, EMDF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MSG, SGO, 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	MSG, SGO, DCA, DDG, EMDF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DCS, DDG, EMDF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDG, EMDF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DDG, EMDF	Where Council is the development agency
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	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, 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	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	MSG, SGO, 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	MSG, SGO, 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	MSG, SGO, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	MSG, SGO, 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)	MSG, SGO, 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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MSG, SGO, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, 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	MSG, SGO, DCA, DDG, EMDF	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	MSG, SGO, DCA, DCS, DDG, EMDF	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZA(1)	Duty to keep proper and separate accounts and records	MSG, SGO, 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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MSG, SGO, 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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MSG, SGO, 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)	MSG, SGO, 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)	MSG, SGO, DCA, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MSG, SGO, 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)	MSG, SGO, 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	MSG, SGO, 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)	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	MSG, SGO, 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	MSG, SGO, DCA, DCS, DDG, EMDF	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MSG, SGO, 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	MSG, SGO, 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)	MSG, SGO, DCA, DCS, DDG, EMDF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, 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	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	
s 46Q(1)	Duty to keep proper accounts of levies paid	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, 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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, 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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MSTP, CSTP, DDG, EMDF, PSTP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, 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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP	
s 46QD	Duty to prepare report and give a report to the Minister	MSG, DCA, DDG, EMDF	Where Council is a collecting agency or development agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Y	Duty to carry out works in conformity with the approved strategy plan	MSTP, CSTP, DDG, EMDF, PSTP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, POC, MSTP, CSTP, DDG, EMDF, PSTP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, TSODF, AOSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 50(4)	Duty to amend application	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(6)	Duty to make note of amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, SCO, EMDF, PSTP, AOSC, CP	
s 50A(1)	Power to make amendment to application	SO, SP, STP, SPAO, TSODF, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SO, SP, STP, SPAO, TSODF, SSP, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, MSP, CP	
s 50A(4)	Duty to note amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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

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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57A(5)	Power to refuse to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP	
s 57A(6)	Duty to note amendments to application in register	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Not Delegated	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
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	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
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)	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, AOSTP,	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 64(3)	Duty not to issue a permit until after the specified period	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SO, STP, TSODF, AOSTP, MSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 69(2)	Power to extend time	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 74	Duty to issue amended permit to applicant if no objectors	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	STP, AOSTP, MSTP, CSTP, DDG, EMDF,	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP	
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	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 83	Function of being respondent to an appeal	SO, STP, TSODF,	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84AB	Power to agree to confining a review by the Tribunal	SO, MSG, SGO, TSODF, DCA, DCS, DDG, EMDF	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SO, STP, TSODF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 91(2)	Duty to comply with the directions of VCAT	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power 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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 93(2)	Duty to give notice of VCAT order to stop development	SO, STP, TLC, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMRS, CP	
s 95(3)	Function of referring certain applications to the Minister	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MSTP, CSTP, DDG, EMDF, 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	MSTP, CSTP, DDG, EMDF, PSTP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSTP, CSTP, DDG, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSTP, CSTP, DDG, EMDF, 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)	MSTP, CSTP, DDG, EMDF, PSTP	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSTP, CSTP, DDG, EMDF, PSTP	
s 96J	Power to issue permit as directed by the Minister	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSTP, CSTP, DDG, EMDF, PSTP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CO, POC, MSTP, CSTP, DDG, EMDF, 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	MSTP, CSTP, DDG, EMDF, 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	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSTP, CSTP, DDG, EMDF, PSTP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MSTP, CSTP, DDG, EMDF, 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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MSTP, CSTP, DDG, EMDF, PSTP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MSTP, CSTP, DDG, EMDF, PSTP	
s 101	Function of receiving claim for expenses in conjunction with claim	MSTP, CSTP, DDG, EMDF, PSTP	

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

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 130(5)	Power to allow person served with an infringement notice further time	TLC, MSTP, DCS, CSTP, DDG, EMDF, PSTP, EMRS	
s 149A(1)	Power to refer a matter to the VCAT for determination	MSTP, CSTP, DDG, EMDF, PSTP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	TLC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS	
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)	MSTP, CSTP, DDG, EMDF, PSTP	Where Council is the relevant planning authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 171(2)(f)	Power to carry out studies and commission reports	MSTP, CSTP, DDG, EMDF, PSTP	
s 171(2)(g)	Power to grant and reserve easements	STP, MSTP, CSTP, DDG, EMDF, PSTP, CP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DCS, DDG, EMDF	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DCS, DDG, EMDF	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility	DCS, DDG, EMDF	Where Council is the development agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	of Council under the plan, before the time that the land is required to be provided under s 46GV(4)		
s 173(1)	Power to enter into agreement covering matters set out in s 174	MSTP, DCS, CSTP, DDG, EMDF, 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, TLEG	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	MSTP, DCS, CSTP, DDG, EMDF, 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	MSTP, DCS, CSTP, DDG, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, CSTP, DDG, EMDF, PSTP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MSTP, DCS, CSTP, DDG, EMDF, PSTP	
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF,	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	If no objections are made under s 178D Must consider matters in s 178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(c)	Power to refuse to amend or end the agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s 178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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Planning and Environment Act 1987			
Provision	Power 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)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSTP, CSTP, DDG, EMDF, PSTP, MSP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SP, STP, SPAO, SSP, MSTP, EMPSFM, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MSTP, CSTP, DDG, EMDF, PSTP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSTP, CSTP, DDG, EMDF, PSTP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSTP, CSTP, DDG, EMDF, PSTP	
s 182	Power to enforce an agreement	MSTP, CSTP, DDG, EMDF, PSTP, EMRS	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSTP, CSTP, DDG, EMDF, PSTP	

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Planning and Environment Act 1987			
Provision	Power 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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF,	

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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, MSP, CP	
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 199(1)	Duty to give planning certificate to applicant	STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP	
s 201(3)	Duty to make declaration	MSTP, CSTP, DDG, EMDF, 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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
	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	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP	

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

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	EMPSFM, DIE	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	EMPSFM, DIE	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	EMPSFM, DIE	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	EMPSFM, DIE	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, HSO, AORS	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	TLEH, CEH, EMRS	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 142G(2)	Power to enter certain information in the Rooming House Register	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, HSO, AORS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, HSO, AORS	
s 206AZA(2)	Function of receiving written notification	EMPSFM, DIE	
s 207ZE(2)	Function of receiving written notification	EMPSFM, DIE	
s 311A(2)	Function of receiving written notification	EMPSFM, DIE	
s 317ZDA(2)	Function of receiving written notification	EMPSFM, DIE	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	TLEH, TOEH, EHO, CEH, EMPSFM, EMRS	
s 522(1)	Power to give a compliance notice to a person	TLEH, TOEH, EHO, MBS, CEH, CBS, EMRS	
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	EMGR, SCO, AOSC, CRC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, CBS, EMRS	
s 526A(3)	Function of receiving report of inspection	TLEH, TOEH, EHO, AOEH, CEH, TLRATS, HSO, AORS	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, DDG, CBS, EMRS	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	
s 11(9)(b)	Duty to advise Registrar	EMO, DDG, DIE, EMDF, EMI	

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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(6)	Function of hearing a person in support of their written submission	EMO, DDG, DIE, EMDF, EMI	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI, CIT	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	EMO, DDG, DIE, CAM, EMDF, EMI, CIT	
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	EMO, DDG, DIE, CAM, EMDF, EMI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DDG, DIE, CAM, EMDF, EMI	
s 15(2)	Duty to include details of arrangement in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 16(7)	Power to enter into an arrangement under s 15	DDG, DIE, CAM, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(8)	Duty to enter details of determination in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 17(2)	Duty to register public road in public roads register	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(1)	Power to designate ancillary area	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DDG, DIE, CAM, EMDF, EMI	
s 19(4)	Duty to specify details of discontinuance in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 19(5)	Duty to ensure public roads register is available for public inspection	DDG, DIE, CAM, EMDF, EMI	
s 21	Function of replying to request for information or advice	DDG, DIE, CAM, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(2)	Function of commenting on proposed direction	DDG, DIE, CAM, 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.	EMO, DIE	
s 22(5)	Duty to give effect to a direction under s 22	EMO, DIE	
s 40(1)	Duty to inspect, maintain and repair a public road.	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	SPD, SRS, RMS, EMO, DDG, DIE, CAM,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	
s 42(1)	Power to declare a public road as a controlled access road	DDG, DIE, CAM, 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	DDG, DIE, CAM, 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	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	EMO, DDG, DIE, EMDF, EMI, CIT	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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	EMO, DDG, DIE, EMDF, EMI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	EMO, DDG, DIE, EMDF, EMI	
s 49	Power to develop and publish a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 51	Power to determine standards by incorporating the standards in a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(2)	Duty to give notice of proposal to make a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(6)	Power to amend road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(7)	Duty to incorporate the amendments into the road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 63(1)	Power to consent to conduct of works on road	SPD, SRS, RMS, EMO, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	SPD, SRS, RMS, CEH, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 67(3)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 68(2)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, TLPSE, EMDF, EMI, SASU, CID, CRM, CIT	
s 72	Duty to issue an identity card to each authorised officer	DCS, EMGR, SCO, AOSC, CRC	
s 85	Function of receiving report from authorised officer	DDG, DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DDG, DIE, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(1)	Function of receiving complaints	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 87(2)	Duty to investigate complaint and provide report	SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 112(2)	Power to recover damages in court	EMO, DDG, DIE, EMDF, EMI	
s 116	Power to cause or carry out inspection	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	EMO, DDG, DIE, CAM, EMDF, EMI, 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)	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	
s 121(1)	Power to enter into an agreement in respect of works	EMO, DDG, DIE, CAM, EMDF, EMI	
s 122(1)	Power to charge and recover fees	EMO, DDG, DIE, CAM, EMDF, EMI	
s 123(1)	Power to charge for any service	SPD, SRS, RMS, EMO, DCS, DDG, DIE,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		RMCS, SUR, SUSR, EMDF, EMI, CRM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI	
sch 2 cl 5	Duty to publish notice of declaration	DDG, DIE, CAM, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, CRM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDG, DIE, CAM, 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	DDG, DIE, CAM, 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	DDG, DIE, CAM, 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	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	DDG, DIE, CAM, EMDF, EMI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DDG, DIE, CAM, 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)	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(6)	Power to set reasonable conditions on consent	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	EMO, DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DDG, DIE, CAM, 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	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DDG, DIE, CAM, 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
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

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	EMPSFM, DIE	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	EMPSFM, DIE	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	EMPSFM, DIE	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	EMPSFM, DIE	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	EMPSFM, DIE	
r 30(2)	Power to release cremated human remains to certain persons	EMPSFM, DIE	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	EMPSFM, DIE	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	EMPSFM, DIE	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	EMPSFM, DIE	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	EMPSFM, DIE	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	EMPSFM, DIE	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	EMPSFM, DIE	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	EMPSFM, DIE	
r 40	Power to approve a person to play sport within a public cemetery	EMPSFM, DIE	
r 41(1)	Power to approve fishing and bathing within a public cemetery	EMPSFM, DIE	
r 42(1)	Power to approve hunting within a public cemetery	EMPSFM, DIE	
r 43	Power to approve camping within a public cemetery	EMPSFM, DIE	
r 45(1)	Power to approve the removal of plants within a public cemetery	CPG, EMPSFM, DIE	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, EMO, EMPSFM, DIE	
r 47(3)	Power to approve the use of fire in a public cemetery	EMPSFM, DIE	

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, EMO, EMPSFM, DIE	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, EMO, EMPSFM, DIE	
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, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CPG, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, EMO, EMPSFM, DIE	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, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power 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	MSTP, DDG, EMDF, MSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP	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	MSTP, DDG, EMDF, MSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power 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, MSP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MSTP, DDG, EMDF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	MSTP, DDG, EMDF, MSP	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	TLEH, TOEH, EHO, CEH, EMPSFM	
r 10	Function of receiving application for registration	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, EMRS, HSO, AORS	
r 11	Function of receiving application for renewal of registration	EMPSFM, DIE	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	TLEH, EHO, CEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EMPSFM, DIE	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EMPSFM, DIE	
r 12(4) & (5)	Duty to issue certificate of registration	TLEH, TOEH, EHO, CEH	
r 14(1)	Function of receiving notice of transfer of ownership	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, CEH, TLRATS, EMRS, HSO, AORS	
r 14(3)	Power to determine where notice of transfer is displayed	TLEH, TOEH, EHO, CEH	
r 15(1)	Duty to transfer registration to new caravan park owner	TLEH, TOEH, EHO, CEH	

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

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	TLEH, TOEH, EHO, CEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	TLEH, TOEH, EHO, CEH	
r 25(3)	Duty to consult with relevant floodplain management authority	TLEH, TOEH, EHO, CEH	
r 26	Duty to have regard to any report of the relevant fire authority	TLEH, TOEH, EHO, CEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	TLEH, TOEH, EHO, CEH	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, CEO, TOBS, MBS, CEH, EMPSFM, CBS, TLRSATS, EMRS, HSO, AORS	

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

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Residential Tenancies Regulations 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	CEH, EMRS	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 9(2)	Duty to produce written report of review of road management plan and make report available	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
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)	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	Where Council is the coordinating road authority

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 13(1)	Duty to publish notice of amendments to road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	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	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 16(3)	Power to issue permit	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	EMO, DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	EMO, DDG, DIE, CAM, EMDF, EMI	

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Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power 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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority

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**Provisions for Counter Planner (CP)**

S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, EMEG, MSP, CP	
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMEG, MSP, CP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMEG, MSP, CP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, SPAO, SSP, MSTP,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, PSP, EMDF, PSTP, SSTP, EMEG, MSP, CP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MGA, AOGAF, DCA, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, TSODF, AOSTP, MSTP,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 50(4)	Duty to amend application	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 50(6)	Duty to make note of amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, SCO, EMDF, PSTP, AOSC, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(1)	Power to make amendment to application	SO, SP, STP, SPAO, TSODF, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, EMEG, CP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SO, SP, STP, SPAO, TSODF, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, EMEG, MSP, CP	
s 50A(4)	Duty to note amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
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	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SO, STP, TSODF, AOSTP, MSTP,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 52(3)	Power to give any further notice of an application where appropriate	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 54(1)	Power to require the applicant to provide more information	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP	
s 54(1B)	Duty to specify the lapse date for an application	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power 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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57A(5)	Power to refuse to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(6)	Duty to note amendments to application in register	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 57C(1)	Duty to give copy of amended application to referral authority	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 58	Duty to consider every application for a permit	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 60	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 60(1A)	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	STP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 62(2)	Power to include other conditions	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	STP, AOSTP, MSTP, CSTP,	This provision applies also to a decision to grant an amendment to a permit - see s 75

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, PSTP, SSTP, CP	
s 64(5)	Duty to give each objector a copy of an exempt decision	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 69(1A)	Function of receiving application for extension of time to complete development	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 71(1)	Power to correct certain mistakes	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 73	Power to decide to grant amendment subject to conditions	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 74	Duty to issue amended permit to applicant if no objectors	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	STP, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	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	SO, STP, TSODF, AOSTP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 83	Function of being respondent to an appeal	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 83B	Duty to give or publish notice of application for review	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SO, STP, TSODF, MSTP, CSTP,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, PSTP, SSTP, CP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 91(2)	Duty to comply with the directions of VCAT	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 93(2)	Duty to give notice of VCAT order to stop development	SO, STP, TLC, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMRS, CP	
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 171(2)(g)	Power to grant and reserve easements	STP, MSTP, CSTP, DDG, EMDF, PSTP, CP	
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178A(5)	Power to propose to amend or end an agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	If no objections are made under s 178D Must consider matters in s 178B

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(c)	Power to refuse to amend or end the agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s 178B

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	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)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power 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)	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SP, STP, SPAO, SSP, MSTP, EMPSFM, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 184G(2)	Duty to comply with a direction of the Tribunal	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, STP, SPAO, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 199(1)	Duty to give planning certificate to applicant	STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG,	

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S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, SSTP, CP	
	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	SP, STP, SSP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP	

S6 Instrument of Delegation - Members of Staff - Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SP, STP, SSP, MSTP, CSTP, DDG, EMDF,	

OFFICIAL

OFFICIAL



S6 Instrument of Delegation - Members of Staff - Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	amend a permit or any information provided under section 54 of the Act	PSTP, SSTP, MSP, CP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	SP, STP, SSP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMEG, MSP, CP	where Council is not the responsible authority but the relevant land is within Council's municipal district

OFFICIAL

8.11. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

Division: Corporate Services
Director: John Hausler
Author/Position: Lorraine Sendall – Executive Assistant Director Corporate Services

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meetings of these Committees held on 6th October, 20th October, 3rd November and 17th November 2021 twelve contracts were approved by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to these Contracts.

BACKGROUND

2. To ensure good governance and transparent decision making, minutes of meetings of the Delegated Committees are presented to Council and kept in accordance with the adopted Terms of Reference and Common Seal and Conduct at Meetings Local Law. This report advises that minutes of the Contracts Approval Delegated Committee (the Committee) are attached to this report for the meetings held on 6th October, 20th October, 3rd November and 17th November, 2021.
3. The Committee has been established to more effectively facilitate Council's Capital Works Program. To that end, the Committee meets fortnightly, 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
2021/22-165	Masterson Builders Pty Ltd	\$772,352.00 (excluding GST)	Learmonth Football Club Pavilion Upgrade	Yes
2021/22-169	Global Turf Projects Pty Ltd	\$380,427.03 (excluding GST)	Doug Dean Reserve Synthetic Cricket Nets	No
2021/22-168	Global Turf Projects Pty Ltd	\$473,988.21 (excluding GST)	Russell Square Cricket Nets and	No

			Ball Protection Fence	
2021/22-110	Masterson Builders Pty Ltd	\$254,070.00 (excluding GST)	Brown Hill Hall Roof and Ceiling	Yes
PA 2409/0334	Artcraft De Neefe Signs Road Safety Grating Roadside Service Solutions Terra Firma Industries	Schedule of Rates	Road Signs and Lighting, Grates, Covers and associated Traffic Products	Partial
MAV VP253595	Ballarat Isuzu	\$482,812.00 (including GST)	Side Loading Compactor	Yes
PA 2310-0643	Panel of Providers	Schedule of Rates	Debt Collection Services	Partial
2021/22-263	JJ Ryan Consulting	\$427,320.00 (excluding GST)	Airport Runway Project	No
2021/22-260	DeAraugo and Lea Electrical Contractors (Vic) Pty Ltd	\$529,200.00 (excluding GST)	Ballarat Regional Tennis Centre Court Lighting	No
2021/22-225	Ballarat Excavation and Transport	\$228,357.90 (excluding GST)	Macarthur Street Bike Path	Yes
2021/22-229	Ballarat Excavation and Transport	\$261,997.90 (excluding GST)	Lydiard Street Bike Path	Yes
2021/22-291	Blue Star Concrete Pty Ltd	\$270,600.00 (excluding GST)	Supplier for Concrete Services	Yes

OFFICER RECOMMENDATION

5. That Council:

5.1 Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.

5.2 Receive the Contracts Approval Delegated Committee minutes of the meeting held on 6th October, 20th October, 3rd November and 17 November, 2021.

ATTACHMENTS

1. Confirmed Contracts - Minutes of meeting held Wednesday 6 October 2021 [**8.11.1** - 6 pages]
2. Confirmed Contracts - Minutes of meeting held Wednesday 20 October 2021 [**8.11.2** - 8 pages]
3. Confirmed Contracts Minutes of meeting held Wednesday 3 November 2021 [**8.11.3** - 8 pages]
4. Confirmed Contracts - Minutes of meeting held Wednesday 17 November 2021 [**8.11.4** - 8 pages]



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

6 October 2021

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 6 OCTOBER 2021 AT 12:35PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Tracey Hargreaves

IN ATTENDANCE

Mr Evan King (Chief Executive Officer)
Mr John Hausler (Director Corporate Services)
Ms Natalie Robertson (Director development and Growth)
Mr Anthony Schreenan (Project Manager)
Mr Trevor Harris (Procurement Co-ordinator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 22 September, 2021 as circulated, be confirmed.

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

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 Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED

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6.3 CONTRACT 2021/22-168 RUSSELL SQUARE CRICKET NETS AND BALL PROTECTION FENCE (RO NATALIE ROBERTSON / ANTHONY SCHREENAN)	6

6.1 CONTRACT 2021/22-165 LEARMONTH FOOTBALL CLUB PAVILION UPGRADE
(RO – Natalie Robertson / Anthony Schreenan)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve a contract for the upgrade of the Learmonth Football Club Pavilion.
2. The scope of this project will deliver improved female friendly changerooms, umpire's room and gymnasium space along with a total roof replacement.

BACKGROUND

3. The Learmonth pavilion upgrade is part of the Recreation Services core capital program designed to ensure facilities are fit for purpose and able to cater for all user groups, particularly the increasing number of women and girls.

KEY MATTERS

4. Three tender submissions were received with all being considered as conforming tenders.
5. The contract is fully funded by the City of Ballarat through the Recreation Services and Facilities maintenance capital budget.

RESOLUTION

6. That the Contracts Approval Delegated Committee:

- 6.1 Resolves to enter in Contract Number 2021/22-165 for the upgrade of the Learmonth Football Club Pavilion with Masterson Builders Pty Ltd for the total tendered price of \$772,352.00 (ex GST).**
- 6.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

CARRIED

6.2 CONTRACT 2021/22-169 DOUG DEAN RESERVE SYNTHETIC CRICKET NETS
(RO – Natalie Robertson / Anthony Schreenan)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the demolition of the existing nets at the Doug Dean Reserve and the provision of the Doug Dean Reserve Synthetic Cricket Nets.

BACKGROUND

2. The Doug Dean Reserve Synthetic Cricket nets are a joint development between the City of Ballarat and Sport and Recreation Victoria who are providing funding of \$100,000 towards the project.
3. The project is part of the City of Ballarat cricket infrastructure program that has been developed in collaboration with the Ballarat Cricket Association.
4. The specifications of the project meet the Cricket Victoria guidelines for practice net facilities and are consistent with similar upgrades being completed within the municipality as part of this program of works.

KEY MATTERS

5. Three tender submissions were received with all being considered as conforming and not tenders were submitted from local companies.

RESOLUTION

6. That the Contracts Approval Delegated Committee:

- 6.1 Resolves to enter into Contract Number 2021/22 – 169 for the provision of Doug Dean Reserve Synthetic Cricket Nets with Global Turf Projects Pty Ltd for the total tendered price of \$380,427.03 (excluding GST).**
- 6.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED

Contracts Special Committee Minutes

6 October, 2021

6.3 CONTRACT 2021/22-168 RUSSELL SQUARE CRICKET NETS AND BALL PROTECTION FENCE

(RO – Natalie Robertson / Anthony Schreenan)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the construction of Russell Square Cricket Nets (6 lanes).
2. The scope of this project will deliver six new cricket net lanes, including one new lane for community use at the Russell Square Reserve.

BACKGROUND

3. The Russell Square Cricket Nets and Ball Protection Fence are part of the wider Russell Square development including recently upgraded football change rooms.
4. The cricket training facility upgrade is part of the overall BCA/CoB cricket facilities improvement plan. The upgrade of the training facility is to the Cricket Victoria standards and as agreed and specified in the City of Ballarat training nets specifications for clubs with both senior and junior teams.

KEY MATTERS

5. Three tender submissions were received with all being considered as conforming tenders.

RESOLUTION**6. That the Contracts Approval Delegated Committee:**

- 6.1 Resolves to enter into Contract Number 2021/22 – 168 for the provision of Russell Square Cricket Nets and Ball Protection Fence (6 lanes) with Global Turf Projects Pty Ltd for the total tendered price of \$473,988.21 (excluding GST).
- 6.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Mark Harris

Seconded Cr Tracey Hargreaves

CARRIED**SECTION 66 MATTERS****RESOLUTION:**

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

Moved Cr Mark Harris

Seconded Cr Tracey Hargreaves

CARRIED

There being no further business, the Chairperson declared the meeting closed at 12.39pm

Confirmed this 20th day of October, 2021

Cr Ben Taylor

.....
Cr Ben Taylor
Chairperson



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

20 October 2021

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**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 20 OCTOBER 2021 AT 12:30PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Tracey Hargreaves

IN ATTENDANCE

Mr Evan King (Chief Executive Officer) from 12:36pm
Mr John Hausler (Director Corporate Services)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Mr Darren Sadler (Executive Manager Property Services and Facilities Management)
Mr Adrian Smith (Manager Fleet)
Mr Luke Ives (Acting Executive Manager Operations)
Mr Michael O'Connell (Project Officer, Facility Management)
Mr Trevor Harris (Procurement Co-ordinator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

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 Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

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6.4 UPDATE ON TENDER STATUS (RO JOHN HAUSLER / TREVOR HARRIS)	7

6.1 CONTRACT 2021/22-110 BROWN HILL HALL ROOF AND CEILING
(RO – Bridget Wetherall / Michael O'Connell)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve a contract for the renewal of the existing Brown Hill Community Main Hall roof, plumbing and ceiling finishes as part of the facilities capital renewal program.

BACKGROUND

2. The renewal works to the roof cladding and ceilings finishes to the building have been identified through condition assessment that note these elements to be at end of useful life.
3. The renewal of the roof and ceiling to the main hall is a continuation of previous capital improvements at the facility including construction of a new amenity extension and renewal of the existing meeting room and kitchen spaces.

KEY MATTERS

4. The renewal of the roof cladding to the main hall will protect the asset to allow the continuation of use of the facility by a variety of community groups.
5. The renewal of the ceiling and lighting to the main hall will improve aesthetics and amenity to the space.
6. The works include the correct removal and disposal of existing asbestos hazardous material eave lining.
7. The works assist in meeting Council's carbon neutrality strategy through the upgrade to LED lighting and the improved roof insulation specification.

RESOLUTION

8. That the Contracts Approval Delegated Committee:

- 8.1 Resolves to enter into Contract Number 2021/22-110 for the Brown Hill Hall Roof Renewal with Masterson Builders Pty Ltd for the total tendered price of \$254,070.00 (ex GST).**
- 8.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

**6.2 PROCUREMENT AUSTRALIA NEW CONTRACT 2409/0334
ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED
TRAFFIC PRODUCTS**

(RO – Bridget Wetherall / Luke Ives)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the supply and delivery of road signs and lighting, grates, covers and associated traffic products.

BACKGROUND

2. The City of Ballarat is a member of Procurement Australia for the supply and delivery of road signs and lighting, grates, covers and associated traffic products. Council received notification on 21st April 2021 advising that the contract was up for renewal and provided an expression of interest letter to confirm the City of Ballarat would like to participate in the tender process and resulting contract.

KEY MATTERS

3. Procurement Australia, on behalf of its participating members located nationally, invited tenders from qualified parties to be part of a panel of providers for Contract 2409/0334.
4. The purpose of this tender was to provide a panel of suppliers for members throughout Australia via a public sector compliant tender process. The tenderers were given the opportunity to tender for one category or any combination of categories stated within the specification.
5. The tender was advertised nationally with a total of 15 suppliers submitting a response.
6. The City of Ballarat has opted to use the following contractors who were identified as appropriately qualified for the supply and delivery of road signs and lighting, grates, covers and associated traffic products:-
 - Artcraft
 - De Neefe Signs
 - Road Safety Grating
 - Roadside Service Solutions
 - Terra Firma Industries

RESOLUTION

7. That the Contracts Approval Delegated Committee:

- 7.1 Resolves to enter into the Procurement Australia Contract 2409/0334 for the supply and delivery of Road Signs and Lighting, Grates, Covers and associated Traffic Products. Contract term of three years commencing 1 October 2021 and ending 30 September 2024 with the provision of one plus one year extensions.**
- 7.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

6.3 TENDER MAV VP253595 NEW COMPACTOR PURCHASE
(RO – John Hausler / Adrian Smith)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve a contract for the supply of one side loading compactor for its Waste and Recycle division.

BACKGROUND

2. Garbage compactors are essential for collecting general waste/recycling waste throughout the municipality.
3. This unit will be an addition to our current fleet of compactor units to help manage the ongoing growth throughout the City.
4. The tender was facilitated via the MAV Procurement website.

KEY MATTERS

5. Six tender responses were received from two suppliers.
6. Four responses were deemed non-conforming due to the trucks on offer not being suitable for use.
7. The purchase was included in the 2020/21 financial year budget and approved for carry over into the 2021/22 financial year.

RESOLUTION

8. That the Contracts Approval Delegated Committee:

- 8.1 Resolves to award the tender for the supply of one (1) x 23 meter (approx.) side loading Compactor FXY 240-350 Cab Chassis fitted with a Superior Pak body to Ballarat Isuzu for the total tendered price of \$482,812.00 (including GST).**
- 8.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED

6.4 UPDATE ON TENDER STATUS
(RO – John Hausler / Trevor Harris)**SUMMARY**

1. This report was provided for the information of the Contracts Delegated Committee.
2. The report outlines the status of tenders – planning, advertising, evaluating or reports being prepared for final approval.
3. The report will be provided once per month to increase transparency regarding the status and progress of tenders.

BACKGROUND

4. Previously Councillors were provided with a tender status report on an ad-hoc basis and the report was not as detailed and only provided those tenders currently advertised and those that were being prepared for advertising.

KEY MATTERS

5. The updated report gives a snapshot of the tender status as at a set date.
6. The report lists the estimated budget at the time of the Request for Tender. This value will not necessarily be the final amount submitted for approval.
7. The level of approval indicated on the report is based on the budget estimate and may change dependent on the final prices submitted.

RESOLUTION**8. That the Contracts Approval Delegated Committee:****8.1 Receive and note the report.**

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED**SECTION 66 MATTERS****RESOLUTION:**

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

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

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Contracts Special Committee Minutes

20 October, 2021

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 6 October, 2021 as circulated, be confirmed.

Moved Cr Mark Harris

Seconded Cr Tracey Hargreaves

CARRIED

There being no further business, the Chairperson declared the meeting closed at 12.43pm

Confirmed this 3rd day of November, 2021

Cr Ben Taylor

**Cr Ben Taylor
Chairperson**

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***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

3 November 2021

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 3 NOVEMBER 2021 AT 12:30PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Tracey Hargreaves

IN ATTENDANCE

Mr John Hausler (Director Corporate Services)
Natalie Robertson (Director Development and Growth)
Alison Tonkin (Manager Major Projects)
Rod Leith (Manager Revenue and Procurement)
Mr Trevor Harris (Procurement Co-ordinator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Mr Evan King (Chief Executive Officer)

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 20th October, 2021 as circulated, be confirmed.

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

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 Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

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6.3 TENDER 2021/22-260 – BALLARAT REGIONAL TENNIS CENTRE COURT LIGHTING (RO NATALIE ROBERTSON / DAN FARRAR)	7

**6.1 PROCUREMENT AUSTRALIA – DEBT COLLECTION SERVICES
CONTRACT 2310-0643**

(RO – John Hausler / Rod Leith)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve a recommendation to appoint a panel of suppliers for the provision of Debt Collection Services.

BACKGROUND

2. On June 2021 an Expression of Interest was lodged with Procurement Australia to participate in a tender for Debt Collection Services. The Contract is for two years commencing 1 November 2021, with two by one year options to extend.
3. Procurement Australia advertised for the tender for Debt Collection Services during June 2021 and received a total of sixteen submissions.

KEY MATTERS

4. Council currently utilises the services of Midstate Credit Collect Pty Ltd, by virtue of an extension of the previous contract with Procurement Australia.

RESOLUTION**5. That the Contracts Approval Delegated Committee:****5.1 Resolves to accept Procurement Australia's recommendation to award Victorian Debt Collection Services Contract number 2310-0643 to the panel of providers outlined below:**

- Boomerang Debt Recovery Pty Ltd
- Credit Clear Limited (t/as Credit Clear Credit Solutions)
- Illion Australia Pty Ltd (t/as Milton Graham)
- Maddocks Lawyers
- Midstate Credit Collect Pty Ltd
- National Credit Management Ltd
- Recoveries and Reconstruction (Aust.) Pty Ltd
- Stydall Pty Ltd (t/as Executive Collections)

5.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

6.2 TENDER 2021/22-263 AIRPORT RUNWAY PROJECT
(RO – Natalie Robertson / Alison Tonkin)**SUMMARY**

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the provision of Ballarat Airport Runway Upgrade Stage 1 Design Consultants.

BACKGROUND

2. The Ballarat airport is an important strategic and economic asset for the region, providing an aviation and commercial role for the local community, Council and industry. Its value to the region is significant, generating \$10 million in output per annum and commercial businesses on-site employing 90 FTE.
3. The airport also provides an important cultural and heritage role to the community, as it is used by the Ballarat Aviation Museum and several other community groups. The airport's existing facilities are suitable for current operations. However, there are significant commercial and aviation opportunities that the airport could realise via infrastructure improvements to support long term growth.
4. The state of the primary runway is identified as a major weakness limiting future growth in aviation and commercial activities. Upgrading the runway could expand airport operations and stimulate significant economic activity for the region. Runway 18/36 is a code 3C runway and is currently 1,245 metres long, 30 metres wide and has a maximum take-off weight (MTOW) restriction of 5,700kg. Council has identified the preferred design option to both extend the primary runway to 1,800 metres in length and increase pavement strength to a MTOW of 20,000kg to facilitate take off and landing for design Regular Passenger Transport (RPT) aircraft (including SAAB-340, Dash 8-300) and nominated emergency services aircraft (such as Convair CV-580).

This upgrade is considered essential to support the following aviation activities:-

- * Large firefighting/emergency services aircraft
- * Regular Passenger Transport (RPT) services
- * Larger commercial freight aircraft
- * Corporate aircraft operators / private charter services
- * New aviation businesses to the airport including increased flight training and maintenance opportunities
- * To remove the current limiting factors preventing certain types and volumes of aircraft.

KEY MATTERS

5. One tender was received.
6. The tender was within the allocated budget for these works.
7. The one submission demonstrates company experience and performance in projects of similar value and complexity and shows an experienced project team allocated to the project.

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Contracts Special Committee Minutes

3 November, 2021

RESOLUTION

8. That the Contracts Approval Delegated Committee:

- 8.1 Resolves to enter into Contract Number 2021/22-263 for the provision of Ballarat Airport Runway Upgrade Stage 1 Design Consultants with JJ Ryan Consulting Pty Ltd for the total tendered price of \$427,320.00 (excluding GST). The contract term is for two (2) years with the provision of a one (2) year extension at Council's sole discretion.**
- 8.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Tracey Hargreaves
Seconded Cr Ben Taylor

CARRIED

**6.3 TENDER 2021/22-260 BALLARAT REGIONAL TENNIS CENTRE
- COURT LIGHTING**

(RO – Natalie Robertson / Dan Farrar)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve a contract for the installation of new LED sports lighting and associated infrastructure at the Ballarat Regional Tennis Centre to a competition standard of 350 Lux.
2. The scope of the contract also includes the provision of infrastructure for a Book-a-Court system to facilitate online booking of courts and lighting for both club members and public use.

BACKGROUND

3. The project works form part of the larger \$1.14m upgrade package at the Ballarat Regional Tennis Centre. The upgrades involve several core deliverable to be delivered independent of each other, but which together constitute the delivery of the overall project. The core deliverables are as follows:-
 - New LED court lighting to the 18 existing tennis courts (350 lux)
 - Six new 'Hot Shot' courts with lighting infrastructure
 - 'Book a Court' hardware
 - 2 x drinking fountains

KEY MATTERS

4. Four tender responses were received.
5. The tender price is in line with the planned budget for these works.
6. The project is funded by the Victorian State Government represented by Department of Jobs, Precincts and Regions (DJPR), City of Ballarat and Ballarat Regional Tennis Centre.

RESOLUTION**7. That the Contracts Approval Delegated Committee:**

- 7.1 **Resolves to award Contract 2021/22-260 for the provision of Ballarat Regional Tennis Centre Court Lighting to DeAraugo and Lea Electrical Contractors (VIC) Pty Ltd for the total tendered price of \$529,200.00 (excluding GST).**
- 7.2 **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Tracey Hargreaves

CARRIED

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Contracts Special Committee Minutes

3 November, 2021

SECTION 66 MATTERS

RESOLUTION:

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

Moved Cr Mark Harris

Seconded Cr Tracey Hargreaves

CARRIED

There being no further business, the Chairperson declared the meeting closed at 12.37pm

Confirmed this 17th day of November, 2021

Cr Ben Taylor

**Cr Ben Taylor
Chairperson**



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

17 November 2021

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 17 NOVEMBER 2021 AT 12:30PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Tracey Hargreaves

IN ATTENDANCE

Mr Evan King (Chief Executive Officer)
Mr John Hausler (Director Corporate Services)
Ms Bridge Wetherall (Director Infrastructure and Environment)
Mr Vaughn Williams (Executive Manager Infrastructure)
Mr Trevor Harris (Procurement Co-ordinator)
Ms Lorraine Sendall (Minutes)
Mr Robin Hand (Contracts Administrator)

APOLOGIES

Nil

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 3rd November, 2021 as circulated, be confirmed.

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

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 Mark Harris

CARRIED

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6.1 UPDATE ON TENDER STATUS
(RO – John Hausler / Trevor Harris)

SUMMARY

1. This report provides the Contracts Committee with a status of tenders – planning, advertising, evaluating or reports being prepared for final approval.
2. This report is now provided to the Contracts Committee on a monthly basis.

KEY MATTERS

3. The report gives a snapshot of the tender status at a set date and lists the estimated budget at the time of the request for tender. This value will not necessarily be the final amount for approval.

RESOLUTION

4. That the Contracts Approval Delegated Committee receive and note the report.

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

CARRIED

6.2 TENDER 2021/22-225 MACARTHUR STREET BIKE PATH
(RO – Bridget Wetherall / Robin Hand)**SUMMARY**

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the provision of Macarthur Street Bike Path.

BACKGROUND

2. This project will see the construction of shared bike path along the southern edge of Macarthur Street from Creswick Road to Little Clyde Street. The path has a total distance of approximately 430m.
3. The project involves several components of work which were identified during the design stage including the following:-
 - Construction of drainage pits;
 - Asphalt shared path construction at 2.5m width;
 - Asphalt vehicle crossing construction;
 - Parallel parking bay construction;
 - Concrete kerb construction;
 - Construction of 2 raised pedestrian crossings;
 - Supply and installation of signage;
 - Line marking;
 - Nature strip reinstatement;
 - Supply and planting of trees and ancillary works.

KEY MATTERS

4. Three tender responses were received and evaluated in full.

RESOLUTION**5. That the Contracts Approval Delegated Committee:**

- 5.1 Resolves to enter into Contract Number 2021/22-225 for the provision of Macarthur Street Bike Path with Streebson Pty Ltd t/a Ballarat Excavation and Transport for the total tendered price of \$228,357.90 (excluding GST).
- 5.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

6.3 TENDER 2021/22-229 LYDIARD STREET BIKE PATH
(RO – Bridget Wetherall / Robin Hand)

SUMMARY

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the provision of Lydiard Street to Little Clyde Street Bike Path.

BACKGROUND

2. This project will see the construction of shared bike path from Lydiard Street to Macarthur Street via Doveton Crescent, Doveton Street and Little Clyde Street utilising existing paths and pedestrian crossings. The path has a total distance of approximately 940m.
3. The project involves several components of work which were identified during the design stage including the following:-
 - Installation of wheel stops;
 - Concrete shared path construction at 2.5m width;
 - Construction of 2 raised pedestrian crossings;
 - Supply and installation of signage;
 - Line marking;
 - Nature strip reinstatement;
 - Supply and planting of trees and ancillary works.

KEY MATTERS

4. Four tender responses were received and evaluated in full.

RESOLUTION

5. That the Contracts Approval Delegated Committee:

- 5.1 Resolves to award Contract 2021/22-229 for the provision of Lydiard Street to Little Clyde Street Bike Path to Streebson Pty Ltd t/a/ Ballarat Excavation and Transport for the total tendered price of \$261,997.90 (excluding GST).**
- 5.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved Cr Tracey Hargreaves
Seconded Cr Mark Harris

CARRIED

Contracts Special Committee Minutes

17 November, 2021

6.4 TENDER 2021/22-291 SUPPLIER FOR CONCRETE SERVICES
(RO – Bridget Wetherall / Robin Hand)**SUMMARY**

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the provision of supplier for concrete services – kerb and channel, footpath and other capital works construction.
2. This tender is for the engagement of a contractor for the supply and pour of concrete on a pre-prepared base to construct concrete footpaths, bicycle paths, kerb and channel, drainage and similar concrete works for our capital works program.

BACKGROUND

3. Council's infrastructure construction team is responsible for the delivery of the concrete footpath and kerb and channel programs on an annual basis in the capital works program. The works requires the engagement of specialised services for the placement of concrete.
4. Projects to be undertaken requiring the services of this tender are to be fully scoped and approved prior to engagement of the recommended contractor to carry out any of the above-mentioned works which in turn may be liable to further approval in accordance with Council's Procurement Policy.

KEY MATTERS

5. Four tender responses were received and evaluated in full.
6. This tender called for submissions of rates for supply rather than a total Contract sum. As such, the rates supplied by tenderers were multiplied by a quantity of 200 as a representation of square or lineal metres that could be constructed on any given project to provide the evaluation panel with tender prices to assist in obtaining the best value for money score.
7. By multiplying this quantity, it shows the potential long-term costs of tenderers should they be successfully awarded a contract for this tender.

RESOLUTION**8. That the Contracts Approval Delegated Committee:**

- 8.1 Resolves to award Contract 2021/22-291 for the provision of Supplier for Concrete Services – Kerb and Channel, Footpath and other Capital Works Construction to Blue Star Concrete Pty Ltd for the total tendered price of \$270,600.00 (excluding GST).
- 8.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Tracey Hargreaves

Seconded Cr Mark Harris

CARRIED

Note: This resolution was amended at the 1 December 2021 prior to adopting the minutes, as follows:

RESOLUTION**8. That the Contracts Approval Delegated Committee:**

- 8.1 Resolves to award Contract 2021/22-291 for the provision of Supplier for Concrete Services – Kerb and Channel, Footpath and other Capital Works Construction to Blue Star Concrete Pty Ltd for the total tendered price of \$270,600.00 (excluding GST). This Contract term is for three (3) years with the provision of two (2) x one (1) year extensions at Council's sole discretion.
- 8.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Tracey Hargreaves

Seconded Cr Mark Harris

CARRIED

Contracts Special Committee Minutes

17 November, 2021

6.5 REVIEW OF TENDER 2020/21-550 LIGHT FREIGHT SERVICES - LIBRARY
(RO – John Hausler)**SUMMARY**

1. This report seeks to provide the Contracts Committee with the outcome of a review that has been completed of the previously determined Light Freight Tender – Library Courier.

RESOLUTION**2. That the Contracts Approval Delegated Committee:**

- 2.1 Note that a review was conducted of Tender 2020/21-550 Library Courier.
- 2.2 Note that outcome of the review was to require the evaluation panel to reconsider their recommendation and that reconsidered evaluation is now presented to the Committee.
- 2.3 Reconfirm the appointment of a panel of approved suppliers as Ballarat Messengers, Geoff Carter, M & J Light Freight and Robinson's deliveries.
- 2.4 Withdraw the delegation of the Chief Executive Officer to be able to offer any extension options under the associated contract on behalf of Council.
- 2.5 Note that officers will review and determine the best contract arrangements for the future, prior to the end of the first year and bring back to Contracts Committee.

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED**SECTION 66 MATTERS****RESOLUTION:**

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

Moved Cr Mark Harris
Seconded Cr Tracey Hargreaves

CARRIED

There being no further business, the Chairperson declared the meeting closed at 12:52pm

Confirmed this 1st day of December, 2021



**Cr Ben Taylor
Chairperson**

8.12. OUTSTANDING QUESTION TIMES ITEMS

Division: Executive Unit
Director: Evan King
Author/Position: Sophie Constable – Administration Officer Statutory Compliance

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 [8.12.1 - 1 page]
2. QT55/21 - Cameron Spedding [8.12.2 - 1 page]
3. QT53/21 Lachlan MacDonald [8.12.3 - 1 page]

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Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
27/10/2021 QT51/21	Open	John Barnes	<p>The Draft 10-Year Financial Plan which you will be adopting later in tonight's agenda has some minor changes to the consultation draft, particularly around Borrowing Strategy. Officers have noted on tables on pages 6 and 35 that in the absence of targets for borrowings, they have adopted the figures from the Local Government Victoria's Financial Plan - Better Practice Guide. This highlights to me that council needs to develop a Borrowing Policy, which is broader than a Borrowing Strategy. Not only would a Policy confirm the targets for borrowings (total borrowing /debt servicing costs/comparisons with like LGAs/etc.), it would also spell out for the public, councillors and staff all things relating to debt and borrowing - when is it appropriate to borrow (minimum of a benefit to cost ratio of >1 on business cases), compulsory business case on whole of life costings (capital and recurrent) prior to project commitment, the appropriate use of borrowings (new versus renewal/recurrent), and so on. Future changes in light of the adoption of such a Policy could be made in subsequent iterations of the 10-Year Financial Plan, as is expected when your Asset Plan and Workforce Plan are completed.</p> <p>Will councillors call for officers to table a draft Borrowing Policy for community consultation and adoption to coincide with the 2022 budget cycle?</p>	John Hausler, Director Corporate Services	John Hausler, Director Corporate Services, to provide a written response
24/11/2021 - QT53/21	Open	Lachlan MacDonald	<p>1.Can Council advise how many million dollars have been set aside for compensation for flood damage for all new dwellings constructed, or being constructed, on land known to flood and covered by the Blue overlay on the City of Ballarat Flood Emergency Plan?</p> <p>2.Could the maps in the City of Ballarat Flood Emergency Plan be modified, or a subsequent set of maps be included, that expand on the Blue areas, to include Red for new (within 20) yr dwellings, and Orange for proposed or under construction development, that is affected areas that were Blue now be updated to Red and Yellow?</p>	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment to provide a written response
24/11/2021 QT54/21	Open	Jay Morrison	1.Will Ballarat Council make publicly available a list of businesses that have received direct financial support (or other assistance) under the Community and Business Support Program, or provide that information on notice?	John Hausler, Director Corporate Services	John Hausler, Director Corporate Services to provide a written response
24/11/2021 QT55/21	Open	Cameron Spedding	1.Given that the purpose of redesigning the Bridge Mall is to encourage foot traffic in the area, why do we need to open the mall to cars to reinvigorate the area?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth to provide a written response
24/11/2021 QT55/21	Open	Paul Murphy	1.Why are the 'red coats' showing up and firing shots at Eureka Park since 2019 when they were banned after the opening of Eureka Centre in 1999 and banned from David Vandy in 2004 from ever being there again?	Evan King, Chief Executive Officer	Evan King, Chief Executive Officer to provide a written response

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 6 December 2021

Our Ref: NR:kr

Your Ref: QT55/21

Enquiries: (61) 03 5320 5500

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

Mr Cameron Spedding

Email: [REDACTED]

Dear Cameron,

RE: OUTSTANDING QUESTION TIME ITEM – QT55/21

Thank you for your question.

The decision to reintroduce traffic into the Mall was part of Council's \$15m commitment to reinvigoration of the precinct. Vehicle access was considered an important part of the reinvigoration. After much design consideration it was resolved to provide "one-way" slow speed traffic through the space (eastbound + minimal parking) and develop the precinct as a shared zone favouring pedestrians and cyclists over vehicles. Major changes to Grenville Street will vastly improve pedestrian access to the precinct from Sturt Street also. On balance vehicle access will change the function of the space but the focus will be on pedestrian spaces for walking, sitting, dining and other events.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

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PO Box 655
Ballarat Vic. 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 8 December 2021

Our Ref: BW:vn:bk

Your Ref: QT53/21

Enquiries: (61) 03 5320 5500

Email: info@ballarat.vic.gov.au

Mr Lachlan MacDonald

Email: [REDACTED]

Dear Mr MacDonald

RE: CLIMATE ACTION COUNCIL MEETING QUESTIONS

I refer to your questions asked at the Council meeting held on Wednesday 24 November 2021 as follows:

1. *"Can Council advise how many million dollars have been set aside for compensation for flood damage for all new dwellings constructed, or being constructed, on land known to flood and covered by the Blue overlay on the City of Ballarat Flood Emergency Plan?"*

Answer 1:

No such compensation exists. Flood extent modelling and mapping is provided for the benefit of the community and Emergency Service Agencies to allow appropriate preparedness. New dwellings constructed on flood prone land must be constructed with a floor level of 300mm above the 1% AEP flood event (1 in 100-year flood) as per building regulations to protect the property from flooding. All new subdivision developments must adhere to Clause 56 of the planning scheme and allow appropriate retardation and treatment for storm events up to the 20% AEP (1 in 5 year) intensity and provide overland flow paths for storms up to the 1% AEP event. These development applications must include storm water management plans including flood modelling to show how this has been achieved.

2. *"Could the maps in the City of Ballarat Flood Emergency Plan be modified, or a subsequent set of maps be included, that expand on the Blue areas, to include Red for new (within 20 yr) dwellings, and Orange for proposed or under construction development, that is, affected areas that were Blue now be updated to Red and Yellow?"*

Answer 2:

The colour coding on the Flood Emergency Plan maps (red, orange, yellow and blue) depicts the general depth of flood waters in that location. There is no such colour coding on the City's 11 waterways flood modelling that are used for planning purposes.

Please feel free to contact [REDACTED], directly on [REDACTED] or via email info@ballarat.vic.gov.au if you wish to discuss this matter further.

Yours sincerely

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

Bridget Wetherall
Director Infrastructure and Environment

[REDACTED]

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9. NOTICE OF MOTION

10. REPORTS FROM COMMITTEES/COUNCILLORS

11. URGENT BUSINESS

12. SECTION 66 (IN CAMERA)

8.5. TENDER 2021/22-360 - WENDOUREE WEST RECREATION RESERVE - COMMUNITY HUB, SPORTS PAVILION, CHANGEROOMS AND MENS SHED

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Trent Bursill - Project Manager

(Confidential Information)

8.11. CONTRACTS APPROVAL DELEGATED COMMITTEE

Division: Corporate Services
Director: John Hausler
Author/Position: Lorraine Sendall - Executive Assistant, Director Corporate Services

(Confidential Information)

12.1 AUSTRALIA DAY AWARDS

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis – Acting Team Leader Civic Support

(Confidential Information)

13. CLOSE